Information Request Package 10 from the Review Panel for the Roberts Bank Terminal 2 Project Environmental Assessment: Responses

List of Responses

IR10-01 Current Use of Lands and Resources for Traditional Purposes - Issues, Views and Concerns of Indigenous Groups

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IR10-23 Archaeological and Heritage Resources – Baseline Information, Effects Assessment, Archaeological Sites

IR10-24 Archaeological and Heritage Resources – Chance Find Procedure

IR10-25 Archaeological and Heritage Resources – Mitigation Measures: Indigenous Input

IR10-26 Current Use of Lands and Resources for Traditional Purposes - Effects Assessment, Future Availability of Preferred Marine Resources

IR10-27 Effects assessment Socio- economic Conditions – Commercial Ventures for Indigenous Peoples

IR10-28 Effects Assessment Socio-economic Conditions – Labour Market for Indigenous Peoples

Appendix IR10-A Group-Specific Baseline Information Process Summaries, Index and Assessment Tables

IR10-01 Current Use of Lands and Resources for Traditional Purposes – Issues, Views and Concerns of Indigenous Groups

Information Source(s)

EIS Volume 1: Appendix 7.2-B

Marine Shipping Addendum: Appendix 5-B

Context

In Appendix 7.2-B of the EIS and Appendix 5-B of the Marine Shipping Addendum, the Proponent presented its responses to the issues, views and concerns raised by Indigenous groups by topic, rather than by Indigenous group.

In their submissions to the Canadian Environmental Assessment Agency and the Review Panel, many Indigenous groups expressed concerns about the absence of comprehensive group-specific information.

Updated group-specific tables presenting the issues, views and concerns of each Indigenous group are required by the Panel to allow a better understanding of each group's concerns.

Information Request

Provide updated tables presenting the issues, views and concerns of each Indigenous group listed in Appendix 7.2-B of the EIS and Appendix 5-B of the Marine Shipping Addendum related to proposed Project and marine shipping associated with the Project. Each table should be group-specific and include all the existing information presented in Appendix 7.2-B of the EIS and Appendix 5-B of the Marine Shipping Addendum, as well as any new information that has been received by the Proponent or placed on the Canadian Environmental Assessment Registry Internet Site prior to December 19, 2017.

Include the Indigenous groups' perspectives on the Proponent's analysis and conclusions, as well as any outstanding issues.

VFPA Response

The VFPA has responded to this Review Panel request by providing two overview summaries, in addition to the updated tables as requested.

Appendix IR10-01-A presents the VFPA's Indigenous engagement and consultation objectives and approach with respect to RBT2 and marine shipping associated with the Project.

Appendix IR10-01-B presents a high level summary of the recurring topics, including issues, views, and concerns shared by Indigenous groups during engagement and consultation

activities and identified by the VFPA during the course of its updating of the tables provided in **Appendix IR10-01-C**.

Appendix IR10-01-C presents the VFPA's understanding of the issues, views, and concerns, raised by Indigenous groups—disaggregated by Indigenous group—as documented from early 2012 (prior to the initiation of the environmental assessment process) through to December 31, 2017. The tables include issues, views, and concerns reported in EIS Appendix 7.2-B, Appendix 5-B of the Marine Shipping Addendum (MSA), as well as Appendix 2-B of the Additional Information to the EIS – *W*SÁNEĆ Nation (AIEIS) and Appendix 2-B of the Additional Information to the MSA – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA), as well as items from other sources such as engagement activities or Canadian Environmental Assessment Agency registry postings to December 31, 2017. As such, the VFPA considers these tables a comprehensive reflection of all Project-related Indigenous issues, views, and concerns to that date.

Indigenous groups' perspectives on the VFPA's analysis and conclusions, as well as any outstanding issues, are captured as part of issues, views, and concerns presented in the tables for all groups identified for consultation by the Canadian Environmental Assessment Agency, as listed below, with the exception of Stó:lō Tribal Council and Stó:lō Nation as they deferred the review of the Project to other Indigenous groups. In the tables, the VFPA has indicated the date and source of the issue, view, and concern, and where appropriate the VFPA's response. As applicable, the VFPA has also indicated where or how the issue, view, and concern is addressed, or where additional information is available.

Appendices

Appendix IR10-01-A	Indigenous Engagement and Consultation Overview
Appendix IR10-01-B	Indigenous Issues, Views, and Concerns: Recurring Topics
Appendix IR10-01-C	Group-specific Tables presenting the Issues, Views, and Concerns of each Indigenous Group

- IR10-01-C1 Tsawwassen First Nation
- IR10-01-C2 Musqueam First Nation
- IR10-01-C3 Semiahmoo First Nation
- IR10-01-C4 Tsleil-Waututh Nation
- IR10-01-C5 Stz'uminus First Nation
- IR10-01-C6 Cowichan Tribes
- IR10-01-C7 Halalt First Nation
- IR10-01-C8 Lake Cowichan First Nation
- IR10-01-C9 Lyackson First Nation
- IR10-01-C10 Penelakut Tribe
- IR10-01-C11 Métis Nation British Columbia
- IR10-01-C12 Hwlitsum
- IR10-01-C13 Tsawout First Nation
- IR10-01-C14 Pauquachin First Nation
- IR10-01-C15 Tsartlip First Nation
- IR10-01-C16 Tseycum First Nation
- IR10-01-C17 Malahat Nation

- IR10-01-C18 Beecher Bay First Nation
- IR10-01-C19 Esquimalt Nation
- IR10-01-C20 Songhees First Nation
- IR10-01-C21 T'Sou-ke First Nation
- IR10-01-C22 Pacheedaht First Nation
- IR10-01-C23 Ditidaht First Nation
- IR10-01-C24 Maa-nulth First Nations

APPENDIX IR10-01-A

INDIGENOUS ENGAGEMENT AND CONSULTATION OVERVIEW

Appendix IR10-01-A Indigenous Engagement and Consultation Overview

The purpose of this overview is to summarise the activities undertaken by the VFPA in engaging and consulting with Indigenous groups on the Project and marine shipping associated with the Project.

The overview refers to the engagement and consultation activities previously described through the RBT2 Environmental Assessment (EA) process, as reported in the EIS, Marine Shipping Addendum (MSA), Additional Information to the Marine Shipping Addendum – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA), and Additional Information to the EIS – *W̲SÁNEĆ* Nation (AIEIS). It also summarises the VFPA's approach to ongoing consultation.

Aboriginal Engagement and Consultation Overview

The VFPA began its Indigenous group engagement and consultation activities early in the Project planning process. These efforts have continued through the different phases of the RBT2 EA and are ongoing.

Table IR10-01-A1 outlines consultation activities that have taken place, over five phases of project development and environmental assessment, since 2011.

Table IR10-01-A1 Summary of Consultation Activities by Phase since 2011

	Consultation Phase	Overview	Duration/Status
1	Pre-EIS	From Project conception and planning in early 2011, to submission of a Project Description to the Canadian Environmental Assessment Agency (CEA Agency) and B.C. Environmental Assessment Office (EAO) in September 2013, this phase included pre-consultation, Project definition consultation, and pre-design consultation phases of Project development; development and implementation of a field studies program, including collection of baseline information and sharing of draft EA-related documents.	January 2011 to August 2013 COMPLETE
2	Project Description	This phase included discussion of the Project Description, potential Project-related effects and possible mitigation measures. The CEA Agency consulted on the *EIS Guidelines* during this phase.	September 2013 to December 2013 COMPLETE
3	EIS Development	The CEA Agency finalised the *EIS Guidelines* and formally identified Indigenous groups requiring consultation during this phase. Consultation regarding preliminary environmental mitigation concepts was undertaken, and EIS development consultation focused on sharing information and receiving feedback on effects assessment methods and findings, as well as mitigation measures. This phase included technical working groups, direct communication and issue response, workshops, and review of EIS sections prior to submission.	January 2014 to December 2014 COMPLETE

	Consultation Phase	Overview	Duration/Status
4	CEA Agency Completeness Review	This phase included engagement directly before EIS submission (January to March 2015); included consultation on the EIS, development and submission of the MSA and Completeness Information Requests (April 2015 to May 2016). Discussion of potential effects and mitigation proposed continued and discussion of benefit agreements commenced.	January 2015 to May 2016 COMPLETE
5	Review Panel	Continued discussion of proposed mitigation measures and offsetting, follow-up program, and legacy benefits.	June 2016 to present UNDERWAY

Consultation and engagement activities undertaken during the Pre-EIS, Project Description, and EIS Development phases are described in Section 7.2 of the EIS (March 27, 2015).

Consultation and engagement activities undertaken during the CEA Agency Completeness Review phase and related to marine shipping associated with the Project are described in Section 5.0 of the MSA (October 26, 2015).

Consultation and engagement activities undertaken with Musqueam First Nation and Tsleil-Waututh Nation during the CEA Agency Completeness Review phase and related to marine shipping associated with the Project are described in Section 2.0 of the AIMSA (October 4, 2016).

Consultation and engagement activities undertaken with Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation (collectively, *W*SÁNEĆ Nation) regarding the contents and conclusions of the EIS are described in Section 2.0 of the AIEIS (February 10, 2017).

Engagement and Consultation Objectives

Consultation throughout the EA process for RBT2 has been guided by the following principles:

- Build and maintain positive, productive, and lasting relationships between the port authority and Indigenous groups and their leadership;
- Ensure that all applicable legal, regulatory, and policy requirements are effectively addressed in a timely manner, consistent with the regulatory and Project schedule;
- Involve Indigenous groups in the development of Project follow-up initiatives to ensure concerns are addressed;
- Understand and respect the different preferences, protocols, and needs of each of the Indigenous groups with respect to consultation, participation, and knowledge sharing; and
- Work to achieve lasting benefits for their communities through a respectful, valuable, and meaningful process.

Additional detail regarding the engagement and consultation objectives specific to previous phases of Project consultation can be found in the EIS, MSA, AIMSA, and AIEIS, as described above.

Identification of Indigenous groups

Section 9.2 of the *EIS Guidelines* issued by the CEA Agency in January 2014 identified and directed the VFPA to engage with the following Indigenous groups, whose potential or established Aboriginal and treaty rights and related interests may be affected by the Project:

1. Tsawwassen First Nation;
2. Musqueam First Nation;
3. Semiahmoo First Nation;
4. Tsleil-Waututh Nation;
5. Stz'uminus First Nation;
6. Cowichan Tribes;
7. Halalt First Nation;
8. Lake Cowichan First Nation;
9. Lyackson First Nation;
10. Penelakut Tribe; and
11. Métis Nation British Columbia.

Section 9.2 of the *EIS Guidelines* also identified and directed the VFPA to make key EA summary documents accessible to the following Indigenous groups less likely to be affected by the Project and its related effects:

- Stó:lō Tribal Council (Seabird Island First Nation, Scowlitz First Nation, Soowahlie Band, Kwaw'Kwaw'Apilt First Nation, Kwantlen First Nation, Shxw'ow'hamel First Nation, Chawathil First Nation, Cheam Indian Band); and
- Stó:lō Nation (Aitchelitz First Nation, Leq'a:mel First Nation, Matsqui First Nation, Popkum First Nation, Skawahlook First Nation, Skowkale First Nation, Shxwha:y Village, Squiala First Nation, Sumas First Nation, Tzeachten First Nation, Yakweakwioose Band).

The VFPA provided documents to Stó:lō Tribal Council and Stó:lō Nation, but Stó:lō Tribal Council and Stó:lō Nation deferred the review of this Project to other Indigenous groups.

In addition to those groups included in the *EIS Guidelines,* the VFPA also engaged with, and provided Project-related information to Hwlitsum. The VFPA submitted the EIS to the CEA Agency on March 27, 2015.

In April 2015, the CEA Agency issued the *Updated EIS Guidelines* wherein section 17.5 identified and directed the VFPA to engage with the following Indigenous groups on the effects of marine shipping associated with the Project:

- Tsawwassen First Nation;
- Semiahmoo First Nation;

- Stz'uminus First Nation;
- Cowichan Tribes;
- Halalt First Nation;
- Lake Cowichan First Nation;
- Lyackson First Nation;
- Penelakut Tribe; and
- Métis Nation British Columbia.

The *Updated EIS Guidelines* further identified and directed the VFPA to engage with the following additional Indigenous groups that may be affected by marine shipping associated with the Project:

- Tsawout First Nation;
- Pauquachin First Nation;
- Tsartlip First Nation;
- Tseycum First Nation;
- Malahat Nation;
- Beecher Bay Indian Band;
- Esquimalt Nation;
- Songhees First Nation;
- T'Sou-ke Nation;
- Pacheedaht First Nation;
- Ditidaht First Nation; and
- Maa-nulth First Nations (Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Ch e:k'tles7et'h First Nations, Toquaht Nation, Uchucklesaht Tribe, and Ucluelet First Nation).

The VFPA also engaged with, and provided Project-related information to, Hwlitsum regarding marine shipping associated with the Project. The VFPA submitted the MSA to the CEA Agency on October 26, 2015.

In January 2016, the CEA Agency further directed the VFPA to engage with Musqueam First Nation and Tsleil-Waututh Nation on the effects of marine shipping associated with the Project. The VFPA submitted the AIMSA to the CEA Agency on October 4, 2016.

Also in January 2016, the CEA Agency identified Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation (collectively, *W̲SÁNEĆ* Nation) as Indigenous groups whose potential or established Aboriginal and treaty rights and related interests may be affected by the Project, and directed the VFPA to obtain their views on the effects of changes to the environment on Indigenous peoples due to the Project and potential impacts of the Project on asserted or established Aboriginal or treaty rights. The VFPA submitted the AIEIS on February 10, 2017.

Participation Support

The VFPA has provided participation funding to facilitate continued engagement and consultation on the Project. The VFPA has provided participation funding specific to review of

draft EIS sections, provision of knowledge studies, and participation in the CEA Agency review of the Project and marine shipping associated with the Project.

Indigenous Engagement and Consultation Methods

The VFPA has implemented a broad range of engagement and consultation methods to support the process of compiling detailed information related to the scope and nature of Indigenous groups' interests in RBT2 and marine shipping associated with the Project. Throughout the phases of the RBT2 EA, these methods have included the following:

- Distribution of materials for information, review, and input;
- Meetings with leadership and representatives;
- Distribution and review of EA-related process documents;
- Organisation and hosting of workshops to provide information and receive feedback regarding the Project, EIS findings, including existing and expected conditions, potential effects, and proposed mitigation measures;
- Recording of Indigenous groups comments; and
- Follow up on issues identification and resolution.

The VFPA has carried out the activities outlined above through various means of direct communication, including meetings, interviews, workshops, phone calls and voicemails, conference calls, presentations, site visits and boat tours, letters, reports, and emails. Communications were often supplemented by the use of visual aids, including PowerPoint presentations and maps.

APPENDIX IR10-01-B

INDIGENOUS ISSUES, VIEWS, AND CONCERNS: RECURRING TOPICS

Appendix IR10-01-B Indigenous Issues, Views, and Concerns: Recurring Topics

Appendix IR10-01-C compiles the VFPA's understanding of the issues, views, and concerns raised by Indigenous groups—disaggregated by Indigenous group—from early 2012 (prior to the initiation of the environmental assessment process) through to December 31, 2017. These Indigenous group-specific tables respond to IR10-01 as issued by the Panel.

The comprehensive tables in Appendix 10-01-C demonstrate the extent of consultation and documentation of Indigenous group inputs. The VFPA acknowledges that several issues, views, and concerns in Appendix IR10-01-C recur across many of the disaggregated tables. The VFPA has identified the following ten prominent topics that were raised across many of the groups and has summarised these at a high level below. The VFPA encourages the Panel, Indigenous groups, and regulators to review the full tables for a more complete understanding of the issues, views, and concerns raised by each Indigenous group, and a summary from the VFPA of how and where the topics have been addressed.

Summary of recurring topics:

- **Assessment Methods:** Indigenous groups expressed interest in the scope and methods of the environmental assessment and extent to which the views of Indigenous groups and Indigenous traditional knowledge (ITK, elsewhere referred to as 'Aboriginal Traditional Knowledge (ATK)' or 'Traditional Ecological Knowledge (TEK)' are included in the EIS.
- **Cumulative Effects:** Indigenous groups questioned the methods for considering cumulative effects within the EIS process, and emphasised that the EIS does not adequately capture pre-causeway or pre-industrial baseline and instead assesses incremental effects, which many feared would lead to a continued decline in the health of the environment (or 'death by a thousand cuts'). Many Indigenous groups also expressed an interest in the 'carrying capacity' of the environment, or alternatively, the 'tipping point' after which a resource can no longer sustain itself.
- **Crabs and Crab Harvesting:** Indigenous groups expressed concerns regarding potential Project effects (including effects related to the intermediate transfer pit or ITP) to crab habitat and crab productivity in the Roberts Bank area, in particular during sensitive life stages, and a marked interest in discussions regarding mitigation measures. Many Indigenous groups expressed a strong interest in potential impacts from the Project and/or the proposed navigational closure area to crab productivity and access to areas for commercial and food, social, and ceremonial (FSC) harvesting activities.
- **Fish and Fish Habitat:** Indigenous groups expressed concerns regarding the use of representative species in the environmental assessment for species of unique cultural, social, and economic importance to Indigenous communities—in particular eulachon, sockeye salmon, and sturgeon—and concern regarding potential impacts from the Project to these species, including migration pathways and holding areas near Roberts Bank and the Fraser River. These concerns were noted in the context of existing threats on the populations of these species.
- **Marine Mammals:** Indigenous groups communicated the cultural and spiritual importance of marine mammals, in particular the southern resident killer whale, and

expressed concern regarding potential Project impacts, such as potential ship strikes or impacts to southern resident killer whale food sources, in the context of existing cumulative threats to the viability of the species.

- **Human Health:** Indigenous groups discussed general concern about health of Indigenous communities, including that individuals are less healthy due to a lack of traditional foods, and concern that any impact to harvesting may lead to further declines in health. Indigenous groups noted concerns related to air quality, noise, and light pollution, and that a perception that marine resources are contaminated, specifically Dungeness crab and bivalves, may lead to further avoidance of traditional foods.
- **Effects to Cultural Heritage and Rights:** Indigenous groups highlighted concerns with potential effects of the Project to traditional practices, including effects to the inter-generational transmission of knowledge, to the availability of resources for harvest, to their ability to access preferred harvesting areas, and to the quality of the current use experience. Indigenous groups highlighted the responsibility of the proponent and the duty of the Crown to reduce/avoid or compensate for any impacts to asserted and/or established Aboriginal or treaty Rights.
- **Vessel Transits and Wake:** Indigenous groups highlighted existing issues related to vessel transits that would intensify with any increase in marine shipping, including wake leading to erosion of shoreline habitat and damage to archaeological sites and/or sites of significance; and threats to safety of those travelling or harvesting in small vessels near the shipping lanes when container ships approach. Indigenous groups raised questions on roles and responsibilities of the parties involved in regulation and enforcement of marine shipping activities.
- **Potential Container Ship Collision or Spill:** Indigenous groups raised concern regarding the potential for a catastrophic accident or malfunction involving a container ship in transit, leading to a spill of fuel or loss of containers overboard with wide-reaching environmental and human health effects. Indigenous groups questioned who would be responsible for responding to an incident and the ability of parties to respond effectively, and questioned the mechanisms in place to force guilty parties to compensate for any environmental or economic damage that might occur.
- **Accessing Project Benefits:** Indigenous groups expressed interest in potential opportunities related to the Project, including employment, training, and contracting opportunities, and stressed the importance of early planning to ensure opportunities for their communities are maximised.

APPENDIX IR10-01-C

GROUP-SPECIFIC TABLES PRESENTING THE ISSUES, VIEWS, AND CONCERNS OF EACH INDIGENOUS GROUP

Appendix 10-C Group-specific Tables presenting the Issues, Views, and Concerns of Each Indigenous Group

IR10-01-C1 Tsawwassen First Nation
IR10-01-C2 Musqueam First Nation
IR10-01-C3 Semiahmoo First Nation
IR10-01-C4 Tsleil-Waututh Nation
IR10-01-C5 Stz'uminus First Nation
IR10-01-C6 Cowichan Tribes
IR10-01-C7 Halalt First Nation
IR10-01-C8 Lake Cowichan First Nation
IR10-01-C9 Lyackson First Nation
IR10-01-C10 Penelakut Tribe
IR10-01-C11 Métis Nation British Columbia
IR10-01-C12 Hwlitsum
IR10-01-C13 Tsawout First Nation
IR10-01-C14 Pauquachin First Nation
IR10-01-C15 Tsartlip First Nation
IR10-01-C16 Tseycum First Nation
IR10-01-C17 Malahat Nation
IR10-01-C18 Beecher Bay First Nation
IR10-01-C19 Esquimalt Nation
IR10-01-C20 Songhees First Nation
IR10-01-C21 T'Sou-ke First Nation
IR10-01-C22 Pacheedaht First Nation
IR10-01-C23 Ditidaht First Nation
IR10-01-C24 Maa-nulth First Nations

APPENDIX IR10-01-C1

TSAWWASSEN FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Tsawwassen First Nation

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-1.1	Concerned about potential adverse effects on air quality. Concerned that air quality had deteriorated. Concerned with the coating of homes with black dust, especially in the summer and request for information regarding the filtering system currently in use at Roberts Bank. Stated that air quality is a key concern for TFN members. Concerned with increased operations associated with RBT2 and problems with air quality from the project. Concerned with current state of air quality at Roberts Bank and potential for additional effects from Project. Concerned that air quality monitoring station is required despite results from current monitoring data by Metro Vancouver. Expressed an interest in a permanent air quality station on TFN lands. Concerned that the location of current air quality monitoring activities at Station T39 in Pebble Hill Park is too far away to adequately assess air quality conditions on TFN lands and in closer proximity to port infrastructure.	12-Oct-2012, Meeting – DTRRIP Air Quality 25-Jan-2013, Meeting 28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council 14-Jun-2013, Meeting - Air Quality Working Group Meeting 16-Oct-2013, Letter to the Canadian Environmental Assessment Agency (CEA Agency) 24-Oct-2013 Meeting – RBT2 Update 18-Nov-2013, Community Health Meeting 27-Nov-2013, Community Open House 14-Apr-2014, Community Meeting - RBT2-HIA Update 02-May-2014, Meeting – Air Quality 28-Jul-2014, Meeting – Air Quality 11-Sep-2014, Letter 15-Sep 2014, Phone Call	**12-Oct-2012, Meeting:** Acknowledged Tsawwassen First Nation's concerns related to increased effects on air quality resulting from development. Committed to discuss internally at the Vancouver Fraser Port Authority (VFPA) and indicate whether or not there is a commitment to collaborate on air quality initiative. **25-Jan-2013, Meeting:** Stated that Air Quality Scoping Session is being scheduled for mid-February and that Environment Canada, Metro Vancouver and the Corporation of Delta have been invited. **28-Jan-2013, Meeting:** Stated that the VFPA has been requested to sample around the community. They have also been asked to possibly consider emission testing stations. The VFPA is also installing power modules on the docks to enable ships to shut off (shore power). **13-Feb 2013, Workshop:** Hosted an Air Quality Working Group Scoping meeting. **22-Apr-2013, Email from the VFPA:** Sent out Draft Air Quality Scoping Study Assessment Protocol for review or comment pursuant to Feb 13 meeting. **14-Jun-2013, Meeting:** Committed to follow-up on air quality monitoring stations. **26-Sept-2013, Workshop:** Hosted Air Quality Scoping Study Workshop Follow-up. **24-Oct-2013, Meeting:** Stated that the commitment to working with Tsawwassen First Nation on air quality monitoring was previously committed to in DTRRIP. Offered to follow-up with Tsawwassen First Nation to coordinate air quality or human health risk assessment session as it relates to RBT2. **18-Nov-2013, Community Meeting:** Explained that the VFPA's intention at this community meeting is to collect information about the concerns so that they can be appropriately scoped into studies.	**Addressed in EIS Section 9.2:** The Tsawwassen First Nation lands, and the Tsawwassen area in general, have some of the best air quality in the Lower Fraser Valley. Moreover, based on a comparison of measured annual average respirable particulate matter ($PM_{2.5}$) concentrations at Pebble Hill Park and the database of observed $PM_{2.5}$ levels in the world compiled by the World Health Organization, the Tsawwassen First Nation lands and Tsawwassen have some of the best air quality for urban areas in the world. The anticipated reduction in air emissions from the three existing marine terminals at Roberts Bank (i.e., Deltaport, Westshore and Tsawwassen ferry terminals) due to fleet turnover to newer, lower emitting vessels, cargo handling equipment, rail locomotives and on-road trucks and cars, will more than compensate for any increase in emissions from the new operations at the Roberts Bank Terminal 2 (RBT2 or Project). As such, air quality levels in the Tsawwassen area are expected to improve, with or without the Project. **Additional information provided by the VFPA:** An assessment was carried out to predict potential changes in air quality as a result of the Project, including a characterisation of existing conditions. This is provided in EIS Section 9.2. The results of the air quality assessment were used in the assessments of human health and current use of lands and resources for traditional purposes (Current Use). The assessment modelled Project-related fuel combustion and fugitive dust emission sources during the construction phase, and fuel combustion emission sources during the operation phases, and compared future conditions with the Project to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and cargo handling equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected to continue in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Predicted maximum concentrations were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving future air quality compared to predicted concentrations. The predicted concentrations also did not account for the switch to the use of liquefied natural gas (LNG) fuel for ferry vessels at the Tsawwassen ferry terminal. The assessment concludes that: • Air quality in the region will improve in the future, with or without the Project, as a result of improvements in engine technologies as older equipment is replaced by newer equipment at the three existing marine terminals, and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected improvements in future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants, but will be mitigated through the use of emission reduction measures to limit fugitive dust emissions and a monitoring program to guide construction activity in the event that ambient air concentration exceed defined criteria threshold levels.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway Appendix H – Westshore Coal Dust Assessment **Information Requests** Response to Sufficiency Request #4 (IR6-04 of CEAR Document #1188) Response to Sufficiency Request #9 (IR6-09 of CEAR Document #1113)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
		10-Oct-2014, Letter 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Jul-2016, Meeting	Noted that information would be taken back to the VFPA staff and Project team for consideration. **27-Nov-2013, Community Open House:** Responded with an explanation on contaminants and how they move in air masses. Discussed the 2006 studies and how the data coming from stations on the bluff could be similar to mobile stations on the shore. Indicated that more stations may be put in, but the VFPA will need to discuss that further. **02-Dec-2013, Email from the VFPA:** Sent follow-up to Sept 26 meeting Baseline Air Quality. *"As requested by agency stakeholders and confirmed within the Draft Air Quality Scoping Study Response to comments document, [the VFPA] will include the 98th percentile observations from the T39 Monitoring Station in Tsawwassen for the various compounds in the assessment (as well as average or median concentrations) as an alternate measure of baseline air quality. Incremental impacts without baseline concentrations will be discussed as part of the assessment to give full context to the impacts of the project. Presenting an average concentration will show typical conditions, and the incremental impacts can be used to discuss relative differences associated directly with the Project. Suggestions to use the monitoring data from other stations in the region, besides the Station T39 to help define baseline air quality in Tsawwassen, was an approach that was previously attempted for the [Deltaport Third Berth (DP3)] Project and found to overestimate the baseline air quality in Tsawwassen for some pollutants including CO (by more than a factor of 5) and NO_2 (by a factor of 2). In the absence of monitoring data in Tsawwassen for the list of selected trace organic compounds that will be included in the assessment, the VFPA will rely on data collected in other parts of the Lower Fraser Valley or elsewhere to define nominal baseline air quality levels for those contaminants."* **15-Jan-2014, Letter from the VFPA:** The VFPA, in partnership with Metro Vancouver, has installed an air quality monitoring station in Tsawwassen at 411 Milsom Wynd. The placement was chosen by the DP3 Air Quality Working Group as an ideal location to monitor emissions from Roberts Bank terminals. The VFPA is currently working through the	• Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminants (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below ambient air quality criteria on land, with limited exceptions. The exceptions for predicted nitrogen dioxide levels near the causeway are considered to be an artificially caused by the conservative methods used in the air quality assessment, and are not expected to actually exceed established ambient air quality criteria. • The Project is expected to have a negligible effect on future ozone levels. • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality because air quality is expected to improve. The benefits of existing emission reduction initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits to air quality, such as improvements in engine technology and fuel quality, are described based on their anticipated level of benefit to future air quality emissions in EIS Section 9.2.7. Through its ongoing Air Action Program*, the VFPA is constantly looking at addressing air quality and climate change, by focusing on the use of technologies and the promotion of operational efficiencies to reduce air emissions from port operations, such as those mitigation measures suggested during consultation. Key components of the Air Action Program include the EcoAction Program, the Northwest Ports Clean Air Strategy, the Landside Air Emissions Inventory, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air Action Program can be found at http://www.portmetrovancouver.com/en/environment/initiatives/Air.aspx. *The Air Action program was renamed to Air, Energy and Climate Action. As part of DP3, the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings. **Further information provided by the VFPA:** Information on air quality monitoring data in Tsawwassen presented in the EIS covered the period 2010-2012. Discussions around air quality monitoring between Tsawwassen First Nation and the VFPA have occurred independently of the EA. On 15-Jan-2015 Tsawwassen First Nation agreed to plans for the undertaking of additional air quality monitoring, which was completed in 2014 and 2015. Mobile Air Monitoring Units (MAMUs) were temporarily installed at two sites on Tsawwassen First Nation lands: one near the Tsawwassen First Nation Wastewater Treatment Plant on Tsawwassen Drive and the other at 1120 Tsatsu Shores Drive. Three dustfall canisters were also operated for the duration of the monitoring, at the two sites on Tsawwassen First Nation lands as well as at existing Station T39 in Pebble Hill Park at 411 Milsom Wynd in Tsawwassen. The plans for this Air Quality Monitoring Study were agreed to by Tsawwassen First Nation on 15-Jan-2015 (the results of the study is presented in IR6-09 and IR6-04. The monitoring data indicate that there were marked declines in SO_2	

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			Tsawwassen First Nation Air Quality Working Group to address additional air quality concerns, which includes the consideration of alternatives to support local air quality monitoring. Discussions around air quality monitoring between Tsawwassen First Nation and the VFPA have occurred independently of the environmental assessment (EA). On 15-Jan-2015 Tsawwassen First Nation agreed to plans for the undertaking of additional air quality monitoring, which was completed in 2014 and 2015. Mobile Air Monitoring Units (MAMUs) were temporarily installed at two sites on Tsawwassen First Nation lands: one near the Tsawwassen First Nation Wastewater Treatment Plant on Tsawwassen Drive and the other at 1120 Tsatsu Shores Drive. Three dustfall canisters were also operated for the duration of the monitoring, at the two sites on Tsawwassen First Nation lands as well as at existing Station T39 in Pebble Hill Park at 411 Milsom Wynd in Tsawwassen. The plans for this Air Quality Monitoring Study were agreed to by Tsawwassen First Nation on 15-Jan-2015. **14-Apr-2014, Community Meeting:** Stated that the air quality monitoring site [Station T39] is located on top of [English] Bluffs because meteorological data determined it to be the optimal site for measuring air emissions. Noted that baseline monitoring is being done as part of the Air Quality study related to RBT2. The VFPA undertook to take back the request for additional monitoring of current air quality conditions in closer proximity to residents of Tsawwassen First Nation lands for consideration. **23-Apr-2014, Letter from the VFPA:** Proposed outline for a series of air-quality-related workshops coordinated by the VFPA to be held between May to July 2014. **02-May-2014, Meeting:** Discussed possibility of installing mobile air quality monitoring units on Tsawwassen First Nation lands. Referred to DP3 decision-making process and how the VFPA and Tsawwassen First Nation collectively agreed to locate a station at the bluff. Stressed the importance of having a process based on data, involving different parties and agreeing to next steps once data is obtained. Discussed option of placing three units on Tsawwassen First Nation lands for up to a year.	and $PM_{2.5}$, and little to no change in levels of NO_2 and ground-level ozone. The levels of carbon monoxide remain far below any levels of concern.	

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			Noted the need to coordinate mobile units and stated that there is currently no certainty about availability of units so need to discuss with Westshore and Metro Vancouver. Stated that a rational process based on data is needed, that the VFPA commits to getting temporary units and to a plan or process. Requested that Tsawwassen First Nation submit any questions on air quality to the VFPA's Environmental Programs Department. **28-Jul-2014, Meeting:** Presented draft air quality monitoring proposal and sought input from Tsawwassen First Nation. The results of the study are further supported by the on-going air quality monitoring station (Station T39) at Pebble Hill Park on English Bluffs which consistently shows that measured air quality is within AAQOs." **24-Sept-2014, Letter from the VFPA:** *"Station T39 is owned and operated by Metro Vancouver. The location of the station was determined through the DP3 Technical Working Group as the site where port-related emissions are most likely to be observed. In addition to Tsawwassen First Nation, beneficiaries include residents of Tsawwassen and Delta. As such, [the VFPA] cannot support moving the station without adequate technical justification and the consultation of other stakeholders who may be impacted by the decision. However, [the VFPA] is willing to support discussions on further air quality studies in partnership with Metro Vancouver based on the outcome of the current study."* **30-Sept-2014, Email from the VFPA:** Sent status update on T39 and AQ monitoring program. **26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **15-Dec-2014, Letter from the VFPA:** Sent letter in response to Tsawwassen First Nation October 10 letter with comments on draft Air Quality Plan. *"Your first request is that [the VFPA] undertake air quality monitoring through the summer months. [The VFPA] will include air quality monitoring during summer months in the Air Quality Monitoring Plan as per your request. Your second request is that the Air Quality Monitoring*		

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			Plan be extended from a one-year program to a two-year program. As described in the proposed Plan, at the end of the first year of monitoring, [the VFPA] and TFN review the monitoring results and TFN's air quality concerns. Based on that analysis and in consultation with TFN, the scope of a second year of testing will be determined." **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, including Section 9.2 on the air quality assessment. **12-Jul-2016, Meeting:** Discussed the VFPA's air quality programs delivered through the VFPA's Environmental Programs department.		
TFN-1.2	Interested in the parameters and methods of the VFPA's air quality study. Asked whether the VFPA is going to undertake the study in a manner that will address TFN's concerns. Provided comments on the draft Air Quality Scoping Study: #1. Asked why the VFPA has added the proposed objective: Identify the potential need for additional air quality studies based on the above results. Expressed concern that the result of this study will be used to discount the need of any further studies in the future. #2. Asked why the air quality assessment won't test for all types of sulfur oxides. #3/4. Concerned that the assessment only includes on location in the fall and one location in the spring in one year. Suggested a two year sample period be considered.	18-Nov-2013, Community Meeting 13-Dec-2013, Email 10-Jul-2014, Meeting 11-Sep-2014, Letter	**18-Nov-2013, Meeting:** Noted that the air quality study is mostly predictive. It considers the current air quality then models emissions into the future. The model's predictions are compared with the data coming out of the monitoring stations. The methodology was revised based on feedback received during scoping sessions, involving Tsawwassen First Nation, and the Emission Inventory is available online. **15-Jan-2014, Letter from the VFPA:** The focus for air emissions studies associated with Project-related construction and operation activities will include: 1. Common air contaminants such as nitrogen dioxide (NO_2), carbon monoxide (CO), sulphur dioxide (SO_2), hydrocarbons (HC), total suspended particulate matter (PM), inhalable particulate matter (PM_{10}), and respirable particulate matter ($PM_{2.5}$); 2. Selected mobile source air toxins which have been determined to be of significance to human health such as acetaldehyde, acrolein, benzene, 1,3-butadiene, diesel particulate matter, formaldehyde and naphthalene; and 3. Compounds related to climate change issues including greenhouse gases such as carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and black carbon. The air quality study will use existing air quality monitoring data and dispersion modelling methods to predict changes in future air quality. Results will be compared to established Ambient Air Quality Objectives and Standards defined by	**Addressed in EIS Section 9.2.2.1:** In 2012, the VFPA initiated studies to support the EA and future environmental management for the Project. Building on available information, the studies were designed to address known data gaps for the assessment of air quality at Roberts Bank. Two studies were completed: 1. Air Quality Scoping Study (AQSS) - A collaborative process to determine the approach to quantifying air quality changes resulting from Project development and activities. Participants included Environment Canada (EC), Metro Vancouver (MV), Tsawwassen First Nation, the Corporation of Delta, and the B.C. Ministry of Environment (MOE). EIS Table 9.2-1 summarises the AQSS process that informed the Air Quality Study; and 2. Air Quality Study – A study to identify, and where possible, quantify potential changes in air quality resulting from Project-related construction and operation activities. Details are provided in EIS Appendix 9.2-A. The main body of the Study (Main Report) is supported by independent appendices that contain a greater level of discussion on select topics, as outlined in EIS Table 9.2-1. **Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Project. The results of the air quality assessment were used in the EIS for the assessments of human health and Current Use. The EIS air quality assessment modelled Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Coal dust is also included in the assessment of air quality in existing conditions, in the future with the Project, and in the cumulative effects assessment. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth ultimately improving air quality.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 9.2 Air Quality 9.2.2.1 Purpose 9.2.5 Methods 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory and Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway Appendix H – Westshore Coal Dust Assessment

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	#5. Asked why there would be no testing in the summer and winter months. #6. Asked why the VFPA removed the language "To assess the representativeness of T39" from draft. #7. Stated that wording regarding comparisons between test results at TFN and in T39 are not in the updated draft. Requested that in the event that there is a practical difference in the data collected at TFN and T39, and there are no port related exceedances of Ambient Air Quality Objectives, the VFPA support discussions with Metro Vancouver and all relevant stakeholders to shift the test site to TFN from T39.		Metro Vancouver, the MOE and Environment Canada. **10-Jul-2014, Meeting:** Stated that the VFPA understands Tsawwassen First Nation's concerns and that the plan has been developed in response to these concerns, as well as with input from an air quality expert. **24-Sep-2014, Letter from the VFPA:** **Comment #1** - The proposed objective was added in response to a request by [Tsawwassen First Nation] during the July 28, 2014 meeting. This objective is intended to clarify that one of the purposes of the study is to identify the potential need for additional studies based on the assessment of existing conditions on Tsawwassen First Nation land. This objective does not replace or reduce regulatory requirements for air quality assessments triggered by port related projects. The objective of the revised draft plan (attached) has been modified to emphasise it applies to current conditions. **Comment #2** - SO_x generally refers to SO_2 and SO_4 (sulphate). However, only SO_2 is considered a Contaminant of Concern as the vast majority of sulfur emissions from engine combustion are in the form of SO_2. The T39 station does not monitor SO_4, and there is no regulatory standard for other variations such as SO or SO_4. Sulphate, which typically exists in particulate form, is more generally formed in the atmosphere from the chemical transformation of SO_2 to SO_4 far from where the SO_2 was originally emitted. As such, SO_4 is more of a regional air quality issue on the scale of the Lower Fraser Valley rather than a local air quality issue for Tsawwassen. Although not reported separately, SO_4 particulates will be included in the $PM_{2.5}$ measurement. **Comment #3/4** - Westshore Terminals has confirmed their participation in the study, and is scheduled to begin simultaneous monitoring of dustfall and continuous particulate matter at the Tsatsu Shores site for the first week of October. As such, there will be simultaneous monitoring of coal related parameters at three locations during the study, including Station T39. The range of concentrations observed over a four month period should be adequate to identify potential contaminants that exceed or could potentially exceed ambient air quality standards.		

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			In addition, as described in more detail in Comment #6, a two year study would not be adequate to confirm seasonal variations between sites or in the results. On completion of the proposed sampling period, the VFPA will consult with Tsawwassen First Nation regarding the results and interpretation of the data to determine whether further study is warranted. **Comment #5** - Meteorological conditions (i.e., stronger winds) during the spring and fall season represent the most likely period for recording the highest emissions of coal dust related parameters from the storage piles at the Westshore terminal. Rainfall during winter months tends to have a suppressing effect on airborne particulates. Therefore, although summer is typically the driest period of the year, wind speeds are generally lower. Since the emission and transport of fugitive dust is closely correlated to wind speeds, the spring and autumn months offer the highest probability of measuring coal dust in dustfall samples collected on the mainland. **Comment #6** - At the request of Kristen Elkow at the July 28, 2014 meeting, the VFPA consulted with SENES (air quality consultants) on establishing statistically significant criteria within the proposed air quality monitoring program to confirm that Station T39 is representative of air quality on Tsawwassen First Nation land. As stated during the meeting, the goal is to reduce dependencies on professional judgment in the comparison. As described in the Proposed Data Analysis memo (Appendix I), a detailed statistical comparison would require at least 10 years of continuous data from each location in order to draw a statistically significant conclusion about any small trends in the concentrations of contaminants. At least five years of data would be required to detect any large trends in the data to account for site variability. However, data collected in the manner suggested for the proposed program will be sufficient to determine differences in the concentrations of air contaminants between the three sites. As outlined in Appendix I, SENES will apply statistical and graphical methods to compare the results of Tsawwassen First Nation air quality		

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			with Station T39. The language referring to the Station T39 comparison was updated to ensure the certainty of observations is not overstated. **Comment #7** - Station T39 is owned and operated by Metro Vancouver. The location of the station was determined through the DP3 Technical Working Group as the site where port-related emissions are most likely to be observed. In addition to Tsawwassen First Nation, beneficiaries include residents of Tsawwassen and Delta. As such, the VFPA cannot support moving the station without adequate technical justification and the consultation of other stakeholders who may be impacted by the decision. However, the VFPA is willing to support discussions on further air quality studies in partnership with Metro Vancouver based on the outcome of the current study. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, including Section 9.2 on the air quality assessment.		
TFN-1.3	Asked what kind of effect air quality is having on port employees working at Roberts Bank.	18-Nov-2013, Community Meeting	**18-Nov-2013, Meeting:** Stated that this type of information is usually covered under provincial health and safety standards. **15-Jan-2014, Letter from the VFPA:** The VFPA does not track or have access to medical records of terminal employees. The health of workers is protected under provincial occupational health and safety regulations and air quality standards, with which individual terminal operators are required to comply.		
TFN-1.4	Asked whether the VFPA knows how far pollution spreads from the terminal and whether studies have been conducted on this topic. Suggested that people will move away from the area due to increased pollution.	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Stated that as part of the EA, the local assessment area (LAA) consists of the geospatial areas that the studies take place in [and captures the extent of possible changes to air emissions as a result of the Project]. **15-Jan-2014, Letter from the VFPA:** The VFPA has conducted a number of air quality studies, including the DP3 Environmental Assessment (2005) and the Delta Terminal Road and Rail Improvement Project Environmental Assessment (2012). In both studies air quality was found to meet applicable air quality standards and objectives. A study is also currently underway to assess potential RBT2-related emissions. **01-Apr-2015, Letter from the VFPA:**	**Addressed in EIS Appendix 9.2-A:** EIS Appendix 9.2-A includes dispersion modelling of Project-related emissions. The extent of emissions is shown on updated figures in the response to IR6-24 and IR6-27. **Addressed in EIS Appendix 7.2-B (#42):** The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. **Addressed in response to IR-7.31.15-25-19:** In response to IR-7.31.15-19, the VFPA provided Appendix IR19-A (Air Quality and Human Health Risk Assessments Based on Provincial Interim NO_2 and SO_2 Objectives). Appendix IR19-A provides updated analyses and results for the EIS Section 9.2 and supporting EIS Appendix 9.2-A, which informs updates to the air quality human health risk assessment (AQ HHRA) presented in EIS Appendix 27-A. The updates reflect new B.C. Ministry of Environment interim air quality objectives for 1-hour average nitrogen dioxide (NO_2) and sulphur dioxide (SO_2) objectives. The response concludes that the residual effect to human health related to changes in air quality is expected to be not significant, which is consistent with conclusions in EIS Section 27.9.2.1. The predicted significance of effects on potential or established Aboriginal	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project

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			Provided a copy of the EIS, including Section 9.2 on the air quality assessment.	and treaty rights and related interests, including Current Use related to air quality is also expected to remain unchanged from the conclusions provided in EIS Section 32.2.6.4. **Additional information provided by the VFPA:** During operation, Project-related exposures to air emissions are not predicted to result in measurable health effects. During construction, a minor health effect is predicted for a small area over water between the Westshore and RBT2 terminals, where public access is not likely. Therefore, health effects during construction are unlikely to occur. Air quality will be monitored during construction and operation, and there would be adaptive measures should Project emissions result in exceedance of ambient air quality objectives or criteria.	9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway Appendix H – Westshore Coal Dust Assessment 27.0 Human Health 27.9.2.1 Air Emissions 32.2 Current Use of Land and Resources for Traditional Purposes Assessment 32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience **Information Requests** Response to Information Request #19 (IR-7.31.15-19 of CEAR Document #314) Appendix IR19-A Air Quality and Human Health Risk Assessments Based on Provincial Interim NO_2 and SO_2 Objectives Response to Information Request #20 (IR-7.31.15-20 of CEAR Document #314)
TFN-1.5	Asked about the regulation of trains in comparison to trucks, with respect to emissions.	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Stated that the VFPA has more of an interface with trucks than the rail system. Noted that the current status of the standard for emissions for railways is not known [by the speaker]. **15-Jan-2014, Letter from the VFPA:** The VFPA is committed to continuous improvement in terms of reducing air emissions that contribute to air quality and climate change through its Air Action Program. This includes all port sectors such as ships, trucks, trains, cargo handling equipment and administration. Because each sector is unique in terms of both how it is regulated and the relationship with the VFPA, the approaches taken to reducing emissions vary. Example initiatives include the EcoAction Program for ships, the Truck License System	**Additional information provided by the VFPA:** The latest MOU with Transport Canada originally covered the period of 2011 to 2015, and was extended until the end of 2017. It sets a 7.2% reduction target for GHG emissions intensity — from 2010 levels — for Class 1 freight railways and intercity passenger rail; a 3.6% GHG emissions intensity reduction target for shortline railways; as well as standards for CAC emissions. The Railway Association of Canada publishes an annual, peer-reviewed report summarising the progress that railways have made towards meeting these targets, and highlighting the actions that the industry has taken to reduce emissions. The program is audited by an independent and accredited firm to ensure both data integrity, and that the terms and conditions of the MOU are being observed. More information is available at https://www.railcan.ca/rac-initiatives/locomotive-emissions-monitoring-program/	**EIS** 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project

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			Environmental Requirements for container trucks and the currently-in-development Non-Road Diesel Emissions Initiative for cargo handling equipment, among others. Both rail and harbour craft are two sectors where the VFPA has a more limited ability to influence emissions. Due to the existence of the VFPA's Truck Licence System which requires any container truck accessing the port to have a valid license or permit, starting in 2008 increasingly stringent environmental requirements were put in place, which will bring the fleet up to a 2007 or equivalent truck $PM_{2.5}$ emission rate by 2017, consistent with the Northwest Ports Clean Air Strategy. With regards to fuel quality and engine emission standards for both on-road heavy duty vehicles and locomotives, these are regulated by the Federal Government. Fuel sulphur content limits for both sectors have been gradually decreasing, reducing emissions of both SO_x and PM, while engine emission standards have over time also lowered emission rates of various criteria air contaminants such as PM and NO_x. Additionally, in 2013, the Federal Government announced regulations that would introduce progressively stringent greenhouse gas emission limits for new on-road heavy duty vehicles. While similar requirements do not exist for locomotives, by virtue of its greater efficiency compared with trucks, rail transport has lower greenhouse gas emissions per tonne-km of cargo moved. Separately, the Railway Association of Canada, its member companies and Transport Canada have a Memorandum of Understanding for reducing locomotive emissions of both criteria air contaminants and greenhouse gases during the 2011-2015 period. This agreement builds on previous similar agreements covering 1995-2005 and 2006-2010 periods.		9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report Appendix B – Existing Air Quality Appendix C – Air Dispersion Modelling Appendix F – Ships Underway Appendix H – Westshore Coal Dust Assessment **Railway Association of Canada** https://www.railcan.ca/rac-initiatives/locomotive-emissions-monitoring-program/
TFN-1.6	Concerned that because RBT2 is a large development, there will be an increase in emissions from trucks, trains, ships, etc., unless the Project goes electrical. Concerned that emissions from trucks, trains, and ships related to the Project will contribute to a negative cumulative impact on air quality from	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Noted that there is no plan at this point for electrical trucks, but low emission [requirements] for equipment on the terminal. The VFPA anticipates the majority of ships will be able to plug into shore power and therefore will not be sitting with their diesel generators on while at berth. It is noted that new technology and drive for low emissions will be used when possible. It is noted that part of the VFPA's program is to optimise the number of truck trips as to avoid empty trucks.	**Addressed in EIS Appendix 7.2-B (#42):** The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e.,	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants

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	other projects and developments in the region (including those of TFN).		**15-Jan-2014, Letter from the VFPA:** Currently there is no plan for electrical trucks as part of the proposed Project, however all Ship to Shore Gantry Cranes, Container Yard Stacking Cranes and Intermodal Yard Rail Mounted Gantry Cranes will be electrically powered. The VFPA anticipates the majority of ships will be able to plug into shore power and therefore will not be sitting with diesel generators on while at berth. New technology that will reduce emissions will be used when possible. Part of the VFPA's Smart Fleet Trucking Strategy is to optimise the number of truck trips to avoid empty trucks. The VFPA, industry and government are jointly funding research, through the Clean Transportation Initiative, to identify technology based solutions to improve the efficiency and environmental performance of marine terminals and trucks. The VFPA understands that there has been movement in the rail business to address emissions within the rail system as well. As part of the EA for the proposed Project, the VFPA will undertake an air quality assessment which will focus on concerns pertaining to human health considerations and climate change. As part of this assessment, potential effects related to the project and associated mitigation measures will be determined. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits, such as improvements in fuel, are described based on their anticipated level of benefit to future air quality emissions, in EIS Section 9.2.7.	Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report Appendix A – Emissions Inventory Appendix B – Existing Air Quality Appendix C – Air Dispersion Modelling Appendix F – Ships Underway Appendix H – Westshore Coal Dust Assessment
TFN-1.7	Concerned with the effects of potential changes in air quality to fisheries.	25-Apr-2014, Interview	**25-Apr-2014:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, including Appendix 27-A.	**Additional information provided by the VFPA:** An assessment of potential effects of air emissions on shellfish is provided in EIS Appendix 27-A. The multi-media assessment presented in EIS Appendix 27-A considered deposition of non-volatile chemicals to soil, sediment and plants and determined exposure as a result of direct contact with these media as well as the consumption of plants, livestock or wildlife consuming or in direct contact with these media. All of the maximum risk quotient (RQ) values determined for the multi-media exposure assessment were below one and therefore no adverse health effects are expected from the exposure of Tsawwassen First Nation and farmer receptors to non-volatile Compounds of potential concern (COPCs) in Project emissions that could occur in media other than air. The VFPA's response to IR12-04, as requested by the Review Panel, will further discuss potential effects on human health from marine resource contamination for both Indigenous and non-Indigenous populations. Information regarding potential effects of air pollution on marine mammals is provided in the response to IR5-38. Potential health effects to marine mammals from air pollution in the LAA due to the incremental contribution of marine shipping associated with the Project are not anticipated; therefore, this potential effect was determined to be negligible in MSA Section 8.2.6.1.	**EIS** 27.0 Human Health Appendix 27-A Air Quality HHRA Technical Report **Marine Shipping Addendum (MSA, CEAR Document #316)** 8.2 Marine Mammals 8.2.6.1 Negligible Effects **Information Requests** Response to Sufficiency Information Request #38 (IR5-38 of CEAR Document #1159) Response to Sufficiency Information Request #4 (IR12-04)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-1.8	Stressed the importance of modelling potential effects with consideration given to the fact that the future population of TFN is likely to be larger. Stressed the uncertain nature of environmental assessments and the need for decision makers to understand where any uncertainty lies.	12-Jul-2016, Meeting	**12-Jul-2016, Meeting:** Requested that Tsawwassen First Nation submit any questions on air quality and the VFPA would follow-up.	**Addressed in EIS Section 9.2:** All areas of Tsawwassen First Nation lands have been included in the air quality study for the Project. The air quality study made note of the areas of uncertainty associated with estimating emissions from both existing and projected future operations of marine terminals at Roberts Bank. Hypothetical worst-case assumptions about emissions were used in the air quality study, such that the modelled air quality levels for existing conditions in 2010 overestimate actual observed air quality levels by a factor of two. Similar conservative assumptions were used for the expected (without RBT2) and future (with RBT2) emission scenarios in 2025, such that the conservative over estimation of potential changes in air quality was carried forward. As such, actual air quality levels are expected to be better than those indicated in the EIS.	**EIS** 9.2 Air Quality
TFN-1.9	Stated that the EA states that as a conservative measure, study criteria were selected based on the most stringent criteria from federal and provincial objectives or standards and that regional objectives and standards are only provided for comparison purposes. Regional objectives are lower than federal and provincial objectives in some instances and should also be included. Requested the inclusion of Regional objectives or standards for selecting the most stringent criteria.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2:** There are three separate jurisdictions within the Local Study Area (LSA) for the Project: Metro Vancouver in Delta up to the Georgia Strait shoreline, provincial in all areas of Georgia Strait on the Canadian side of the border, and Washington State south of the Canada-U.S. border. Since the highest predicted concentrations in the air quality assessment occur near the Roberts Bank terminals which fall within provincial jurisdiction, it would be inappropriate to apply Metro Vancouver's ambient air quality objectives at those locations. Similarly, it would be inappropriate to apply Metro Vancouver's objectives in Point Roberts. Nevertheless, Metro Vancouver's objectives are listed in all tables listing the predicted concentrations at discrete receptor locations so that reviewers of the report can compare the results to both the study criteria, Metro Vancouver's objectives and, for locations in Point Roberts, to National Ambient Air Quality Standards in Washington State.	**EIS** 9.2 Air Quality
TFN-1.10	Stated that the GHG assessment must include the six greenhouse gases listed in the Greenhouse Gas Reduction Target Act (GGRTA). PFCs, HFCs, SF6 should be added to the CO2, CH4 and NO2 already listed. Requested that the VFPA confirm that PFCs, HFCs, SF6 will be assessed.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2:** Emissions of the three main fluorinated gases (hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF6) are almost all created by humans and are used mainly in industrial processes. Fluorinated gases are used inside of products like refrigerators, air-conditioners, foams and aerosol cans. Emissions from these products are caused by gas leakage during the manufacturing process, as well as throughout the product's life. Fluorinated gases are also used for the production of metals and semiconductors. PFCs, HFCs and SF6 were not listed as contaminants of potential concern in the *EIS Guidelines* issued by the CEA Agency for the Project assessment and are not contaminants that would be emitted from the sources evaluated in this assessment.	**EIS** 9.2 Air Quality
TFN-1.11	Requested the use of traffic estimates from "Projections of Vessel Calls and Movements at Deltaport and Westshore	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2:** Estimates of the number of ship calls at existing Deltaport Terminal and Westshore terminals that were included in the air quality modelling are provided in EIS Appendix 9.2-A, Appendix A, Section 2.2. Vessel traffic projections were are also provided in EIS Appendix 4-D Roberts Bank Traffic Data Matrix.	**EIS** 9.2 Air Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Terminals" for calculating effects.				
TFN-1.12	Stated that activity levels should include increased traffic associated with Tsawwassen Mills development.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2:** The results of emissions estimates and modelling conducted for expected conditions (future without the Project) in 2025 are summarised in EIS Section 9.2.7, and additional details are provided in EIS Appendix 9.2-A (emission estimates and modelling results), Appendix A (emissions estimating methods) and Appendix D (modelling results for CACs and TOCs). Activities considered in the assessment of expected conditions include future activity levels at the existing Roberts Bank terminals, and BC Ferries Terminal operations. Other future land-based activities, including traffic associated with the Tsawwassen Mills development, were not included in the modelling because the conservative modelling approach, resulting in overprediction of air emission concentrations, accounts for emissions from other potential sources in the future. The conservative overestimation of air contaminant concentrations in dispersion modelling is described in EIS Section 9.2, and the response to IR6-22.	**EIS** 9.2 Air Quality 9.2.7 Expected Conditions Appendix 9.2-A Main Report Appendix A – Emissions Inventory Appendix D – Additional Results **Information Requests** Response to Sufficiency Information Request #22 (IR6-22 of CEAR Document #1188)
TFN-1.13	Asked if all sensitive receptors identified as being important to the TFN been included as 'Discrete Receptors' (schools etc.). Requested the identification and list of appropriate receptors on TFN lands used in the assessment.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2:** Eighteen discrete receptors were chosen as representative reference points to assist in the discussion of the assessment results. The discrete receptor locations are shown in EIS Figure 9.2-3. As noted in the figure, R3, R4 and R6 receptor locations are located within Tsawwassen First Nation Lands. **Addressed in Response to IR6-14:** The response to IR6-14 provides information on predicted air contaminant concentrations at two additional receptors, including a residential location on Tsawwassen First Nation Lands, and the English Bluff Elementary School.	**EIS** 9.2 Air Quality Figure 9.2-3 **Information Requests** Response to Sufficiency Information Request #4 (IR6-14 of CEAR Document #1188)
TFN-1.14	Stated that while background ozone may exceed established criteria, the 98th percentile background air quality concentrations should still be included to assess potential air quality on those 7 days a year which would represent the worst air quality conditions to be expected. Requested the inclusion of 98th percentile for ozone, regardless of whether background concentrations exceed the criteria.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2.6.1:** The background concentrations of ozone for 1-hour, 8-hour, 24-hour, and annual averaging periods used in the Air Quality Study are provided in EIS Section 9.2.6.1, Table 9.2.10. To clarify, the predicted concentrations of ozone and maximum overland concentrations as a percentage of study criteria (i.e., National Ambient Air Quality Standards for 24-hour and annual periods), include the background concentrations (see Tables 9.2.10 and 9.2.27 as examples). Since these background concentrations for these averaging periods exceed their respective criteria, the discussion focuses on the relative incremental change (i.e., without the inclusion of 98th percentile background air quality concentrations) to assess changes in air quality associated with the Project.	**EIS** 9.2 Air Quality 9.2.6.1 Background Air Quality Concentrations Appendix 9.2-A Air Quality Study
TFN-1.15	Stated that predicted maximum concentrations for each receptor did not include background concentrations (to allow for a more meaningful comparison).	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2.6.2:** Predicted concentrations are presented in the results tables without background concentrations to allow for a more meaningful comparison of future changes associated with other activities and projects (i.e., expected conditions) and associated with the Project. In some cases, the background concentrations are much higher than increases associated with expected conditions and future conditions with the Project, so differences would be difficult to discern if background concentrations were incorporated in the tables.	**EIS** 9.2 Air Quality 9.2.6.2 Modelling of Existing Conditions Appendix 9.2-A Air Quality Study

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	Stated that values should be provided including the background concentration to provide an easier comparison for TFN members.			Nevertheless, all concentrations represented on the isopleth plots include background concentrations, as per the *2015 British Columbia Air Quality Dispersion Modelling Guidelines* (B.C. MOE 2015). As explained in the response to IR6-23, comparisons are provided to the air quality criteria relevant to the location (i.e., over land in Metro Vancouver or U.S. jurisdiction, or over water), with areas exceeding the applicable criterion shaded in yellow.	**Information Requests** Response to Sufficiency Information Request #23 (IR6-23 of CEAR Document #1188)

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-2.1	Stated that an initial scoping exercise that the VFPA did 3 or 4 years ago proposed an automated rail transfer system, all onshore. Stated that 60 per cent of the RBT2 proposed footprint is intermodal yard and stated that if this was reduced, the impact would be correspondingly decreased. Asked for more information on the work that the VFPA has done on footprint designs to see why this particular option has been selected over others. Asked about consideration of an earlier proposal for a conveyor system at Roberts Bank that would eliminate the need for land creation. Stated that the EIS confirmed that an on-land Intermodal Yard (IY) alternative to the project is both technically and economically feasible (page 5-17). Despite acknowledging the feasibility of the alternative, the EIS does not include an assessment of the environmental effects of the alternative. Requested an environmental effects analysis of on-land IY option.	03-Dec-2012, Meeting 05-May-2015, Meeting 15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**03-Dec-2012, Meeting:** Explained that the process has changed from 4 to 5 years ago when these initial studies took place, as a result of the economic downturn. Stated that the VFPA has moved forward with a different strategy. Initially, it was thought that the VFPA would partner in a design build contract for the terminal. The other partner would take some of the risk in getting the Project approved. This is no longer happening and the VFPA is proposing the Project alone. Stated that the intermodal yard will be not quite 60% of terminal footprint. Stated that the current design is for a semi-automated terminal. Stated that the current proposed location is a balance between design, location and engineering. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 5.0 on alternative means. **05-May-2015, Meeting:** Noted the conveyor proposal is outside of the VFPA's jurisdiction. Referred to EIS Section 5.0, which includes some of the alternatives analysis that was undertaken. Noted consultation took place in 2012 regarding configuration for the terminal, including location of the intermodal yard on the causeway, marine terminal, or agricultural land reserve. Explained that the causeway option was selected because it had the least impact. **30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency has requested additional information on Intermodal Yard locations in its letter of July 31, 2015 to [the VFPA] (page 8, #15)."*	**Addressed in EIS Section 5.0:** The consideration of alternative design configurations and construction approaches resulted in the preferred Project design presented and assessed in EIS Section 5.0. A number of location, orientation, layout and configuration alternatives were considered and assessed for the marine terminal (including berth pocket and marine approach areas), causeway, rail and road corridors, and the tug basin. The effects of feasible alternatives were considered based on their potential to directly or indirectly affect natural and human environment components. The anticipated effects were considered key factors when comparing and determining preferred means. **Addressed in Response to IR1-06:** In the case of the intermodal yard, the Project conceptual design included an intermodal yard on the marine terminal, which was consistent with the standard on the west coast of Canada, and is an emerging trend on the west coast of North America. This is supported by the Ocean Shipping Consultants' Container Traffic Forecast Study 2014 which states, "… the costs associated with trucking containers from terminals to rail yards were obviously highly uncompetitive. Hence there has been a switch in favour of on-dock facilities, and all new container terminals on the west coast either incorporate such a facility or provide on-dock access to an adjacent rail yard". Deltaport, the existing container terminal at Roberts Bank, has an on-terminal intermodal yard, and in order for RBT2 to be a cost competitive facility for an operator, the Project would need to provide the same terminal facilities. An intermodal yard off-terminal would require extra container handling and incur drayage charges for the transport of each container to the intermodal yard, a competitive disadvantage for any potential future operator unless the facility accommodated both terminals. During the conceptual design phase of the project, consultation between the VFPA and stakeholders such as the operating railways, existing terminal operators and the provincial government (the owner, through BC Railway Company, of the lands that would be required to accommodate a land-based intermodal yard) was ongoing related to the current and future needs of port facilities at Roberts Bank. Alternative rail configurations serving Roberts Bank were considered, including an intermodal yard on the Roberts Bank Causeway, and a land-based intermodal yard. These facilities were considered as a means of addressing rail and terminal operational requirements such as capacity, efficiency, bad order car repair and locomotive refuelling, and if implemented, would have needed to be able to provide service to both terminals (i.e., capable of being expanded to handle 4.8 million TEUs if RBT2 were approved). As described in the EIS, an on-causeway intermodal yard was determined to be not economically feasible. Third party consideration of a land based intermodal yard continued in the ensuing years. The implementation of this facility would have needed to be a cost-efficient business proposition for the operating railways and the marine terminal operator, with the cost-savings of such a facility outweighing the extra handling and drayage costs required for its operation.	**EIS** 5.0 Alternative Means of Carrying out the Project **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897)
TFN-2.2	Asked for more information on alternatives. Criticised that the VFPA's jurisdiction may have limited	03-Dec-2012, Meeting 05-May-2015, Meeting	**03-Dec-2012, Meeting:** Stated that the Project is not about engineering designs at this stage, it's about what the Project involves. Noted that through the EA process the Project will get more defined.	**Addressed in EIS Section 5.0:** The W1 (0 m) terminal layout is the preferred configuration for a terminal at Roberts Bank due to fewer direct and indirect environmental effects relative to other alternatives considered. In addition to reducing impacts in the intertidal	**EIS** 2.0 Project Overview 2.2.5 Current Canadian West Coast Container Traffic Forecasts

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	the scope of the alternatives assessment. Stated that the alternatives analysis is insufficient. Concerned that the options analysis and business case components of the documentation TFN has reviewed are insufficient. Stated that TFN is of the view that the business case components of the documentation TFN has reviewed is insufficient; TFN is not convinced that RBT2 is needed to accomplish federal objectives for growth in container trade.	01-Sep-2016, Letter	**01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 5.0 on alternative means. **05-May-2015, Meeting:** Stated that six alternative locations for the terminal and causeway were considered. **15-Sep-2016, Letter from the VFPA:** Noted that under the *Canadian Environmental Assessment Act* (*CEAA, 2012*), a proponent is required to consider alternative means of carrying out the designated project that are technically and economically feasible and the environmental effects of any such alternative means. As part of the alternatives analysis required under *CEAA, 2012*, the VFPA considered alternative design configurations and construction approaches for the proposed terminal including the configuration conceptually shown in Schedule "A" of the 2004 MOA. The VFPA determined that locating the terminal almost entirely in subtidal waters not only reduced impacts to valued environmental intertidal habitat but also minimised dredging.	area, the W1 (0 m) alternative was determined to have the least amount of dredging required. Following selection of Option W1 (0 m) as the preferred alternative, further engineering studies were conducted to optimise the preliminary terminal design, which resulted in rounding the northwest corner to further reduce Project-related effects of bed scour post construction. The optimised configuration incorporated into the preliminary Project design is shown on EIS Figure 5-4. The reduction of Project-related effects as a result of this optimisation is discussed in EIS Section 5.4.1.3. The widened causeway without the lagoon was determined to be the preferred option as it will minimise intertidal habitat loss amongst the alternatives considered, and will have the least amount of indirect habitat change from altered coastal geomorphic processes. The widened causeway was further optimised by varying widths to minimise effects to the known biofilm intertidal habitat at the east end of the causeway. The preferred alternative for the intermodal yard is on the marine terminal. The preferred alternative for the rail tie-in is to have one of the two tracks join the main rail network outside the VFPA's jurisdiction to reduce intertidal habitat loss (by approximately 0.32 ha) with a narrower width at the northeast end of the causeway. The tie-in to the existing road corridor at Roberts Bank Way North via a new overpass and access road to the marine terminal was the only technically and feasible alternative considered. The preferred option for the location of the tug basin is to expand the existing tug basin with a configuration adjacent to the existing Deltaport Terminal. If the tug basin was placed on the north shore of RBT2, the footprint would affect higher-valued intertidal habitat than at the existing Roberts Bank tug basin location, and the shoreward tug-basin expansion layout at the existing tug basin would result in a higher potential for alterations in tidal flow and the potential for water ponding between the tug basin and Deltaport Terminal. For construction, no alternatives for dredging, temporary sand storage, or construction of supporting land were considered technically or economically feasible. The caisson wharf structure is the preferred alternative to pile and deck wharf due to the reduced noise effects, public opinion, improved seismic performance, and costs. Disposal of sediments at the Project-specific location is the preferred alternative to reduce transportation-related effects and costs. Lastly, as tug wharves constructed using the fill or pile and deck options would result in greater effects to habitat from a larger footprint, the floating pontoons and piles option is preferred. The preferred alternative for each category is described in detail in EIS Section 4.0 Project Description. The detailed assessment of the preferred alternative (i.e., the Project) is presented in subsequent sections of the EIS. **Addressed in response to IR1-06:** For each marine terminal alternative location considered in EIS Section 5.3, Table IR1-06-1 in Appendix IR1-06-A summarises the criteria used to assess technical feasibility and provides the conclusion of the feasibility assessment along with supporting rationale. To be considered technically feasible, potential alternatives to the location of the marine terminal within B.C. needed to first meet all technical criteria (as stated in EIS Section 5.2), which included the following:	2.2.6 The Container Capacity Improvement Program: Meeting Increasing Demand for Containerised Trade 5.0 Alternative Means of Carrying out the Project **RBT2 Meeting Canada's Trade Demand – Project Rationale** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Project-Rationale-March-20151.pdf Ocean Shipping Consultants 2016 Container Traffic Forecast Report http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897)

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				• Meeting the long-term container capacity growth by the mid-2020s, through operating efficiencies and a sufficient land base to accommodate growth; • Meeting the requirement for the necessary road and rail connections to efficiently transport containers to and from the market; and • Providing the ability for larger container ships to safely navigate the waterways. Safe navigation includes a minimum berth depth requirement of approximately 18.4 m and the ability to safely turn the vessel around, even in situations of sufficient draught. In addition, consideration was given to terminals with other uses (e.g., serving bulk or break-bulk markets) and if they could retain these capabilities if conversion to container handling was undertaken. The marine terminal location alternatives evaluated (including a combination of these alternatives) were determined not to be technically feasible, and therefore, an evaluation of economic feasibility was not conducted, and an assessment of environmental effects was not required. Based on the analyses of the location alternatives (see Table IR1-06-1), RBT2 was deemed to be the only viable option to meet the anticipated long-term growth and demand of containerised trade on the west coast of Canada, and a full assessment of environmental effects on this preferred alternative was conducted and is described in the EIS. **Addressed in Table IR1-06-1 (Appendix IR1-06-A):** The feasibility of the following potential alternatives for the location of the marine terminal were assessed based on the four criteria noted above. Increase capacity at Deltaport Terminal Additional capacity by 2017 through the Deltaport Terminal Road and Rail Improvement Project will help to meet short-term container demand, but it does not satisfy long-term container demand requirements. Additional development eastward at Roberts Bank is not possible based on prior feedback from regulators (see Appendix IR1-06-B). Increase capacity at Centerm A proposed expansion may add up to 600,000 TEUs to meet near-term capacity constraints, but not long-term demand as expansion possibilities are limited by rail constraints within the south shore of Burrard Inlet. Increase capacity at Vanterm This site was upgraded in 2005 to increase container handling capacity in the near term. Equipment modernisation in the near term may add some additional capacity (~200k TEU). Further expansion at this site to increase long-term capacity would not be possible until at least the late 2020s due to existing lease tenures. In addition, expansion possibilities are limited by rail constraints within the south shore of Burrard Inlet. Increase capacity at Fraser Surrey Docks (FSD) The current capacity at FSD is less than 100,000 TEUs per year from small to mid-sized container ships. Most container vessels currently calling at VFPA terminals cannot be accommodated within the Fraser River channel due to their draught requirements and length (the latter of which limits the ability to turn around to return down river). This constraint limits the future technical viability of FSD as even larger container vessels are expected to call at VFPA terminals. Combined increases at existing VFPA terminals	

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				From current or planned improvement or expansion projects, short-term demand will be met, but combining projects at all existing locations will still not achieve long-term growth demands. Lynnterm Conversion Feasibility studies were previously conducted in the early 2000s to evaluate the conversion from bulk/break-bulk to a container terminal. The VFPA is committed to facilitating multiple types of trade. The existing tenant is considering conversion to a grain terminal not to a container terminal. In addition, road access is constrained in North Vancouver. Richmond Properties Currently used as an off-dock transload and distribution centre in the City of Richmond, expansion of this site has very little potential due to navigation constraints associated with larger container ships and road and rail constraints due to its urban location. Based on these constraints and Current Use requirements, long-term capacity growth could not be accommodated at this location and conversion of this facility is unfeasible. Build a new terminal within VFPA jurisdiction (Construct a new terminal at Roberts Bank) This alternative meets all the technical criteria. Prince Rupert Port Authority (PRPA) – Fairview Terminal Phase 2 Expansions The Stage 1 and Stage 2 expansions have been incorporated into the projections of growth to 2030, and therefore these expansions are not an alternative for providing the additional capacity required in the long-term. PRPA – Ridley Terminal Currently operating as a coal export terminal, there are no plans to convert this terminal from bulk handling to containers. Other areas at the terminal are optioned by PRPA for dry and liquid bulk export facilities, and there are no other conversion or expansion opportunities PRPA – Watson Island The site is currently being explored by Watson Island LNG for development of a small LNG facility. Current infrastructure is limiting, as it has limited draught and only one dock, thereby ruling out larger container ships. **Addressed in EIS Section 2.0:** Additional information about the business case for the Project is provided in the EIS Section 2.0, as well the Project Rationale. **Additional information provided by the VFPA:** All levels of government have plans to capitalise on a growing global economy, which requires Canada to be prepared for the trade that will come to Canadian ports. At the Port of Vancouver, we handled a record 3.25 million 20-foot-equivalent unit containers (also called TEUs) in 2017. Historical trade figures and third-party forecasts have long signalled that the ability of west coast ports to serve this growth is becoming constrained, and by the mid-2020s we will not have the capacity to handle anticipated future growth of trade in containers at the Port of Vancouver The role of the VFPA is to ensure the port is ready for Canada's trading future. As we plan, we must consider how to provide needed port facilities within a growing metropolitan area. To date, we have partnered with industry, governments, and communities to improve road and rail networks, investing to help goods flow smoothly throughout our region. We have also consulted	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				with local governments, Indigenous groups, and residents on the ways we can grow responsibly. Investments in increased size and improved efficiency are being, or have been, made to west coast container terminals, including recent improvements at the Port of Vancouver's Deltaport, Canada's largest container terminal, and Fairview in Prince Rupert. However, even with these investments, we will not have enough space to accommodate the shortfall in needed capacity. The RBT2 Project represents the best option to accommodate growth and is needed to deliver the capacity we need as demand for goods shipped in containers continue to grow. Since 2011, the port authority has commissioned independent forecasts which consider many factors that influence container traffic demand, including: • Gross Domestic Product growth; • World demand for Canadian resources; • Increased consumer demand for trade with Asia; • Opening of the expanded Panama Canal; • Planned container terminal expansion at the Port of Prince Rupert; • Macroeconomic trends in North America; • North American container port demand and competitive developments; • Trends in container shipping; and • Vancouver's competitive position compared to other North American ports. The 2016 Ocean Shipping Consultants forecast shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of about 4%, and reinforces the need for planned increases of capacity to ship goods in containers through the existing container terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s.	
TFN-2.3	Expressed the view that TFN should have been consulted earlier in the siting of the intermediate transfer pit (ITP). Concerned that the alternatives analysis is driven by the business case and not environmental implications. Asked about alternatives to the ITP (timing, location, direct placement) that were evaluated. Asked the VFPA to confirm that they are willing to discuss and explore alternatives to the ITP with TFN in good faith. Requested to replace the use of the ITP with a land-based	12-Feb-2015, Meeting 03-Mar-2015, Meeting 05-May-2015, Meeting 15-Jun-2015, Letter to the CEA Agency (CEAR Document #231) 20-Sep-2015, Letter 29-Apr-2016, Meeting 19-Jul-2016, Issues Workshop - Musqueam First Nation /	**12-Feb-2015, Meeting:** Noted the ITP had been included in other RBT2 materials previously provided to Tsawwassen First Nation. A review of impacts was done and there are mitigation measures proposed which will be described in the EIS. [Following concerns raised at this meeting, the VFPA and Tsawwassen First Nation scheduled a follow-up meeting on 03-Mar-2015 to specifically discuss the ITP]. **03-Mar-2015, Meeting:** Explained that at a high level, the ITP was chosen because of seabed depth; it allows for deposition of a higher quantity of material and for barges to manoeuvre. It is noted that the area in the intertidal area would not meet the criteria. The same rationale was used to support ITP use for DP3. There is indication of the recovery of species in the area and no long-term impacts as a result of DP3 ITP utilisation. There are minimal long-term effects on the area considering all of the many complex construction elements. It was noted that an attempt was made to avoid the other side of the causeway because of water depth and the eelgrass beds. There is an opportunity to bring	**Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation,	**Project Construction Update (PCU; CEAR Document #1210)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	ITP location on TFN Industrial Lands. Asked if other deep sea locations were considered, including in river sites. Requested an analysis of an on-land temporary sand storage option in the EIS. Stated that TFN has significant concerns over the current proposed location of the Intermediate Transfer Pit (ITP) as it would significantly impact on crab habitat that is actively harvested.	Tsawwassen First Nation #1 01-Sep-2016, Letter	pipelines over without impacting the northern area. A number of Fraser River locations were considered as storage sites, but they did not have sufficient capacity. With the on-land storage option, dredgeate would have to be transported from the land ITP to the construction site, which would cause the issue of double handling and road traffic. A number of options analyses were done in 2011. There is a 1,000,000 m^3 shortfall for the river storage option. Explained that if new dredging equipment currently unavailable in Canada becomes available, it may be possible to reduce the number of years that the ITP would be required. Noted the VFPA is open to refining the Project to make it better and should the VFPA and Tsawwassen First Nation agree that the ITP isn't located in the right spot, the VFPA would be open to moving it. Noted that more detailed information will be available when the EIS is submitted; the VFPA anticipates all the information required for Tsawwassen First Nation to understand the proposed use of the site will be in the EIS. Tsawwassen First Nation will be provided with a copy of the EIS when it is submitted to the CEA Agency. The CEA Agency will also be seeking Tsawwassen First Nation's input. Stated that once Tsawwassen First Nation has had a chance to review the information in the EIS, if there are additional questions the VFPA will come back and guide Tsawwassen First Nation through the EIS. Noted that construction cannot occur at all times; there are closures and other construction activities to coordinate with. Speculated that potential delays associated with avoiding use of the ITP altogether, would be years. Explained the connection between the containment dike construction and the stockpile. Noted that a schedule analysis for the first year of construction was done. Noted that there is no long-term environmental impact and that the VFPA has done environmental studies. **05-May-2015, Meeting:** Provided background information on the ITP and why it was chosen. The ITP site is the same location and size as for DP3. When planning RBT2, assumed that the site would be used again, as located in an already disturbed area (turning basin). In river storage was ruled out due to insufficient capacity; storage on land was ruled out because of associated increases in truck traffic, and no viable location on land was identified. Confirmed that no other deep sea locations were considered in the analysis, because 1) wanted to avoid area north of the causeway, where eelgrass is located	residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities. **Additional information provided by the VFPA:** Outside of Project consultation meetings, representatives of the VFPA also met with Tsawwassen First Nation to discuss the ITP at its discussions surrounding the Memorandum of Agreement.	

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			and 2) constricted to areas where a pipeline could reach (2 km). Locations north of the causeway also had technical limitations particularly with sediment dispersion and scour, and economically they would be no different. In-river sites did not have enough capacity for the critical first year. Shared that this information can be found in EIS Section 5.0 (Alternative Means of Carrying out the Project). In most cases consider: 1) technical and economic feasibility and then 2) environmental VCs. **30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item as an on-land temporary sand storage option was not specifically required by the* EIS Guidelines*. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **09-Dec-2015, Letter from the VFPA:** Indicated that the VFPA is prepared to hold exploratory discussions with Tsawwassen First Nation regarding the potential for an agreement for the VFPA to provide dredgeate material to Tsawwassen First Nation for its use on Tsawwassen First Nation Industrial Lands or for other purposes. **29-Apr-2016, Meeting:** Indicated that storing sand for RBT2 on Tsawwassen First Nation land is not viable and the VFPA is not pursuing this option further. The VFPA is still looking at options to minimise use of the ITP for RBT2. The VFPA will keep Tsawwassen First Nation informed of progress. **19-Jul-2016, Workshop:** Stated that the VFPA is looking into alternatives to an ITP and would be giving updates on that in the next few months. **27-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Tsawwassen First Nation and other Indigenous groups related to Dungeness crabs and disposal at sea (DAS), and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit.		

Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-3.1	Concerned about potential adverse effects on heritage and archaeological interests.	16-Oct-2013, Letter to the CEA Agency	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 28.0:** Physical and cultural heritage resources in the Roberts Bank area are described in EIS Sections 28.0 and 32.2. Fish trap stakes were identified as the only potential archaeological or heritage resource that has the potential to be affected by the Project construction or operation activities. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment (AOA). If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. As noted in EIS Section 28.0, through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan (see EIS Section 33.0), potential damage to archaeological resources would be avoided, and the opportunity for future archaeological study would be protected. Following mitigation, residual effects would remain, as there is still the potential for stakes to be exposed or crushed. However, the opportunity for future archaeological study would be protected through mitigation, and the assessment concludes these residual effects are not significant. The Project is not expected to result in significant residual adverse effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. **Additional information provided by the VFPA:** The Construction Environmental Management Plan will include an Archaeological Monitoring and Management Plan, describing the procedures to be followed by the Infrastructure Developer in the event that an archaeological site is discovered during Project construction (also referred to as a 'chance find'). The plan will also describe the role and responsibilities of a professional archaeologist designated by the Infrastructure Developer to conduct archaeological monitoring, as needed. The Plan will be shared with Indigenous groups for review and comment prior to construction. **Addressed in response to IR10-24:** The VFPA's response to IR10-24, as requested by the Review Panel, discusses the proposed chance find procedure and aspects of the Archaeological Monitoring and Management Plan.	**EIS** 28.0 Archaeological and Heritage Resources 32.2 Current Use of Land and Resources for Traditional Purposes Assessment **Information Requests** Response to Sufficiency Information Request #24 (IR10-24)
TFN-3.2	Noted that there is a lack of sub-tidal archaeological work due to inaccessibility. Asked why the VFPA did not conduct underwater archaeological studies.	07-Feb-2014, Conversation – Comments on draft AOA	**06-May-2014, Letter from the VFPA:** *"Based on information from Millennia Research Limited, underwater surveys are not routinely undertaken in subtidal areas with low archaeological potential. However, an underwater archaeological survey was conducted as part of previous Deltaport expansion which included remote-sensing and inspection of subtidal targets (Arcas Consulting Archaeologists Ltd. 1996). The project did not identify any pre-contact or protected historical material and found there to be little potential for subtidal sites to exist in the vicinity of the development.* *The current RBT2 assessment of potential was additionally supported by pre-field data collection*		

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#	Interest / Concern Raised	Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			through a number of intertidal geomorphology sources as well as LiDAR data used in conjunction with the preliminary field reconnaissance. *The geomorphology report cited in the draft AOA suggests that sedimentation along the foreslope is minimal (NHC Triton p177), meaning that it could provide conditions in which underwater archaeological features are visible. However, the subtidal areas have been assessed as low potential for expected site types. The vast majority of the subtidal zone within the project area is located on the delta foreslope which is composed of sloping mud and sand. Combined with the depth of the water, and the distance from shore, these factors create very unlikely conditions for reef netting stations, one of the only site types that might be expected to be observed during the underwater survey.* *Dropped or lost items, the other expected site type, would be obscured by even minimal sedimentation. The delta foreslope feature does not represent an area where early coastal sites would be submerged following sea level changes because it is not a submerged shoreline. It is a feature created underwater by sedimentation, some of which is related to the Fraser River sediment plume and is not present in the current form because the sea level was at maximum 12 meters less than it is today."*		
TFN-3.3	Asked why the Preliminary Field Reconnaissance was conducted along a 2 km stretch of the north side of the causeway, and not extended out to the terminal location.	07-Feb-2014, Conversation – Comments on draft AOA	**06-May-2014, Letter from the VFPA:** *"Millennia Research Limited determined that 2 km was a sufficient distance for the preliminary field reconnaissance, however the report has been revised to state that no incised channels or exposures were observed beyond 2 km from shore and the mudflats showed much less relief. As channels or exposures represent the only areas where fish trap remains could have been visible, the survey was ended.* *In addition, the pre-field data collection utilised a number of intertidal geomorphology sources as well as LiDAR data and was used in conjunction with the PFR to inform the assessment of archaeological potential. These geomorphology findings also guided the preliminary field reconnaissance methods and extent of the survey."* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 28.0 on Archaeological and Heritage Resources.	**Addressed in EIS Appendix 7.2-B (#155):** Rationale for the spatial boundaries of the assessment of archaeological and heritage resources is included in EIS Section 28.0 and in the AOA that was conducted to support the EIS. The draft AOA was provided to Indigenous groups for review.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 28.0 Archaeological and Heritage Resources Appendix 28-A Roberts Bank Terminal 2 Technical Report: Archaeological Overview Assessment

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#	Interest / Concern Raised	Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-3.4	Asked why the provincial archaeological potential model is not available for the Project area. Concerned with the use of professional judgement to assess the archaeological potential instead of a more evidentiary-based approach, particularly with respect to fish traps.	07-Feb-2014, Conversation – Comments on draft AOA	**06-May-2014, Letter from the VFPA:** *"In regards to the availability of the provincial archaeological potential model, the AOA (see EIS Appendix 28-A) has been revised to state:* *"While archaeological potential models for parts of BC are made available by the BC Archaeology Branch, to the best of our knowledge, no model has yet been completed for the Project area and surrounding lowlands."* *A direct evidentiary-based approach was not possible for fish traps specifically due to the lack of surface visibility, the inability to subsurface test at the level of study, and the difficulty for testing posed by the mud flats. Instead, the assessment of potential for fish trap remains was based on three factors (provided on page 15 of the AOA), and the archaeological potential is considered moderate. The inventory aspects discussed in AOA Sections 7.3.3 and 7.3.4 discuss possible methods of inventory and mitigation for fish traps and represent direct evidentiary-based testing for fish trap remains. The area with the greatest archaeological potential is the historic drainage channel."* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 28.0 on Archaeological and Heritage Resources.	**Addressed in EIS Appendix 28-A, Section 5.0:** The assessment of archaeological resource potential in the study area is based on the findings of background research and the preliminary field reconnaissance. While archaeological potential models for parts of B.C. are made available by the B.C. Archaeology Branch, to the best of our knowledge no model has yet been completed for the Project area and surrounding lowlands. Therefore, professional judgement has been used to make an assessment of potential for the onshore, subtidal, and intertidal zones.	**EIS** 28.0 Archaeological and Heritage Resources Appendix 28-A Roberts Bank Terminal 2 Technical Report: Archaeological Overview Assessment
TFN-3.5	Requested to review and comment on any 'Chance Finds Procedure' that is developed for the Project area.	07-Feb-2014, Conversation – Comments on draft AOA	**06-May-2014, Letter from the VFPA:** *"The EIS will present the framework for environmental management to be implemented during the construction and operation phases to mitigate potential effects. This document will also include an annotated outline for each Environmental Management Plan. Details regarding a Chance Finds Procedure for the Project area during construction and operation phases will be outlined in the EIS."* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 28.12 regarding monitoring and follow-up programs.	**Addressed in EIS Section 28.12:** A chance find procedure will be included in an Archaeological Monitoring and Management Plan, as outlined in the Construction Environmental Management Plans (see EIS Section 33.3) to appropriately manage any inadvertent discovery of cultural materials or artifacts. This stop-work procedure involves seeking professional archaeological advice when suspected cultural materials or artifacts are found during construction, and includes steps such as notifying regulators and Indigenous groups, assessing the find for significance, and determining mitigation strategies on a case-by-case basis. **Addressed in response to IR10-24:** The VFPA's response to IR10-24, as requested by the Review Panel, discusses the proposed chance find procedure and aspects of the Archaeological Monitoring and Management Plan.	**EIS** 28.0 Archaeological and Heritage Resources 28.12 Monitoring and Follow-up Programs Appendix 28-A Roberts Bank Terminal 2 Technical Report: Archaeological Overview Assessment **Information Requests** Response to Sufficiency Information Request #24 (IR10-24)
TFN-3.6	Criticised the 1991 Bouchard and Kennedy ethnographic study of Tsawwassen, as detailed in one of the TFN Traditional Use Studies reviewed for the RBT2	07-Feb-2014, Conversation - Comments on draft AOA	**06-May-2014, Letter from the VFPA:** *"Based on information from Millennia Research Limited, the VFPA understands that subsequent to completion of the report, Tsawwassen First Nation expressed concerns with the 1991 Bouchard and Kennedy ethnographic study. Recognising these concerns, some information provided in the Bouchard and Kennedy document remains*	**Addressed in EIS Appendix 28-A and EIS Section 3.2.1.1:** In 1991, Arcas conducted a large scale investigation at archaeological site DgRs-2 as part of upgrades to Highway 17 for the Ministry of Transportation and Highways (Arcas Consulting Archaeologists Ltd. 1991a). As part of the project, a detailed ethnographic study of the Tsawwassen Reserve was compiled by Bouchard and Kennedy (1991). The Tsawwassen First Nation does not endorse this publication, but it contains information of direct relevance to the current study, and so those parts are used. Most relevant to the current report are the descriptions of sturgeon fishing off the Tsawwassen Reserve. The	**EIS** 28.0 Archaeological and Heritage Resources Appendix 28-A Roberts Bank Terminal 2 Technical Report: Archaeological Overview Assessment

#	Interest / Concern Raised	Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Archaeological Overview Assessment. Stated that the VFPA should undertake more ethnological work to address the issues raised by TFN.		*relevant to the review of the current Project, most importantly, sturgeon fishing in the intertidal zone.* *The report text has been modified to state that Tsawwassen First Nation does not endorse this publication, and only descriptions of sturgeon fishing off the former Tsawwassen Reserve were used in the AOA."* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 28.0 on Archaeological and Heritage Resources.	study describes how sturgeon were harvested in a variety of manners including in tidal traps or 'tqep', gaff hooked, netted and harpooned.	
TFN-3.7	Requested more detail on the methodology for archaeological monitoring.	29-Oct-2014, Aboriginal Group EIS Workshop #4	**29-Oct-2014, Workshop:** Noted that input into monitoring is welcome. It is anticipated that there would be an annual preliminary field reconnaissance where the area would be walked, looking for visual evidence of this type of feature coming through the area that has been eroded. Ideally this work would be carried out by an archaeologist and a team of assistants. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 28.0 on Archaeological and Heritage Resources.	**Addressed in EIS Sections 28.0 and 33.0:** The Archaeological Monitoring and Management Plan will describe the procedures to be followed by the Infrastructure Developer in the event that an archaeological site is discovered during Project construction (also referred to as a chance find). Guided by the federal Archaeological Heritage Policy Framework, the plan will also describe the role and responsibilities of a professional archaeologist designated by the Infrastructure Developer to conduct archaeological monitoring, as needed. Specific mapping of and construction-phase monitoring for the exposure of fish trap stakes (as discussed in EIS Section 28.0) will be undertaken. The plan will also indicate who will be contacted to attend onsite should a chance find discovery occur, and will stipulate that construction work in the vicinity of the find will cease until the site is evaluated by a professional archaeologist. The plan will also describe the protocols to be followed in communicating such a find to the VFPA, Parks Canada, the B.C. Archaeology Branch, Tsawwassen First Nation, and other Indigenous groups as necessary. To ensure their alignment with all required Project permits, any conditions of approvals, final designs, finalised construction or operation approaches, and site-specific considerations, the Project's Environment Management Plans are necessarily developed and finalised nearer to the start of the construction and operation phases.	**EIS** 28.0 Archaeological and Heritage Resources 28.7.2 Mitigation Measure #2 – Mitigation for Exposure of Potential Fish Trap Stakes 33.0 Environmental Management Program 33.3.4 Archaeological Monitoring and Management Plan

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-4.1	Stated that migratory birds are very important to TFN for food, social, and ceremonial purposes. Stated that any impacts to migratory birds, their habitat, on TFN's opportunity to harvest migratory birds are of great concern to TFN.	16-Oct-2013, Letter to the CEA Agency	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.3.2.1:** EIS Section 32.3.2.1 concludes that the proposed project would not affect the ability of Tsawwassen First Nation to harvest migratory birds in the Tsawwassen First Nation Migratory Bird Harvest Area (EIS Figure 32.1). **Addressed in response to IR10-04:** The VFPA's response to IR10-04, as requested by the Review Panel, discusses potential Project effects on wildfowl harvesting opportunities.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.3.2.1 Potential Impacts on the Exercise of Treaty Rights – Tsawwassen First Nation **Information Requests** Response to Sufficiency Information Request #4 (IR10-04 of CEAR Document #1216)
TFN-4.2	Asked whether the VFPA has been checking the health of ducks and geese, which are part of the TFN diet, and whether there is potential for contamination of these birds due to coal.	18-Nov-2013, Community Meeting	**18-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **15-Jan-2014, Letter from the VFPA:** The VFPA has not looked at various duck species, and while it is unlikely that there would be contamination in the ducks, this will be considered in the scoping of the Human Health Risk Assessment, as part of the EA for the proposed Project. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#94):** The potential for contamination of coastal birds due to sediment re-suspension during Project construction is considered in the coastal birds' assessment in the EIS. Contamination is not anticipated as sediments that will be re-suspended and deposited as a result of construction-phase activities are not contaminated (based on characterisation of the existing environment).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 9.0 Physical Setting 9.6 Surficial Geology and Marine Sediment 15.0 Coastal Birds 15.5.4 Waterfowl 15.7 Future Conditions with the Project
TFN-4.3	Concerned about bird strikes from power lines. Noted that the Vancouver Island Generation Project (VIGP) buried power lines as a result of power being knocked out frequently from heron strikes. Suggested this should be done for RBT2 regardless of the cost.	29-Oct-2014, Aboriginal Group EIS Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#98):** No new overhead transmission lines are required for the Project. All new electrical and communications cables required for the Project will be distributed through the site via underground ducts and conduits, as described in the EIS. Consequently, effects on coastal birds related to collisions with power lines associated with the Project are not anticipated.	**EIS** 4.0 Project Description 4.4.1 Construction-phase Activities Appendix 7.2-B Aboriginal Groups Issues and Interests 15.0 Coastal Birds 15.5 Existing Conditions
TFN-4.4	Requested more information on the effects of stray light on animals and birds, as well as proposed light mitigation measures for this purpose.	18-Nov-2013, Community Meeting 29-Oct-2014, Aboriginal Group EIS Workshop #4	**18-Nov-2013, Meeting:** Committed to follow-up with Tsawwassen First Nation regarding whether or not light and wildlife impacts are being looked at. Noted that light nuisance is being looked at, but is unsure about wildlife. **15-Jan-2014, Letter from the VFPA:** The EA for the proposed Project includes an evaluation of illuminance levels (the amount of light striking an object) and sky brightness levels both under ambient conditions as based on anticipated changes resulting from the Project. Components will be studied under varying light conditions such as daytime,	**Addressed in EIS Appendix 7.2-B (#95):** It is recognised that nocturnal behaviour of birds varies in response to lighting conditions. A review of documented effects of both natural and artificial light on birds is provided in the EIS. The potential effects on coastal birds of changes in artificial light related to the Project are considered in the EIS. A Light Management Plan will be included in the Construction Environment Management Plan and the Operation Environmental Management Plan to reduce artificial light-related effects on coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity 15.8.3 Mitigation #2 – Measures to Address Productivity Loss due to Changes in Habitat Quality 33.0 Environmental Management Program

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			night-time and various atmospheric conditions such as clear skies and overcast conditions.
			The Project is not anticipated to affect any terrestrial ecological receptors, such as wildlife. The Project area in the terrestrial environment is limited to approximately 1 ha area within the existing rail network on BCR right-of-way (the area proximal to the connection of the causeway tracks to the BCR tracks at the east of the causeway).
			11-Apr-2014, Email from the VFPA:
			Shared with Tsawwassen First Nation that 'visual resources' is identified as a VC for the Project.
			29-Oct-2014, Workshop:
			Presented information on the mitigation measures related to coastal birds, including:
			Avoidance Measures:
			• Project Placement and Design; and
			• Timing Windows (where practical).
			Mitigation Measures to address Productivity Losses:
			• Via Changes in Water Quality;
			• Construction Environmental Management Plan (EMP);
			• Surface Water Quality or Sediment Control Plan;
			• Operation Environmental Management Plan; and
			• Offsetting plan.
			Mitigation Measures to address Disturbance:
			• Via Underwater Noise;
			  ○ Bubble curtains;
			  ○ Construction "ramp-up" periods;
			• Via Aboveground Noise & Visual Disturbance;
			  ○ Construction "ramp-up" periods;
			• Via Artificial Lighting; and
			  ○ Valances to minimise light trespass.
			01-Apr-2015, Letter from the VFPA:
			Provided a copy of the EIS, which included EIS Section 15.0 on coastal birds.
				Addressed in response to IR-7.31.15-25:
				The VFPA's response to IR-7.31.15-25, as requested by the CEA Agency, presents describes the general behaviour of birds to natural and artificial illumination, as documented in existing literature sources. To provide context, it also summarises existing and predicted future illumination levels within the LAA, and provides some common light levels for comparison purposes. For each coastal bird sub-component (including waterfowl), the response provides a characterisation of the way existing artificial light and moon phase affect bird distributions at the Project site and discusses the potential added effects of Project lighting on bird distributions.
				Based on the review of existing literature and known waterfowl distribution patterns in the LAA and region, anticipated adverse effects to waterfowl from Project-associated lighting are predicted to be minor to negligible. If a species of waterfowl is affected by increased Project-associated illumination, relocation to a less illuminated portion of the LAA would be the most likely effect. Overall, effects to waterfowl productivity are not anticipated.
					33.3.5 Construction Environment Management Plan, Light Management Plan
					33.4.3 Operation Environment Management Plan, Light Management Plan
					Information Requests
					Response to Additional Information Request #25 (IR-7.31.15-25 of CEAR Document #314)
					Response to Sufficiency Information Request #4 (IR10-04 of CEAR Document #1216)

TFN-4.5	Stated that TFN disagrees with EIS findings that the Project will not impact TFN's ability to harvest migratory birds. Stated that the EIS does not provide any indication of the nature or extent of changes to the area available to TFN members to hunt for Migratory Birds. Requested (i) a map showing the current no-shooting zone and the likely postdevelopment no-shooting zone, (ii) a numerical	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR10-04:** The VFPA's response to IR10-04, as requested by the Review Panel, discusses potential Project effects on wildfowl harvesting opportunities.	**Information Requests** Response to Sufficiency Information Request #4 (IR10-04 of CEAR Document #1216)

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	summary of the current and post-development areal footprints of the no-shooting areas, and (iii) an assessment of the potential effects on the Treaty right to harvest migratory birds. Stated that over the years, there has been an incremental loss of migratory bird hunting opportunity for Tsawwassen First Nation citizens. This development is expected to further contribute (cumulatively) to this loss. Stated that the current port and causeway are within a zone in which the discharge of firearms is prohibited (see http://www.env.gov.bc.ca/fw/wildlife/hunting/regulations/docs/FVSAH2015.pdf). Stated that they assume that the proposed expansion of the port and causeway will necessitate an expansion of the zone in question.				

Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-5.1	Asked about the impacts from wave action caused by ship wake to the shoreline, including cumulative effects from increased traffic from other proposed projects.	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Confirmed that wave action from ship wake is measurable but negligible. **15-Jan-2014, Letter from the VFPA:** *"The importance of changes to existing processes and the physical environment for the ecosystem were identified through the Coastal Geomorphology Technical Advisory Group (TAG). Coastal geomorphological processes that shape and modify the environment including wind, waves, currents, and freshwater and sediment inputs will be described based on a combination of field studies, interpretative geomorphic studies, empirical calculations, and numerical modelling.* *Study outcomes will provide a comprehensive understanding of the natural rates of change on the tidal flats and delta foreslope. The predicted changes in tidal flows and patterns, tidal channels, and sediment deposition and erosion, plus anticipated scour induced by modified waves and tidal currents, and the formation of a wave shadow over the part of the tidal flats will be considered in the assessment of effects on marine biological VCs."* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#53):** The EIS considers the potential interactions between predicted Project-related changes to coastal geomorphology and similar changes potentially resulting from other projects and activities, including ship traffic, as described in the EIS. The EIS describes the general wave climate and potential changes to wave action at Roberts Bank as a result of the terminal. A detailed analysis of potential changes to geomorphology at Roberts Bank from ship wake was not conducted as the number and size of waves generated by the additional shipping in the area was anticipated to be very small relative to the overall wind-induced wave climate in the area. **Addressed in MSA Section 9.4:** All potential incremental effects on archaeological and heritage resources related to Project-associated vessel transit activities, including shoreline erosion from vessel wake, were determined to be negligible, as wake waves predicted from Project-associated marine vessel traffic are predicted to be within the range of natural conditions. **Addressed in response to IR7-21:** As noted in the VFPA's response to IR7-21, as requested by the Review Panel, although the probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 9.5 Coastal Geomorphology 9.5.9 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities Appendix 9.5-B Rationale for Exclusion of Other Certain and Reasonably Foreseeable Projects in the Cumulative Change Assessment of Coastal Geomorphology **MSA** 9.4 Archaeological and Heritage Resources **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1141)
TFN-5.2	Interested in the VFPA returning with experts who can speak to anticipated changes to hydrological and geomorphological conditions in the vicinity of RBT2. Concerned that the Project will affect the substrate and that it will change the nature of the interaction between the mouth of the Fraser River and the Salish Sea and potentially impact the navigability of the area for people. Asked whether this had been addressed in the EIS, and if so, that additional information and explanation be provided for clarification.	22-Jan-2016, Meeting 19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1 12-Sep-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #2	**22-Jan-2016, Meeting:** Recorded comment for follow-up. **03-Feb-2016, Email:** Reiterated the VFPA's commitment to meet with Tsawwassen First Nation and their consultant to review sections of the EIS of interest and noted availability to do so at Tsawwassen First Nation's request. **12-April-2016, Meeting:** The VFPA and Tsawwassen First Nation discussed this commitment and Tsawwassen First Nation noted internal staffing changes had delayed their ability to schedule such meetings. The VFPA and Tsawwassen First Nation agreed to a series of presentations, to be held at a later date on topics of Tsawwassen First Nation's choosing, with Tsawwassen First Nation to provide preferred format and list of topics to the VFPA. **19-Jul-2016, Workshop:** Committed to schedule the next workshop on the topics of coastal geomorphology. **12-Sep-2016, Workshop:** Included the topic of coastal geomorphology and a coastal geomorphologist was in attendance to provide explanation and clarification as well as to respond to questions and concerns.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre- and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS. **Addressed in EIS Section 9.5:** Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur	**EIS** 9.5 Coastal Geomorphology 9.5.6 Existing Conditions 9.5.8 Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint **Information Requests** Information Request Package 2 from the Review Panel for the RBT2 Project EA: Package 2 Preamble

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Asked whether the Project footprint will have an impact on the way other other natural processes (e.g. storms) affect the geomorphology of the Canoe Passage area (i.e. make it more stable/predictable or more dynamic/changing). Noted that TFN elders and fishers understand the system to have been dynamic for a very long time and are now less certain about its changes. Concerned that the Project will result in geomorphological changes that will adversely affect navigability in the vicinity of Canoe Passage.		Noted that the understanding reached through the assessment is that the effect of the Project doesn't extend as far as Canoe Passage.	during construction only, and will be temporary and reversible. The VFPA will ensure the study and management of potential channel formation related to drainage of tidal waters through the causeway dyke during the construction phase. Changes will be incorporated in detail design, as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities. **Addressed in EIS Appendix 7.2-B (#50):** Changes in hydrology are predicted to affect salinity and turbidity levels, and increase sediment deposition as a result of the Project, but these changes are anticipated to be minimal relative to existing natural variability. These localised indirect effects of changes in hydrology on habitat are evaluated in the marine biophysical component effects assessments, including marine vegetation, marine invertebrates, marine fish, and coastal birds. **Addressed in response to Information Request Package 2 Preamble:** As noted in Package 2 Preamble, one of the simplifying assumptions that was incorporated into the sediment transport modelling reported in the EIS is that tidal currents, not waves, are the dominant process driving bed level changes in the local study area (LSA). This conclusion was supported by field data and historical analysis of bed levels which have shown that bed levels in the LSA have remained relatively stable for a 40 year period based on available records (1967 to 2011), despite the occurrence of a number of large storm events during this time period. This analysis of measured long-term bed level changes reinforces the validity of the numerical model outputs that rely on tidal currents, not waves, as the dominant factor driving sediment transport in the LSA. This is reflected in one of the key findings of the coastal geomorphology study that the main changes to sediment transport are localised to the area around the RBT2 terminal footprint, a consequence of the terminal siting in deep water. A 1 in 100-year simulated northwest storm event was modelled to understand the effect of an extreme storm on a) sediment transport, and b) bed level changes (morphodynamics) in the intertidal area of Roberts Bank. Sensitivity analyses on sediment grain size and the sediment transport equation were also performed. The study concluded that the Project will not magnify the effects of waves during a large storm event and the specified model grain size is consistent with the geomorphic understanding of the Roberts Bank system, which has evolved to its present form in response to long-term processes that include periodic large storm events.	
TFN-5.3	Asked why venting under the causeway to generate more flow into and out of the inter-causeway area is not being pursued.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** The concept of breaching or venting has been looked at several times by hydrologists. For DP3 breaching the causeway was considered, and for RBT2 breaching the area that would connect the existing Westshore Terminals to the new facility was again	**Additional information provided by the VFPA:** An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes and hydraulic behaviour in the inter-causeway area of Roberts Bank. This report determined	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Asked why the design of the causeway does not include culverts to reduce pressure and request for a more detailed explanation.	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 05-May-2015, Meeting	considered. Various sizes were considered up to 30m, which is the largest opening possible without having to put in piers. There were two resulting problems, one being that the flows would be so turbulent that any fish going through the opening would be beaten to death, and the second being that it would result in the formation of dendritic channels, which the VFPA is trying to avoid. **26-Nov-2014, Workshop:** Stated that the coastal geomorphologist who presented at workshop #2 (08-Oct-2014) provided an answer to that question. Committed to follow up and provide it to Tsawwassen First Nation. **05-May-2015, Meeting:** Explained that dendritic channels were an issue (for DP3), and there is concern that venting the causeway would exacerbate this issue. Inserting a 30 m gap between the pods for water to flow was also considered. Modelling showed that the velocity would kill fish and destroy the artificial reefs on the existing pod. It was explained that the VFPA has been studying dendritic channels as part of the adaptive management strategy for existing terminal, and these channels cause the loss of highly productive eelgrass habitat. Committed to provide Tsawwassen First Nation with the answer to this question from EIS Appendix 7.2-B, including the link to a memo on this subject. **06-May-2015, Email from the VFPA:** Followed up with more information on the effects of incorporating culverts into the causeway design. In EIS Appendix 7.2-B, comment ID #3 addresses your question and also provides a link to a memo written by Northwest Hydraulic Consultants on the topic: *"The extent of widening along the causeway is determined by road and rail infrastructure requirements for the Project. To minimise the marine footprint, widening will vary from 0 m to approximately 140 m.* *Past experience at Roberts Bank has indicated that the tidal flats are sensitive to disturbance. In particular, past development has resulted in localised development and expansion of tidal channels and associated changes in the degree of influence of the Fraser River outflow plume on the inter-causeway area.* *During Project design, the addition of a flow passage channel (i.e. an opening) between the existing Westshore Terminals and the Project was evaluated to determine if the volume of water that would otherwise flow around the northwest corner could be reduced. It was determined that a 100-m-wide flow passage would slightly reduce flow velocities at the northwest corner, but it would generate additional local scour in the passage itself and adjacent areas unless other mitigation measures were installed. An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes*	that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. Furthermore, the assessed opening would be expected to have only a minimal contribution to flushing flows in the inter-causeway area. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway. Further information concerning this study is available as IR1-13. **Addressed in response to IR1-13:** The potential effects of opening the causeway were further discussed in the VFPA's response to IR1-13. During DP3, the VFPA, regulators, and Indigenous groups discussed the potential for opening the causeway by installing a culvert. Such a breach in the causeway was considered to allow flow exchange (i.e., to measurably change the salinity or delivery of sediment) to the inter-causeway area. Results of calculations and analyses are summarised in the technical noted above. The results showed that a culvert would not pass sufficient Fraser River flow to measurably change the salinity or delivery of sediment to the inter-causeway area.	**Information Requests** Response to Sufficiency Information Request #13 (IR1-13 of CEAR Document #897) **2005 Memorandum Concerning Potential Effects of Opening the Roberts Bank Causeway:** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			and hydraulic behaviour in the causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. *The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf.* *Based on the findings of this report, and the evaluation of adding a flow passage channel, [the VFPA] does not propose to open the Roberts Bank causeway."*		
TFN-5.4	Asked whether sea level change and the resulting effects to coastal geomorphology will be considered in the EIS, including a study by Phillip Hill.	27-May-2014, Technical Working Group Meeting #3 08-Oct-2014, Preliminary EIS Workshop #2	**27-May-2014, Working Group:** Stated that the Dr. Philip Hill study is considered in the Coastal Geomorphology section of the EIS and in the associated modelling. It has been taken into account in terms of engineering and design, including in the determination of terminal elevation. Dr. Philip Hill was a member of one of the TAGs for the Project. **08-Oct-2014, Workshop:** Stated that for the Coastal Geomorphology section, effort was made to quantify what the expected changes to sea level rise would be, noting there are widely varying estimates [as to the eventual increase in sea levels]. An estimate was chosen that is in alignment with the provincial flood standards, and how sea level rise will affect wave environment was quantified. The other studies will take that information and move forward with it. There is also a summary chapter required by the *EIS Guidelines* that asks the VFPA to assess the effects of the environment on the Project, and what the subsequent effects of the Project are on the environment. This separate summary chapter provides an assessment of tsunamis, earthquakes, sea level rise, strong winds, and storm events, but individual sections will look at environmental effects as well, as this section has considered sea level rise. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 9.5 on coastal geomorphology and Section 31.0 on the effects of the environment on the Project.	**Addressed in EIS Section 9.5.7.2:** As noted in EIS Section 9.5.7.2, coastal geomorphology is expected to change, even without the Project, because of existing processes as well as from changes in processes brought about by climate change. As a result, sea level change is a factor in the geomorphology assessment presented in EIS Section 9.5. **Addressed in EIS Section 31.2.6.1:** Effects due to future sea level rise are not considered relevant to the Project's construction phase as these activities will be completed in the early 2020s. During Project operation, sea level rise may amplify the effects of rainfall, wind, waves, and tidal action in the vicinity of the Project. These potential effects may result in an increase in erosive forces on marine structures and surfaces, as well as increased stormwater runoff. Since, as previously described, these potential effects will be addressed in Project design, they are not expected to interfere with Project operation. Over the long-term (i.e., 50 to 100 years), sea level rise is, however, expected to have adverse consequences for intertidal habitat throughout the Fraser River delta, including Roberts Bank. The presence of dykes will constrain the natural process of shoreline migration, resulting in a narrowing of the intertidal zone and a gradual decrease in the areal extent and productivity of the mudflat (Hill et al. 2013). In the Project area, intertidal habitat to be established on the north side of the causeway to mitigate Project effects on productivity and habitat loss will be gradually inundated, progressively altering the intended purpose of this habitat from intertidal to subtidal habitat. This gradual conversion to subtidal habitat is not unique to the area of habitat creation on the north side of the causeway -- it will also occur at other intertidal locations within the Fraser River estuary and along the coast. As described in EIS Section 4.2.1, the Project's preliminary design provides for a net sea level rise of 0.5 m which takes into account the projected 1.0 m sea level rise adopted by the Province of B.C. (Ausenco-Sandwell 2011), while accounting for the drop in sea level in the area associated with settlement (0.5 m) that is anticipated to occur within the same timeframe (see Appendix 4-A Basis of Design). Since the overall net change in sea level will be gradual, it is not expected to affect Project construction or operation.	**EIS** 4.0 Project Description 4.2.1 Marine Terminal 9.5 Coastal Geomorphology 9.5.7.2 Operation Phase 31.0 Effects of the Environment on the Project 31.2.6.1 Sea Level Rise

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Due to constraints imposed by the presence of dyke structures, as sea levels rise and intertidal habitat is converted to subtidal habitat, it will not be possible to prevent or mitigate the gradual change of intertidal habitat and colonisation of subtidal-associated species (i.e., those species that are tolerant of greater water depth and longer periods of inundation).	
TFN-5.5	Asked how confident the VFPA is in its assessment predictions [for coastal geomorphology]. Noted that for DP3 similar work was done, some assumptions were made, and mitigation measures for some disciplines were informed by that work.	12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2	**12-Sep-2016, Workshop:** Responded that no one can be 100%, but that the VFPA is very confident. The Project team went through a process to design the study, going back to when the TAG met three times with experts in coastal geomorphology, geology, oceanography; the study plans were shared with the TAG for critique. The TAG had some great suggestions which were adopted. The study isn't perfect, but the Project team feels that if a different group were given a similar opportunity to conduct this kind of study a similar answer would be reached. As to what was done with the results of the study, the VFPA referenced hundreds of hours spent with other discipline leads to explain, discuss and answer questions about the coastal geomorphology study to help interpret its data. Each of the other disciplines' studies identify where their uncertainties are. The VFPA noted confidence that the results of the study were properly understood by the other disciplines and integrated into the ecological components of the assessment.	**Addressed in EIS Appendix 7.2-B (#32):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 33.0 Environmental Management Program

Table 6: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-6.1	Asked why container trade numbers are increasing, and if it is due to worldwide population growth or a change in market. Asked if Canada Free Trade agreements have an impact on an increase in numbers.	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Recorded comment for follow-up. **15-Jan-2014, Letter from the VFPA:** *"In 2012, almost 3.3 million twenty-foot equivalent units (TEU) moved through terminals on the Canadian west coast, of which 2.7 million TEUs moved through terminals within the VFPA's jurisdiction. Annual third-party forecasts (Ocean Shipping Consultants, July 2013) show that container traffic through Canada's west coast is expected to grow to a high of 9.75 million TEUs by 2030. http://www.robertsbankterminal2.com/information-centre/project-documents/"*	**Addressed in response to IR1-03:** Appendix IR1-03-A of IR1-03 provides the most recent Container Traffic Forecast Study – Port of Vancouver, 2016 by Ocean Shipping Consultants. **Additional information provided by the VFPA:** Global trade was transformed in the 1950s by the efficiencies created by the introduction of standardised shipping containers. As a result of this worldwide shift to shipping a wide variety of goods in this manner, a steadily growing volume of Canada's international trade moves through the Port of Vancouver in containers each year. Importers and exporters prefer moving their goods in containers because they: • Can carry almost any type of cargo safely and securely around the world • Have a standardised design and are sturdy and reusable • Can be easily moved between different modes of transportation including truck, train, and ship • Enable exporters to protect and provide high-quality goods, as containers reduce the risk of damage and contamination, and can be temperature controlled • Provide cost-effective access to customers all over the world Overall container volumes have grown at a significantly greater pace than overall economic growth within Canada, and greater than even international trade growth itself. Between 1995 and 2000, the average annual growth of containers through west coast ports was 142,000 TEUs (about 19% annually). Since 2012, average growth has risen to about 180,000 TEUs (about five% annually). Though the rate of growth is lower, it reflects a much larger increase in the actual number of containers moved through the port.	**EIS** 2.0 Project Overview 2.1 Project Purpose and Objectives 2.1.1 Rationale **Information Requests** Response to Sufficiency Information Request #3 (IR1-03 of CEAR Document #897)
TFN-6.2	Concerned with potential impacts to the cost and availability of construction aggregate. Asked how the Project will impact the price of sand. Stated that TFN is already impacted by the price of sand in the Lower Mainland right now.	29-Oct-2014, Aboriginal Group EIS Workshop #4 05-May-2015, Meeting	**29-Oct-2014, Workshop:** Stated that there is detailed information in the economic development chapter on aggregates. Stated that work was done to understand the anticipated aggregate demand and sourcing. The preliminary effects assessment shows that there will be aggregate available, and the Project should not result in a supply-demand shortage scenario. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 20.0 on economic development. **05-May-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Table 20-6:** EIS Section 20.0 considers a potential change in availability or price of construction aggregate, including increased demand for construction aggregate in LAA due to Project and associated increased production due to Project. The assessment determined there would be a negligible effect on sand availability and prices in the LAA. There is available supply through increased variable cost production in the LAA and within other LAA aggregate supply sources in order to respond to higher but temporary requirements in the LAA aggregate market due to Project demand. No new quarries would be developed due to the Project. **Addressed in PCU:** With the updated construction activities, the overall demand for aggregate is expected to decline from that outlined in the EIS from 17.0 M m^3 to 16.9 M m^3 (a decrease of 0.1 M m^3), sand supply is expected to increase by 0.6 M m^3 from 12.4 M m^3 to 13.0 M m^3 (reflected in PCU Tables 2-2 and 2-3). The amount of fill material sourced from existing quarries will increase by 2.5 M m^3 to 3.6 M m^3 as the volume of sand available from Fraser River annual maintenance dredging will be reduced by 2.0 M m^3 (as reflected in PCU Table 2-3). As indicated in PCU Section 2.1, existing quarries have indicated they have sufficient capacity to meet Project needs and, as a result, the commissioning of a new quarry will not be required to support Project construction. As there is adequate local supply for sand, the increased requirement for sand identified in the PCU will not change EIS results, which indicate Project demand for sand would have a negligible effect on sand availability and prices in the LAA (EIS Section 20.6.1).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 20.0 Economic Development 20.6.1 Rationale for Negligible Effect – Change in Construction Aggregate Availability and Price Table 20-6 Identification of Potential Project Interactions with Economic Development for Construction Phase **PCU**

Table 7: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-7.1	Concerned with cumulative effects on marine use and seafood productivity. Noted that TFN would like the RBT2 socio-economic / community assessment to acknowledge the need for additional cumulative effects assessment on these topics. Requested a cumulative effects study. Noted that there are 5 or 6 projects occurring in TFN's fishing area and they are concerned about cumulative impacts. Expressed concern that the environmental assessment process will not appropriately characterize cumulative effects that are reflective of TFN's experience.	12-Jul-2013, Meeting 16-Oct-2013, Letter to the CEA Agency 13-Dec-2013, Email	**12-Jul-2013, Meeting:** Requested that Tsawwassen First Nation put the cumulative effects study request in writing. **15-Dec-2013, Email:** Responded and requested a meeting to discuss concern. **21-Jan-2014, Letter from the VFPA:** *"Cumulative effects will be examined in the event that there are adverse residual effects, as part of the structured EA process. In this case, the Project will look at the context of overall cumulative effects in the region.* *If Tsawwassen First Nation is undertaking a separate study, [the VFPA] would like to incorporate that information into the RBT2 EIS."*	**Additional information provided by the VFPA:** As described in the EIS, a cumulative effects assessment was conducted for the following socio-economic VCs: Marine Commercial Use, Visual Resources, Land and Water Use, Human Health, and Archaeological and Heritage Resources. A cumulative effects assessment was not conducted on Labour Market, Economic Development, Local Government Finances, Services and Infrastructure, Outdoor Recreation as no measurable adverse residual effects were predicted on these VCs. Cumulative effects are considered for each Indigenous group in EIS Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes. **Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present and future projects is provided in the VFPA's response to AIR-12.04.15-13, including in that response's Schedules focused on applicable VCs. Specifically, Schedule 13-3 describes effects of past projects and activities on fish and fish habitat. For a broader perspective, the coastal marine environment (i.e., coastal geomorphology, marine sediment, marine water quality, tidal flat morphology, biosedimentological zones) is discussed in Appendix AIR13-A.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 8.0 Effects Assessment Methods 8.1.9 Cumulative Effects Assessment **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
TFN-7.2	Suggested that the VFPA consider data from the Cohen inquiry, which provides data spanning back to the 1920s. Asked about the assessments conducted for past Roberts Bank development and what sort of changes have been observed over the subsequent 30 to 40 years.	19-Nov-2013, Meeting 28-Oct-2014, Preliminary EIS Workshop #3 14-Apr-2014, Community Meeting	**19-Nov-2013, Meeting:** Expanded on the data collection process and how published data on communities and federal and provincial data is used as a starting point. Acknowledged that it is limited to certain indicators. **28-Oct-2014, Workshop:** Responded that considerable volumes of existing literature was reviewed to characterise existing conditions. **14-Apr-2014, Meeting:** Explained that several environmental components will have changed over time and that studies used in the development of the EIS considers these changes.	**Addressed in EIS Section 32.0:** Cohen inquiry data is referenced in EIS Section 32.0. The VFPA publishes annual monitoring reports on the Adaptive Management Strategy for DP3, which are available on the VFPA website: http://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/. The Cohen Commission Final Report was an information source for EIS Section 13.0. Where applicable, the Report's information is used and referenced. **Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present and future projects is provided in the VFPA's response to AIR-12.04.15-13, including in that response's Schedules focused on applicable VCs. Specifically, Schedule 13-3 describes effects of past projects and activities on fish and fish habitat. For a broader perspective, the coastal marine environment (i.e., coastal geomorphology, marine sediment, marine water quality, tidal flat morphology, biosedimentological zones) is discussed in Appendix AIR13-A.	**EIS** 13.0 Marine Fish 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
TFN-7.3	Concerned with the capacity for different organisms to deal with effects. Suggested that at some point a threshold will be reached, particularly with respect to the SRKW. Asked whose responsibility it is to say that there is a	27-May-2014, Technical Working Group Meeting #3	**27-May-2014, Working Group:** Stated that the EIS describes the effect and provides the context in which that effect is occurring. In addition, the EIS will include a defined threshold of significance for each VC. Where possible, thresholds that have already been defined are used. However, if a threshold has not been defined, the scientific experts will define a threshold	**Addressed in EIS Section 8.1.8:** To determine the significance of residual adverse effects, the assessment considered the nature of each residual effect and the context within which it is expected to occur. The existing (or expected) condition of each VC was compared with the future conditions predicted to result from the Project. The anticipated future condition of each VC with the Project was compared to a threshold of significance defined for that specific VC. The threshold of significance is the point beyond which the integrity of the VC may be compromised and the residual effect is considered to be significant. If the future	**EIS** 8.0 Effects Assessment Methods 8.1.8 Determination of Significance of Residual Adverse Effects ***Updated Guidelines for the Preparation of an Environmental Impact Statement (EIS***

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	certain level of impact that a resource can sustain [i.e., determine thresholds?].		of significance. Ultimately, the decision about the significance is made by the regulatory agencies. A representative from the CEA Agency stated: The person to determine the likelihood of a significant adverse effect is the Minister of Environment. The proponent can suggest what the significant environmental effect would be. Significance will be determined for Project-related effects as well as for the cumulative effects. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 8.1.8.	condition of the VC with the Project does not exceed the defined threshold, the effect is considered to be not significant. If the future condition of the VC with the Project does exceed the defined threshold, the effect is considered to be significant. When defining the threshold of significance, the assessment included consideration of existing standards, guidelines, or objectives that have been established by government through regulation or applicable regional land and resource use management plans or other mechanisms, where available and suitable for determining significance. If no appropriate government-established threshold was available, the significance threshold was defined using the professional judgement of the Project team and current scientific knowledge about the VC. The rationale for the significance threshold used in the assessment and for the determination of significance is provided for each VC. **Additional information provided by the VFPA:** The *Updated EIS Guidelines* as issued by the CEA Agency directs the proponent (the VFPA) to provide sufficient data and analysis on any potential changes to the environment to permit a thorough evaluation of the environmental effects of the project by a Review Panel. The Review Panel is currently undertaking an assessment of the environmental effects of the project in a manner consistent with the requirements of *CEAA, 2012* and the Final Terms of Reference (CEAR Document #176). The Review Panel will prepare and submit a report to the federal environment Minister, who will in turn make a determination of the significance of potential environmental effects. If the Minister decides that the Project is likely to cause significant adverse environmental effects, the Minister must refer to the Governor-in-Council the matter of whether those effects are justified in the circumstances and the decision of whether the Project should be approved.	***Guidelines*; CEAR Document #177)**
TFN-7.4	Stated that TFN believes mitigation is necessary even where no effect is predicted.	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation	**26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#29):** As described in the EIS, the assessment process considered the effectiveness of mitigation measures to be used to avoid, reduce, offset or otherwise mitigate each potential adverse Project-related effect. A determination of significance was undertaken only for the adverse effects that are expected to persist after the implementation of mitigation measures (i.e., residual effects). Therefore, mitigation is applied before the determination of significance.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 8.0 Effects Assessment Methods 8.1.3 Establishment of Assessment Boundaries
TFN-7.5	Asked about study timelines: • The timeline for baseline studies; • The rationale and methodology used in determining the timing of studies; and • How the timing of field studies potentially influences the results of the studies. Criticised that the CEA Agency approach uses current measurements as a baseline, and as a result, the assessment is incremental and consistently results in a determination of no cumulative effect.	27-Nov-2013, Community Meeting 07-Feb-2014, Phone call 26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**27-Nov-2013, Meeting:** Explained that baseline studies are currently underway and the VFPA will be looking at the results and impacts within the next year. **07-Feb-2014, Phone call:** Recorded comment for follow-up. **15-Jan-2014, Letter from the VFPA:** *"As part of ongoing environmental and technical work for the proposed Project, the VFPA is conducting field studies at Roberts Bank and the surrounding areas. The studies are part of the early planning phase focused on collecting baseline inventory information to help identify water and sediment quality, biofilm, marine fish, marine vegetation, marine invertebrates, coastal seabirds, coastal geomorphology, marine mammals and terrestrial wildlife aspects that may be affected by the potential projects. The VFPA will be looking at the results and impacts within the next year.*	**Additional information provided by the VFPA:** In 2012, the VFPA initiated field, desktop (i.e., literature review), and modelling studies to inform the understanding of existing conditions at Roberts Bank. Building on available information, these studies were designed to address known data gaps, as well as issues and interests of Indigenous groups, stakeholders and the public, as well as to provide baseline information to assess Project-related effects as part of the EA. Some Technical Data Reports are appendices to EIS sections, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/. **Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (at around the time of EIS writing) (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present and future projects is provided in the VFPA's response to AIR-12.04.15-13, including in that responses' Schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) **RBT2 Website** Field Study Information Sheets: http://www.robertsbankterminal2.com/environmental-assessment/field-studies/ Baseline Field Studies Terms of Reference: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Baseline-Field-Studies-Terms-of-Reference-June-2013.pdf

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that TFN is of the view that the temporal scope of studies for RBT2, and the description of existing conditions is incremental, not cumulative. Stated that TFN measures Project effects by comparing change against the natural and unchanged environment, not change since the most recent development.		*The VFPA produces monthly field studies information sheets summarising work to occur each month. These updates are available at: http://www.robertsbankterminal2.com/environmental-assessment/field-studies/.* *The VFPA recognises continued consultation with Tsawwassen First Nation Crabbers and Elders will continue to help inform the studies. The VFPA is committed to share the results of this consultation with Tsawwassen First Nation.* *Studies were discussed in greater detail during Spring and Fall workshops held in 2014. Additional information on the Baseline Field Studies, including Terms of Reference is available on the Project website (http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Baseline-Field-Studies-Terms-of-Reference-June-2013.pdf) and provides greater detail on the timing and methodology for field studies."* **26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included appendices in regards to the technical data reports.		
TFN-7.6	Concerned that a larger study area for the economic assessment will dilute the effects from the Project, and neglect negative economic effects that are more difficult to measure.	27-May-2014, Technical Working Group Meeting #3	**27-May-2014, Working Group:** Responded that there is a need to balance the size of the assessment area. If it is too large, the impacts are diluted but if it is too small, the impacts are too concentrated. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included Section 20.0.	**Addressed in EIS Sections 20.0 and 20.3.1:** Additional information is provided in the EIS, with the study areas for each individual VC described in their respective sections in the EIS. For the Economic Development VC, see EIS Sections 20.0 and 20.3.1. The LAA was established to encompass the area within which the Project is expected to interact with and potentially have an effect on economic development. In determining LAA boundaries, consideration was given to the location of materials, goods, and service suppliers for industrial construction projects and port operation in B.C., including in the LAA; the Project's likely geographic sourcing of materials, goods, and services to construct and operate the Project; and the maximum extent of the Project's potential effects on economic development. The selected study area for the LAA captures the Project's economic development effects that will occur locally. This framing of the local study area for assessment of potential effects to economic development is consistent with practices in B.C. for EAs carried out under the *CEAA, 2012* and the *B.C. Environmental Assessment Act*. Although the LAA spatial or geographic area is Metro Vancouver and the assessment focus is on its general population, potential effects are considered for the Indigenous population within Metro Vancouver. As well, specific consideration is given to existing economic conditions in the Corporation of Delta, as it is the nearest municipality to the Project and is the location of other port facilities. Specific consideration of potential effects of the Project on Tsawwassen First Nation are also examined, as this Nation's community is near the Project site and Tsawwassen First Nation and the VFPA have existing agreements with respect to contracting and business opportunities.	**EIS** 20.0 Economic Development 20.3.1 Spatial Boundaries

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The regional assessment area (RAA) is the Province of B.C. and was established to provide a regional context for the assessment of Project effects.	
TFN-7.7	Asked whether the Ecopath with Ecosim (EwE) ecosystem productivity model (or other models) can be used to simulate scenarios to lead to a recommendation about mitigation: can potential mitigation measures be incorporated into a model like this to predict results?	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that it depends on the mitigation measure. The approach this assessment takes is to look at some of the on-site mitigation and put it into the model. Some of the mitigation is too fine a scale to model. For the most part, the bigger pieces can be worked with, such as the on-site offsetting. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included Section 10.3.	**Addressed in EIS Section 10.0:** Assessing potential changes in productivity (using the RB Ecosystem productivity model) will help to determine the quantity and type of mitigation, including offsetting that may be required under the *Fisheries Act*. Randall et al. (2013) state: For major projects, productivity-based approaches that evaluate impacts to fisheries will be more meaningful than habitat measures when impacts to aquatic environments are evaluated in the EA process along with social, economic and other environmental effects.	**EIS** 10.3 Overview of Assessing Ecosystem Productivity Appendix 10-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis
TFN-7.8	Stated that the EIS should include a statement outlining the uncertainties in the science, so as to better inform decision makers if the level of risk is acceptable. Stated that it should be understood by decision makers that there might be unintended consequences and if so, that someone is ready to step in and make adjustments as needed. Stated that decision makers need to be aware of the level of confidence that the authors have in their work. If there are questions that can't be answered be answered because of a lack of science or baseline (e.g. eulachon), then that needs to be set out.	19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1 12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2	**19-Jul-2016, Workshop:** Stated that in the EIS a trophic food web-based ecosystem model was used to capture biotic interactions. A lot of time was spent unpacking the uncertainty, running additional tests, running and re-running the model and trying to document that uncertainty. The VFPA has committed to follow-up monitoring and will be looking for early warning signs and testing predictions. Monitoring will be undertaken at regular intervals, and the VFPA will have alternative adaptive mitigation measures as back up. It is noted that the monitoring program is in the early phases of development and asks for feedback on Tsawwassen First Nation's preferred focus in the program's development. **12-Sep-2016, Workshop:** Stated that the uncertainty around eulachon is flagged in the EIS, in both the marine fish and the Commercial, Recreational and Indigenous Fisheries sections. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and lessons learned from the DP3 Project. The VFPA sought feedback from Tsawwassen First Nation on the Follow Program and asked what should be considered, what was important to their community and how Tsawwassen First Nation would like to be involved going forward.	**Addressed in EIS Appendix 7.2-B (#32):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Addressed in response to IR10-11:** The VFPA's response to Information Requirements #IR10-11 as requested by the Review Panel describes how Indigenous groups will be involved in the development, implementation and management of the RBT2 Follow-up Program.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
TFN-7.9	Interested in the process used to identify intermediate and valued components and which species are represented by focal species.	06-Jun-2014, Aboriginal Group VC Workshop #1	**06-Jun-2014, Workshop:** Recorded comment for follow-up and the VFPA committed to provide information listing the species represented by focal species. **03-Jul-2014, Aboriginal Group VC Workshop #2:**	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0, which describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs and VC sub-components is described in each assessment section. **Additional information provided by the VFPA:**	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 8.0 Effects Assessment Methods

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Requested information listing all the potential Valued Components that were considered, and providing the rationale for their exclusion, if applicable.		Provided participants with a table listing the proposed ICs, VCs, sub-component and focal species, as well as the species represented by each VC. This information was also sent out electronically in advance of the meeting. The concept of representative species was fully explained at this time. **28-Oct-2014, Aboriginal Group VC Workshop #3:** Explained the use of representative species.	Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for their ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way.	8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process Appendix 8-A Valued Component Selection Rationale Table 8-A2 Rationale for Candidate Component Exclusion Decisions and Other Considerations 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component
TFN-7.10	Concerned that humans were not included in the food web model, as Musqueam First Nation and Tsawwassen First Nation have been living at the mouth of the river for 4000 years and are deeply dependent on the environment. Stated that TFN feels that humans should be included in the ecosystem food web model, because they impact, and consume many of the other species included. Concerned with the omission of humans from the food web model.	28-Oct-2014, Preliminary EIS Workshop #3 26-Nov-2014 Health & Aboriginal Rights Workshop – Tsawwassen First Nation 19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**28-Oct-2014, Workshop:** Confirmed that human beings are not included in the food web. **26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project, including EIS Appendix 7.2-B which responded to questions raised by Tsawwassen First Nation to date. **19-Jul-2016, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#101):** The ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not included in the food web. **Addressed in Response to IR3-09:** IR3-09 asked the VFPA to re-run the RB model to incorporate the predominant source of fishing mortality at Roberts Bank: Dungeness crab fishing. Salmon harvesting was not included as salmon harvesting occurs over large geographic areas (i.e., Gillnet Salmon Area E, Seine Net Salmon Area B, Troll Salmon Area), and is considered limited at Roberts Bank, with only a small proportion of the salmon catch coming from areas in the periphery of or adjacent to Roberts Bank; as such salmon fishing mortality was considered to be unlikely to influence model results. The results showed that biomass and production ratios (with/without Project) from the RB model re-run, including Dungeness crab fishing mortality, are generally the same when compared to the ratios described in the EIS. The existing conditions for species included in the model are reflective of existing harvesting levels by humans; therefore, human interaction within the model is implicit.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis **Information Requests** Response to Sufficiency Information Request #09 (IR3-9 of CEAR Document #984)
TFN-7.11	Asked if the CEA Agency would provide a rationale as to why the Review Panel would not have a mandate to make any conclusion or recommendations with respect to the justifiability of any significant adverse environmental effects.	09-Sep-2014, Letter to CEA Agency	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** "Under *CEAA 2012*, s.52, the Minister of the Environment decides whether the project is likely to cause significant adverse environmental effects. If the Minister's decision is that the project is likely to cause significant adverse environmental effects, the matter is referred to the Governor in Council (GIC) who, pursuant to s.53 of *CEAA 2012*, will decide if the likely significant adverse environmental effects are justified in the circumstances. Before making these decisions, the Government of Canada must be satisfied that Indigenous consultation, including accommodation, has been adequate. Please see page 4 of the " Federal Environmental Assessment Handout " provided to Tsawwassen for additional details on the Minister of the	The VFPA understands that this comment is directed to the CEA Agency and has no additional information to provide.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Environment's EA Decision: http://www.ceaa-acee.gc.ca/050/documents/p80054/100181E.pdf".		
TFN-7.12	Asked who, if not the Review Panel, undertakes an analysis, or makes a determination as to whether the proponent has met its obligations to consult.	09-Sep-2014, Letter to CEA Agency	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"Your comment has been noted. Sections 3.6 and 3.7 have been added to the Terms of Reference to provide greater clarity about the role of the Review Panel in the Crown's consultation process which includes the clarification 'The federal government maintains the duty to consult throughout the environmental assessment process and will be responsible for the items detailed in section 3.8, where necessary.'* *Additionally, the Terms of Reference state:* *Through these Terms of Reference, the Review Panel is given the mandate to collect information on behalf of the Crown as outlined in Section 3.9 to 3.11. The federal government maintains the duty to consult throughout the environmental assessment process and will be responsible for the items detailed in section 3.8, where necessary."* *The federal government is responsible for ensuring that consultation is adequate for the purposes of federal decision making on this Project. This would include consideration of the proponent's proposed mitigation or further accommodation of potential Project impacts on the exercise of Tsawwassen Treaty rights, as appropriate."*	The VFPA understands that this comment is directed to the CEA Agency and has no additional information to provide.	
TFN-7.13	Stated that this section (section 3.5 of the TOR) seems to suggest that the Review Panel can compile information, but cannot draw conclusions or make recommendations from it. It can only present a "summary" of the information. Asked whether this information is correct? If so, asked what the rationale is for not providing the Review Panel with the authority to draw conclusions or make recommendations particularly when they are likely to be experts in the field.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #127)	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** As stated above, the federal government intends on using the Review Panel process to the extent possible to gather information related to the Crown's duty to consult. The Review Panel is required to gather and summarise the information provided by participants in the process. The federal government will monitor the review panel process and will be aware of the full record of information put before the Review Panel by Indigenous groups as well. The Review Panel has been mandated to provide in its report a rationale, conclusions and recommendations on the environmental assessment including any mitigation measures and follow up programs. Section 3.11 allows the Review Panel to make recommendations, which will be considered by the Crown, regarding mitigating of environmental effects related to potential impacts on potential or established Aboriginal or Treaty rights. Once the Review Panel submits its report, the federal government will decide whether or not to	The VFPA understands that this comment is directed to the CEA Agency and has no additional information to provide.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			adopt the recommendations contained in the Review Panel's report.		
TFN-7.14	Asked how can Section 3.7 (b) of the Terms of Reference be achieved when the Review Panel cannot make any conclusions or recommendation regarding an infringement of an Aboriginal or Treaty Right.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #127)	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Review Panel will take Aboriginal rights or Treaty assertions at face value. The goal of integrating Indigenous consultation into the EA process is to understand, to the extent possible, the potential for Project impacts to potential or established Aboriginal or Treaty rights and how such impacts might be avoided or reduced. The Panel's findings and conclusions with respect to environmental effects will help to inform the Crown's assessment of potential impacts of the Project on Aboriginal rights or Treaty. The Review Panel will also have a mandate to make recommendations to the federal government regarding potential impacts to Aboriginal or Treaty rights as they relate to the environmental effects of the Project.* *Please see the "Federal Environmental Assessment Handout" provided to Tsawwassen for additional details on the EA Decision Statement and follow-up programs: http://www.ceaa-acee.gc.ca/050/documents/p80054/100181E.pdf)."*	The VFPA understands that this comment is directed to the CEA Agency and has no additional information to provide.	
TFN-7.15	Asked for clarification that all of Roberts Bank proper is within the Local Assessment Area as the terms are often used interchangeably in the EIS. Stated that throughout the EIS, there is a lack of clarity regarding whether Roberts Bank North is included or not included when referring to Roberts Bank.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already information provided in the EIS. Additionally, there is no requirement in the EIS Guidelines to include all of Roberts Bank. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 8.1.3.1:** Spatial assessment boundaries were identified for each VC based on the spatial characteristics of the Project and the VC (e.g., location, distribution, range), and the areas within which Project-VC interactions and effects are expected to occur. When determining the spatial boundary, the Project team also considered, as applicable, available community knowledge and Indigenous Traditional Knowledge (ITK), information on current land and resource use by Indigenous groups, and other pertinent ecological, technical, social, and cultural considerations, as well as input from government, Indigenous groups, and the public. The types of spatial boundaries established for the assessment of potential effects to individual VCs are defined in EIS Table 8-3. When the RAA differs from the area in which the residual effects of the Project on the VC are likely to combine with the effects of other projects and activities to result in a cumulative effect on the VC, a fourth type of spatial boundary, the cumulative effects assessment area, is defined. The rationale for selection of the spatial boundaries for the LAA, RAA, and, where applicable, the cumulative effects assessment area, is provided for each VC in the effects assessment sections. For each IC, a local study area (LSA) was established that encompasses the area within which the Project is expected to interact with and potentially alter the IC. In some cases, a broader area was considered in modelling or to provide context for the consideration of Project induced changes to the IC. Finally, the area for the assessment of cumulative change in each IC encompasses the area within which the Project-related changes to the IC are likely to combine with the changes due to other projects and activities to result in a cumulative change to the IC. The spatial boundaries for each IC are described in the IC assessment sections. Figures presenting the extent of IC and VC LAA and RAA are included in the EIS.	**EIS** 8.0 Effects Assessment Methods 8.1.3.1 Spatial Boundaries

Tsawwassen First Nation

Table 8: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-8.1	Asked what the expectation of TFN is in this process. Asked where TFN and surrounding community fit into the consultation process for RBT2. Requested an open house on RBT2. Stated that TFN wants different types of meetings – as some are better for a community forum and other types are better for a higher-level meeting with council or Chief. Confirmed interest and willingness to discuss all items listed on the proposed consultation plan, including onsite mitigation, habitat offsetting and disposal at sea. Expressed preference for incorporating a timeline into the consultation plan.	03-Dec-2012, Meeting 28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council 24-Oct-2013, Meeting 16-May-2017, Meeting with Administrative Staff	**03-Dec-2012, Meeting:** Stated that this is something that needs to be discussed with Tsawwassen First Nation. Indicated a need to work out something that is realistic while still providing opportunities for input. **28-Jan-2013, Meeting:** Stated that the VFPA has a rigorous pre-EA consultation process that exceeds regulator's requirements. Indigenous group consultation is an ongoing process. **24-Oct-2013, Meeting:** Stated that the VFPA is looking for Tsawwassen First Nation's direction on what the best process moving forward would be to go through the EA and public consultation process with them. Stated that the VFPA is happy to follow whatever format works best for Tsawwassen First Nation. **27-Nov-2014, Community Open House:** The VFPA held an open house to provide an update on the status of the Project and provide further information on the EA process. Opportunities were made for Tsawwassen First Nation members to ask questions of VFPA representatives and technical specialists regarding the project. **08-Apr-2016, Letter from the VFPA:** Provided Tsawwassen First Nation with a draft consultation plan for RBT2 and sought feedback from Tsawwassen First Nation on topics of interests. **16-May-2017, Meeting:** Responded that the VFPA is open to meetings with technical staff, chief and council or community as preferred by Tsawwassen First Nation. Committed to revise consultation plan based on Tsawwassen First Nation feedback. Undertook to incorporate a timeline into the consultation plan. **30-Jul-2018, Email from the VFPA:** Provided an updated draft of the consultation plan. Requested to meet with Tsawwassen First Nation to discuss and revise the plan where necessary. Discussions are ongoing.	**Addressed in EIS Section 7.2:** The VFPA's consultation and engagement process for RBT2 is outlined in EIS Section 7.2. In addition to summarising consultation activities that have taken place to date, the section outlines the proposed ongoing consultation with Indigenous groups following submission of the EIS. Additional information provided by the VFPA: The Consultation Plan is a living document that will continue to be revised based on the priorities of Tsawwassen First Nation.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-8.2	Requested funding to support TFN participation in the EA process for RBT2.	31-Jan-2014, Letter	**30-Apr-2014, Letter from the VFPA to Tsawwassen First Nation:** In response to Tsawwassen First Nation's request of 31-Jan-2014, the VFPA offered funding for external review of scientific studies and funding for internal capacity. Regarding other requests, the VFPA stated it would be appropriate to discuss potential funding for participation in panel review at a later date. **7-Jul-2014, Phone call:** The VFPA sought to confirm its understanding that Tsawwassen First Nation's response of 12-Jun-2014 accepted the participation funding offered in the VFPA's letter of 30-Apr-2014. Requested Tsawwassen First Nation invoice the VFPA for work undertaken to date. **19-Jun-2015, Letter from the VFPA to Tsawwassen First Nation:** The VFPA provided participation funding payment in response to Tsawwassen First Nation's invoice of 5-Jun-2015. **24-Jul-2015, Letter from the VFPA to Tsawwassen First Nation:** The VFPA provided participation funding payment in response to Tsawwassen First Nation's invoice of 15-Jul-2015. **12-Feb-2016, Letter from the VFPA to Tsawwassen First Nation:** The VFPA provided funding in response to Tsawwassen First Nation's invoice of 1-Feb-2016 related to external review of scientific studies.	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding the Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. The VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
TFN-8.3	Interested in more participation of TFN members in the EA studies, including opportunities as field assistants in the wildlife and fisheries studies. Noted that TFN members participated in studies for the Deltaport Third Berth Project and are qualified to do the work.	25-Apr-2014, Interview	**25-Apr-2014, Interview:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** Tsawwassen First Nation members have been involved in field study programs for RBT2. The VFPA continues to look for opportunities for the Tsawwassen First Nation membership to become involved in RBT2-related studies as well as other VFPA initiatives. Studies Tsawwassen First Nation Members have participated in include, but are not limited to: • Northward Migration Shorebird Habitat Use Study (Spring 2012); • Western Sandpiper Genetic Study (Spring 2012); • Southward Migration Shorebird Habitat Use Study (Summer 2012); • Marine Inverts Benthic Infaunal Sampling (Spring 2012); • Marine Water and Sediment Quality Study (Winter 2013); • Marine Water and Sediment Quality Study (Spring 2013); • Marine Water and Sediment Quality Study (Summer 2013); • Dunlin Use of Fraser River Estuary Study (Winter 2013); • DAS Site Ecological Characterisation Study (Spring 2013); • Northward Migration Shorebird Habitat Use Study (Spring 2013); • Southward Migration Shorebird Habitat Use Study (Summer 2013); • Biofilm Regeneration Study (Summer 2013); • Biofilm Shear Stress Study (Summer 2013); • Shellfish Contaminant Study (Summer 2017); and	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Total Suspended Solids and Turbidity Sampling (Summer 2017). Some Technical Data Reports are appendices to EIS sections, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/.	
TFN-8.4	Stated that given capacity constraints, it is difficult for Aboriginal groups to develop ideas for mitigation, and the responsibility should fall to the proponent and the government.	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Recorded comment for consideration by the Project team. **08-Aug-2016, Letter from the VFPA:** Provided a hand-out on onsite mitigation options and sought feedback from Tsawwassen First Nation. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and lessons learned from the DP3 Project. The VFPA sought feedback from Tsawwassen First Nation on the Follow Program and asked what should be considered, what was important to their community and how Tsawwassen First Nation would like to be involved going forward. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Appendix 7.2-B (#12):** Decisions on mitigation measures will be made following a recommendation by the independent review panel and decision by the Federal Minister of Environment. If approved, the decision statement issued by the Minister of Environment would specify the mitigation measures that the VFPA would be required to implement if the Project were to proceed. Similarly, the EA certificate, if one is issued by the Province, would also specify mitigation measures that must be implemented by the proponent. Permits issued in respect of the Project by other regulatory agencies may specify additional mitigation measures that must be implemented by the proponent. All proposed mitigation measures in the EIS were evaluated based on technical feasibility, likely effectiveness, and consideration of indirect effects that each mitigation measure may have on other VCs. **Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding the Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. The VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum. **Addressed in response to IR-7.31.15-12:** The VFPA's response to IR-7.31.15-12 provides a discussion of mitigation measures considered by the VFPA, including those considered and rejected. **Addressed in response to IR10-12:** The VFPA's response to IR10-12, as requested by the Review Panel, further discusses the VFPA's proposed approach to engagement and consultation with Indigenous peoples during and after the environmental review. **Additional information provided by the VFPA:** Since submission of the EIS, the VFPA has and will continue to seek input from Indigenous groups with respect to proposed mitigation measures related to the project.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314) Response to Sufficiency Information Request #12 (IR10-12)
TFN-8.5	Commented that as there is no time for a two way conversation, Aboriginal groups will need direction as to where to find the answers in the EIS. Aboriginal groups will also need direction on where to find answers to	07-Oct-2014, Preliminary EIS Workshop #1 26-Nov-2014, Health & Aboriginal Rights	**07-Oct-2014, Workshop:** Expressed intent to provide all the information, to provide the opportunity to ask questions in-person, and to answer questions in-person as fulsomely as possible. The VFPA will provide a complete and full answer to all questions. Any comments or suggestions related to the Project will be considered in the EIS, and the VFPA's responses and actions based on input will be recorded in the EIS.	**Addressed in EIS Appendix 7.2-B:** EIS Appendix 7.2-B lists issues raised by Indigenous groups, answers, and location of relevant sections in the EIS. The VFPA also provides responses to questions by means of this table. **Additional information provided by the VFPA:** This document contains a list of all interests and concerns raised by Tsawwassen First Nation in regards to the Project.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	questions outside the scope of the EIS. Asked if the VFPA's responses to questions and comments will be provided in the environmental impact statement (EIS), or in a separate document. Requested a clear and complete accounting of the discussion that's happened between the First Nations, the VFPA, and the government, so TFN can say with some certainty that all that's been said has been tracked and know which issues have been responded to/are outstanding. Stated that TFN would like the record of fulsome discussion to be available for the proponent and panel to use and fold into their decision making; TFN hopes that the decision reflects the input that the communities made the effort to provide.	Workshop – Tsawwassen First Nation 12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2	**26-Nov-2014, Workshop:** Responded that a list of Tsawwassen First Nation's questions and concerns and the VFPA's responses will be included as an appendix to the EIS. It may refer the reader to a particular section of the EIS, or provide information about how it was considered. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project, including EIS Appendix 7.2-B which summarized the issues and concerns raised by Tsawwassen First Nation to date and provided the VFPA's responses. **06-May-2015, Meeting:** In response to this concern, the VFPA provided an EIS orientation presentation in order to provide an overview of the EIS and provide an opportunity for questions about the structure and organisation of the EIS. **19-Jul-2016, Workshop:** The VFPA hosted an issues workshop with the aim of reviewing concerns and issues expressed to date; better understanding the nature of each concern through discussion; and identifying ongoing concerns and discuss/plan next steps. The agenda included a discussion on salmon, eulachon, crab, fisheries, and human health. **12-Sep-2016, Workshop:** The VFPA hosted an issues workshop to discuss some of the concerns raised to date, specifically coastal geomorphology, crabs, and eulachon. Noted that the VFPA has tracked the concerns that come out of these meetings, and is continuing to do so. Undertook to consider preparing an updated consultation report for the period following EIS submittal.	Since submission of EIS, there have been opportunities for Tsawwassen First Nation to provide additional information and clarification with respect to the issues captured in Appendix 7.2-B of the EIS and Appendix 5-B of the MSA through ongoing consultation activities such as technical meetings and issues workshops.	Appendix 7.2-B Aboriginal Groups Issues and Interests Table
TFN-8.6	Stated that non-member concerns of the Project will be brought to TFN for resolution.	13-Dec-2013, Email	**13-Dec-2013:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** In response to this concern, leaseholders on Tsawwassen First Nation land were invited to a community meeting on 14-Apr-2014. Since then, the VFPA has taken direction from Tsawwassen First Nation in regards to the inclusion of leaseholders at community meetings. Leaseholders also have the opportunity to participate in public open houses on the Project.	

Table 9: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-9.3	Commented that some of the Projects included on the draft Project Inclusion List are no longer designated since the change in the Canadian Environmental Assessment Act in 2012. [Concern related to inclusion list for the cumulative effects assessment].	27-May-2014, Technical Working Group Meeting #3	**27-May-2014, Working Group:** Stated that the VFPA has not taken projects off of the Project Inclusion List because they are no longer designated as projects under *CEAA, 2012*. Projects do not need to be reviewable under *CEAA, 2012* in order to be included in a cumulative effects assessment. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project, including EIS Table 8-8 Project and Activity Inclusion List.	**Addressed in EIS Appendix 7.2-B (#39):** The list of certain and reasonably foreseeable projects and activities that have the potential to interact cumulatively with the Project-related effects is in EIS Table 8-8. This list includes all projects with the potential for a cumulative interaction with the Project. The CEA Agency is the appropriate authority to address questions related to *CEAA, 2012* and designated projects. **Addressed in Response to IR4-09:** IR4-09 provides an updated project inclusion list (and vessel movement information) (as of July 1, 2017).	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Table 8-8 Project and Activity Inclusion List **Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)
TFN-9.4	Asked if the changes to the federal Fisheries Act affect the EA process. Concerned with recent changes to the regulatory framework over the last 18 months. Stated that because of changes, TFN may look to the VFPA to do more than the minimum required by the federal government.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council 03-Jul-2014, Aboriginal Group VC Workshop #2	**28-Jan-2013, Meeting:** Stated that any changes to the *Fisheries Act* would not materially change the rigour of assessment the VFPA is undertaking under *CEAA, 2012*. **03-Jul-2014, Workshop:** Recorded comment for consideration by EA Project team. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project, including EIS Section 6.1 Federal Involvement and Process.	**Additional information provided by the VFPA:** The Project is currently in review under the *CEAA, 2012*. As noted in EIS Section 6.1, a *Fisheries Act* Authorisation is an additional regulatory requirement, independent of the *CEAA, 2012* process.	**EIS** 6.1 Federal Involvement and Process
TFN-9.6	Asked about the BCEAO's involvement in the environmental assessment process, and whether they may decide to undertake an EA in the future, resulting in consultation burden on Aboriginal groups. Stated that it is our view that this project is subject to provincial review pursuant to provincial environmental assessment legislation. Asked if the CEA Agency will amend these Terms of Reference in the event that the Project is also considered a Provincial Project under BC law.	07-Oct-2014, Preliminary EIS Workshop #1 19-Sep-2014, Letter to the CEA Agency (CEAR Document #127)	**07-Oct-2014, Workshop:** BC EAO confirmed that they would soon clarify their role going forward. The Crown Consultation Coordinator explained the CEA Agency's federal process. **17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Terms of Reference now reflect the requirements of the BC Environmental Assessment process in Section 2.3 b.* *The federal Crown intends to share information and analysis conducted during the consultation process with the Province of BC. Inquiries about the provincial process should be directed to the BC Environmental Assessment Office."*	**Addressed in EIS Appendix 7.2-B (#8):** On November 5, 2014, the BC EAO confirmed the Project is reviewable under Part 8 of the Reviewable Projects Regulation, *B.C. Environmental Assessment Act*. On December 19, 2014, the B.C. Minister of Environment issued an order under s. 14 of the Act establishing the Province's procedures and methods for conducting the EA for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister and potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the EAO will principally rely on the EA to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and, the EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister. The information presented in the EIS is intended to satisfy both federal and provincial EA requirements. More information regarding the federal EA for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial EA for the Project can be found on the BC EAO's Project Information Centre (e-PIC) website:	**EIS** 6.0 Environmental Assessment and Permitting Process 6.2 Provincial Involvement and Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html.	
TFN-9.7	Stated that conventional scientific methodology results in subject silos where not much cross talk occurs between disciplines and some interactions within an ecosystem are ignored. Asked whether information from the various assessments has been shared across disciplines (e.g., light to wildlife sections, marine sediment/water quality to biophysical sections). Stated that in regards to the health implications from this, TFN is concerned with the tendency of EAs to examine effects in silos, and in doing so ignoring some of the interactions.	08-Oct-2014, Preliminary EIS Workshop #2 19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1	**08-Oct-2014, Workshop:** Responded that the VFPA has interdisciplinary conversations. Stated that there is a lot of interconnection amongst all the disciplines that will be articulated as the EIS is being prepared. These interconnections will be clearly presented in the EIS. Interdisciplinary conversations have been ongoing, and has been had with regard to light. With regard to vegetation screening, something to consider (prompted by today's discussion) might be the potential for land-based habitat creation to draw wildlife out onto the causeway, potentially increasing the risk for interaction with trucks and trains, for example. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project, including EIS Section 8.0. **19-Jul-2016, Workshop:** Responded that with regard to siloed disciplines, what falls under the health chapter incorporates results from other chapters. Noted that the VFPA tried to build in health and wellness and the interconnectedness of land, animals, culture, and place. Stated that if there are any specific concerns in terms of outcomes that aren't being reflected that you want to talk more about, or things you have unresolved concerns over that you think of, we can move those forward.	**Addressed in EIS Section 8.0:** The EIS approach to assessing potential effects is extensively cross-disciplinary, resulted in a deeply interlinked assessment for RBT2. EIS Table 8-1 I shows the linkages between disciplines. EIS Figure 8-2 presents a good example of how multiple physical, biophysical and social considerations are linked. This interconnectedness is further manifested in all VC sections of the EIS, where numerous cross-disciplinary connections are made. **Addressed in response to IR3-01:** The VFPA's response to IR3-01 presents linkages between the various models used in the EA.	**EIS** 8. 0 Effects Assessment Methods Table 8-1 Intermediate Component and Valued Component Linkages Figure 8-2 Example of Pathway of Effects **Information Requests** Response to Sufficiency Information Request #01 (IR3-01 of CEAR Document #984)
TFN-9.8	Stated that according to the list set out in section 2.1 of the Review Panel Terms of Reference, mitigation measures must be taken into account for environmental effects deemed to be "significant", but should they not also be taken into account for any adverse effects where the application of suitable mitigation is prudent, constitutes a best practice, or is required to address a matters or concerns related to Aboriginal interests generally?	19-Sep-2014, Letter to the CEA Agency (CEAR Document #127)	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The list in section 2.1 is taken directly from the Canadian Environmental Assessment Act, 2012 (CEAA 2012). The Review Panel must take into account the information in section 2.1 but may take into account information provided by the proponent and Review Panel participants, including Tsawwassen First Nation should you choose to participate, that relate to mitigation measures that are prudent or constitute best practices Section 4.28 (e) of the Terms of Reference requires the review Panel to include in its report an identification of recommended mitigation measures related to environmental effects defined by CEAA 2012, including, with respect to Aboriginal peoples, the effects of changes to the environment on health and socio-*	The VFPA understands that this comment is directed to the CEA Agency and has no additional information to provide.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			economic conditions, physical and cultural heritage, the current use of lands and resources for traditional purposes, or any structure, site or thing that is of historical, archaeological, paleontological or architectural significance. *With respect to mitigation measures that relate to concerns or Aboriginal interests, the Terms of Reference section 3.11 provides direction to the Review Panel to make recommendations to the federal Crown which, if implemented, would mitigate environmental effects of the project, including environmental effects that might adversely impact potential or established Aboriginal or Treaty rights."*		
TFN-9.9	Stated that depending on the timing of the request (referring to section 4.4 of the Review Panel Terms of Reference), this may frustrate the ability of stakeholders to provide information and receive feedback - if the Panel needs time to review or amend the Terms of Reference after the EIS is submitted, then the 'clock should be stopped' (see section 4.13), until the Terms of Reference are amended.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #127)	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency anticipates that the Review Panel will manage the timelines set out in its Terms of Reference in an efficient and timely manner."*	The VFPA understands that this comment is directed to the CEA Agency and has no additional information to provide.	
TFN-9.10	Stated that the review has a fixed time limit; if the process gets bogged down in procedural matters (such as revising the ToR) then the Panel and stakeholders have less time to process information that could be integrated into the final report and recommendations to the Minister. Asked how the CEA Agency will ensure that stakeholders have sufficient time to review information and participate in the Review Panel process.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #127)	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"Based on experience from previous review panel processes, the Agency anticipates that the process as set out in the Terms of Reference will leave adequate time for the Review Panel to conduct a complete and thorough EA. The Review Panel will determine the timelines for participation in consideration of its Terms of Reference and its need for input from participants."*	The VFPA understands that this comment is directed to the CEA Agency and has no additional information to provide.	

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-9.11	Stated that the TFN Final Agreement, at Chapter 15, subclause 4(c) sets out that," during the course of the Environmental Assessment conducted under the Canadian Environmental Assessment Act, Canada will give full and fair consideration to any comments provided by Tsawwassen First Nation provided under subclause 4.b, and will respond to the comments, before taking any decisions to which those comments pertain;". Requested information around how the Panel will use, incorporate and reflect aboriginal traditional knowledge that it provides, in respect of the proposed Project.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA is described in the VFPA's responses to IR-7.31.15-08 and MSA IR-02.24.16-4. **Addressed in response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #02 (IR10-02)
TFN-9.12	Concerned with narrow scope of western science methods in environmental assessments. Concerned with the EA process and how it prioritizes economic results over the environment.	12-Sep-2017, Follow-up Program Meeting	**12-Sep-2017, Meeting:** Recorded comment for consideration by EA Project team in the development of the Follow-up Program.	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** Scientific methods as well as ITK together formed the basis of many aspects of the EIS and MSA. How ITK was utilised in the EIS and MSA is described in response to IR-7.31.15-08 and MSA IR-02.24.16-4. **Additional information provided by the VFPA:** In response to this concern, the VFPA is working with Tsawwassen First Nation and other Indigenous groups to ensure the integration of ITK into the Follow-up Program.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)

Table 10: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-10.1	Stated a preference for a similar approach to the adaptive management process used for DP3 be used for RBT2, where changes can be made if mitigations do not go as planned. Requested TFN representation on RBT2's Scientific Advisory Committee (or equivalent).	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Sep-2017, Meeting	**26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsawwassen First Nation on the Follow-up Program and asked what Tsawwassen First Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward.	**Addressed in EIS Appendix 7.2-B (#32):** To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Additional information provided by the VFPA:** The VFPA continues to consult with Tsawwassen First Nation in the development of the Follow-up Program. **Addressed in response to IR10-11:** The VFPA's response to IR10-11 as requested by the Review Panel describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 Follow-up Program.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
TFN-10.2	Stated they hope the information they provide with respect to the Follow-up Program is weighed in a way that reflects the Project is in "our front yard" as opposed to groups who are not in the same proximity but does not discourage VFPA engagement with those groups. Requested that not all Aboriginal input is to be considered equally and that TFN's input is distinct based on nature of right and proximity to the Project.	12-Sep-2017, Follow-up Program Meeting 15-Sep-2017, Meeting	**12-Sep-2017, Meeting:** Recorded comment for consideration by the Project team. **15-Sep-2017, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The *Updated EIS Guidelines* as issued by the CEA Agency directs the proponent (the VFPA) to provide sufficient data and analysis on any potential changes to the environment to permit a thorough evaluation of the environmental effects of the project by a Review Panel. The Review Panel is currently undertaking an assessment of the environmental effects of the project in a manner consistent with the requirements of *CEAA, 2012* and the Final Terms of Reference (CEAR Document #176). The Review Panel will prepare and submit a report to the federal environment Minister, who will in turn make a determination of the significance of potential environmental effects. If the Minister decides that the Project is likely to cause significant adverse environmental effects, the Minister must refer to the Governor-in-Council the matter of whether those effects are justified in the circumstances and the decision of whether the Project should be approved. **Further information provided by the VFPA:** The VFPA continues to consult with Tsawwassen First Nation in the development of the Follow-up Program.	***Updated EIS Guidelines***

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-10.3	Concerned with the VFPA's ability to regulate its tenants and/or operators and that this will affect the VFPA's ability to implement and enforce Project mitigation.	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation	**26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#192):** Describes the proposed Environmental Management framework, including compliance monitoring and reporting requirements to federal and provincial environmental regulators for both the construction and operation phases. The VFPA is committed to implementing all mitigation recommended by the Minister of Environment if the Project is approved. The VFPA takes a precautionary approach and upholds a high level of environmental protection within VFPA jurisdiction that meets or exceeds legislative requirements. **Addressed in EIS Section 4.0:** Describes the construction components of the marine terminal that will be the Infrastructure Developer's responsibility, while the Terminal Operator will be responsible for constructing and installing terminal infrastructure from the pavement up. Breaches of contractual terms are governed by the agreements' terms as well as by the common law. **Addressed in response to IR1-01:** The VFPA's standard form lease has numerous provisions that require the tenant to be a prudent and careful manager of the federal real property it leases. Examples of these provisions are the obligation to carry out regular safety inspections; to maintain the premises in a clean and sanitary condition; to comply with all rules and regulations established by the VFPA; to abide by all applicable statutes; to avoid contamination; to undertake periodic environmental tests as directed by the VFPA; and to obtain approval of any proposed improvements on the leased premises prior to undertaking the work. On an ongoing basis, the VFPA monitors the federal real property and waters occupied by its tenants. As with existing tenants, the Terminal Operator of RBT2 will be required to discuss any issues arising under the lease and berth corridor agreements with the VFPA. These meetings are often held on the lease site, to allow VFPA staff to determine if the conditions of the lease agreement are being met. Similarly, the VFPA's environmental experts will regularly attend pursuant to the terms of the lease, especially if there are outstanding obligations to undertake environmental tests for contamination or upgrade certain equipment or practices. Other VFPA staff, such as from the Engineering and Planning and Development departments, may also undertake site visits / inspections as needed to monitor compliance with VFPA permit conditions. As stewards of the federal real property, the VFPA requires its tenants not to contaminate the lands and waters, enforcing this by requiring that an environmental baseline is included as a provision in the agreements. Subsequent, regular, environmental tests required under the lease then record whether this baseline is exceeded. Additional lease provisions set out obligations of the tenant to remediate any contamination discovered by these periodic environmental tests.	**EIS** 33.0 Environmental Management Program http://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/ **Information Requests** Response to Sufficiency Information Request #01 (IR1-01 of CEAR Document #897)
TFN-10.4	Asked whether there is a period of time that is quantified for ongoing monitoring. Requested that the monitoring period be long enough to assess whether or not the measures were successful. Stated that it is TFN's belief eight years is still considered short-term.	28-Oct-2014, Preliminary EIS Workshop #3 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Sep-2017, Meeting	**28-Oct-2014, Workshop:** Stated that no detailed commitments to a specific plan or period of time have been made yet. At this point, the potential requirement for such a plan/strategy is just being identified, and the commitment at this point is simply to monitor. **26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#32):** To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Noted concern regarding short term monitoring and wish to see a longer term monitoring that can look at cumulative change. Stated the monitoring program should reflect the lifecycle of the Project but noted the frequency or intensity of some monitoring could possibly be changed once the system stabilizes following a change instead of a complete halt. Noted the monitoring program should be set-up as an initial phase, secondary phase and tertiary along with a set of rules and conditions.	15-Sep-2017, Meeting	**12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsawwassen First Nation on the Follow-up Program and asked what Tsawwassen First Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward. Recorded comments for follow-up. **15-Sep-2017, Meeting:** Committed to work together to develop how the VFPA can assist with Tsawwassen First Nation member development related to the Follow-up Program.	from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Addressed in EIS Section 33.5:** As noted in EIS Section 33.5, in developing the FUP, the VFPA will indicate the duration and frequency of field data collection based on an evaluation of the length of time needed to detect effects given observed environmental variability, likely magnitude of environmental effect, and desired level of statistical confidence in the results.	
TFN-10.5	Stated that Chapter 15 Clause 4 (b) of the TFN Final Agreement provides TFN with the opportunity to comment on not only the scope and environment effects of a Federal Project, but also any mitigation measures and follow-up programs that are to be implemented. In light of this Treaty obligation, we would like to ensure that we have the opportunity to comment on the draft of the Final Report in advance of it being submitted to the Minister, which is likely to include a list of proposed mitigation measures and follow-up programs.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #127)	**17-Apr-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency has reviewed Chapter 15 Clause 4 (b) of the TFN Final Agreement. The TFN will have the opportunity to comment on any mitigation measures and/or follow-up programs at any point during the EA process. Additionally, a very useful point in the EA process for discussions relating to mitigation measures and follow-up programs will be during consultation between the Crown and Tsawwassen First Nation on the Minister of the Environment's draft EA Decision Statement conditions and review panel report. Please see pages 4 to 6 of the "Federal Environmental Assessment Handout" provided to Tsawwassen for additional details on the EA Decision Statement and follow-up programs: http://www.ceaa-acee.gc.ca/050/documents/p80054/100181E.pdf)."*		
TFN-10.6	Stated that section 33.0 of the EIS presents an overview of the contingency and response plans. Stated that the detail called for in the EIS Guidelines is not in Section 33.0 as the language in that section speaks to what will be presented in the final plans. Ideally, this information would be provided in the EIS.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires this information to inform its sufficiency review."* The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 33.2:** To ensure their alignment with all required Project permits, any conditions of approvals, final designs, finalised construction or operation approaches, and site-specific considerations, the Project's Environment Management Plans are necessarily developed and finalised nearer to the start of the construction and operation phases.	**EIS** 33.2 Environmental Management Plans
TFN-10.7	Stated that there needs to be a written description in the EIS of how the components of the Environment Management Plan address the EPP (Environmental Protection Plan) and EMS	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The*	**Addressed in EIS Section 33.2:** To ensure their alignment with all required Project permits, any conditions of approvals, final designs, finalised construction or operation approaches, and site-specific considerations, the Project's Environment Management Plans are necessarily developed and finalised nearer to the start of the construction and operation phases.	**EIS** 33.2 Environmental Management Plans

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	(Environmental Management System) requirements of the EIS requirements. The application would benefit greatly from presentation of a diagram (and associated written description) that shows the various components of the EPP/Environment Management Plan/EMS, including responsibilities, lines of authority and communication, monitoring actions, communication and reporting, etc.		*Panel will determine whether it requires this information to inform its sufficiency review."* The VFPA has reviewed this letter and provides the following additional information.		
TFN-10.8	Stated that considering that the entire EIS is based on predicting (with a stated level of certainty) the effects of a proposed project and that means of avoiding and mitigating adverse effects have been proposed and that the prediction of the residual effects presented in the EIS takes those into account, then it seems entirely plausible that the detailed structure and scope of the monitoring studies that are needed to validate the predictions are amenable to being drafted at this time. Thus, we submit that much more can and needs to be stated with regard to the content of the Follow-up Program as contained in the EIS (Sections 33.5 and 33A). As it currently stands, the work of developing the Follow-Up Program remains to be done post-certificate.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Panel will determine whether it requires this information to inform its sufficiency review. However, the Agency did provide some additional direction to [the VFPA] in its cover letter to the additional information requirements on July 31, 2015. The following wording is found on page 2:* *'A follow-up program is designed to verify the accuracy of the effects assessment and to determine the effectiveness of the measures implemented to mitigate the adverse effects of the project.* *The assessment of the potential environmental effects of the Project and the measures to mitigate those adverse effects will develop as the environmental assessment proceeds. [The VFPA] is advised to apply the applicable requirements of section 11.4 of the EIS Guidelines to each adverse environmental effect prediction to verify its accuracy and evaluate each mitigation measure to determine its effectiveness. These components of the follow-up program are then to be carried forward as commitments of the proponent.'"*	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Follow-Up Program
TFN-10.9	Stated that the assessment relies heavily on the Roberts Bank Ecosystem Model. Requested that a workshop be delivered by the proponent to Tsawwassen First Nation so that we can better understand the model's output, together with the	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information. **28-Oct-2014, Preliminary EIS Workshop #3:** The VFPA described the purpose and approach for assessing productivity within the Roberts	**Addressed in EIS Section 33.5:** To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include:	**EIS** 33.5 Follow-Up Program

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	model's strengths and weaknesses. Expressed expectations that the proponent will engage in a program of environmental monitoring to bear out the results of modelling, and to adjust the mitigation plans to accommodate for unexpected results. Requested that the proponent commit to involving Tsawwassen First Nation in the design and execution of that monitoring		Bank ecosystem and asked for feedback from participants. Explained that the ecosystem approach is being used to provide a tool to assess potential changes to the marine VCs. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsawwassen First Nation on the Follow-up Program and asked what Tsawwassen First Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward.	• An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Additional information provided by the VFPA:** The VFPA continues to consult with Tsawwassen First Nation in the development of the Follow-up Program.	
TFN-10.10	Suggested that building trust and being involved in the decision making process around monitoring programs to address concerns would go a long way, and would help the community see it as a legitimate process. Noted that they were unable to participate in the Scientific Advisory Committee for the DP3 Project and their input was not considered properly as it is based on Traditional Knowledge. Noted that participation with an RBT2 committee should include additional funding and resources to ensure they are able to properly participate. Expressed desire to be included in Scientific Advisory Committee and for the committee's decisions to be informed by TFN input. Expressed interest in having input in Indigenous Advisory Group and noted the group should be a small group that understands its purpose.	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Sep-2017, Follow-up Program Meeting	**26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsawwassen First Nation on the Follow-up Program and asked what Tsawwassen First Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward. [Discussions are ongoing].	**Addressed in EIS Appendix 7.2-B (#32):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Follow-up Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Follow-up Program will be sought through the VFPA's ongoing engagement initiatives. **Addressed in response to IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 Follow-up Program. **Additional information provided by the VFPA:** The VFPA continues to consult with Tsawwassen First Nation in the development of the Follow-up Program.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements **Information Requests** Response to Sufficiency Information Request #11 (IR10-11)

Table 11: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-11.1	Stated that as inhabitants of the land and users of the marine waters immediately adjacent to the Proposed Project, TFN is very concerned about potential adverse effects on human health. Stated that TFN is skeptical of the conclusions of health studies done at a wider population level, and is concerned that local impacts will be obscured. Stated that there have been few studies done specific to TFN lands and population.	16-Oct-2013, Letter to the CEA Agency 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation	The VFPA has reviewed this letter and provides the following additional information. **26-Nov-2014, Workshop:** Stated that generally EAs have more data available on existing conditions, and less data available on the effects assessment. With human health it is the opposite. Health assessments are more predicated on pathways than baselines. It is difficult to quantify things like level of stress or annoyance, or importance of a given type of food in a given community. To fit in with the organisational structure of EAs, data describing existing conditions is referenced and provided, but understanding the pathways is what leads to being able to make a qualitative characterisation of an effect, and identify a mitigation approach. The information in this presentation is quite high level, and more detailed information about the data and the assessment will be in the EIS itself. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 27.0 on Human Health.	**Addressed in EIS Section 27.0:** EIS Section 27.0 presents an assessment conducted to determine potential Project-related effects on human health. The results of the human health assessment were considered in the assessments of marine commercial use, outdoor recreation, and Current Use. The Project is expected to result in measurable residual effects on human health related to exposure to air emissions during construction, and exposure to noise during construction and operation. Mitigation is expected to reduce all other residual effects to a negligible (i.e., not measurable) level. Several air emissions scenarios during construction and operation were assessed. A residual effect is associated with only one scenario related to dust generated during construction over water between the Project marine terminal and Westshore Terminals. Adverse health effects from air emissions are considered not significant, as predicted exposure levels do not exceed health thresholds. A minority of households would experience small increases in noise during construction or operation. The increase would generally be below the range of human perception, and adverse health effects related to noise are considered not significant, as predicted exposure levels do not exceed health thresholds. Confidence in the assessment is high because models used conservative assumptions and have been validated against studies or monitoring data. The Project is not expected to result in any significant adverse effects on human health. The Project is not expected to result in measurable incremental residual cumulative effects to human health. **Addressed in EIS Appendix 7.2-B (#128):** The health assessment included a focus on Indigenous communities, and relied upon information from various consultation and engagement activities (described in EIS Appendix 7.2-A). It also relied upon written sources of information provided by Indigenous groups directly, as well as information from the First Nations Health Authority. Information about traditional food consumption was gathered through existing literature (summarised in EIS Section 27.0) as well as engagement activities (summarised in EIS Section 7.0). A summary of the traditional foods consumed by each Indigenous group is included in EIS Section 32.2. A discussion of study methods is included in the EIS, including a summary of the human health risk assessment (HHRA) and health impact assessment (HIA). These studies relied on information provided directly from Tsawwassen First Nation during consultation and through a community wellbeing study provided to the VFPA, as well as other published information and data sources related to health in B.C. Indigenous communities. The human health assessment considered the subsistence food consumption of individual Indigenous groups, as summarised in EIS Section 32.2. This information was included in the evaluation of potential effects on food security, as well as health inequity. **Addressed in response to IR-7.31.15-28:** As noted in the VFPA's response to IR-7.31.15-28, the EIS presents an assessment of the effects of the Project on human health in a manner that differentiates between Indigenous and non-Indigenous people. EIS Section 27.0 and EIS Section 32.2 address potential effects of the Project related to human health. Within the human	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Issues and Interests 27.0 Human Health 27.4 Information Sources 27.4.2 Desktop and Field Studies 27.5.7 Food Security 27.6 Future Conditions with the Project – Potential Project-related Effects Appendix 27-A Air Quality HHRA Technical Report Appendix 27-B Noise and Vibration HHRA Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes **Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				health section, information is presented separately for both Indigenous and non-Indigenous populations, for both existing conditions and for effects of the Project on human health, except where those distinctions are not practical. Table IR28-1 summarises how the relevant EIS sections address differential conditions and effects between the Indigenous and non- Indigenous populations, and provides a rationale for why aspects may be presented together for those instances in which a distinction is not made.	
TFN-11.3	Noted that TFN has residential development planned for its land, and is concerned the Human Health assessment doesn't account for effects to planned future residents. Concerned that the VFPA's assessment doesn't account of TFN's growing population and how they may be affected.	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Jul-2016, Meeting 19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**26-Nov-2014, Workshop:** Stated that potential impacts on land are relatively small because of the distance from the Project. Exposure to air emissions is more likely over water (for example, boats in the proximity to the Project during a fisheries opening being exposed to dust from construction activities). **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-Jul-2016, Meeting:** Stated the VFPA plans to monitor during and after construction to see noise levels and design mitigation in consultation with those affected at that time. There is a commitment to do this. The assessment you see assumes no noise mitigation. We can't propose [additional] mitigation at this point because we don't know what the noise will be. There is an important discussion about what commitments can be made now that can be done if and when these effects occur. Stated that the VFPA can have conversations now about what monitoring could look like, and can integrate Tsawwassen First Nation's comments into its plans (i.e., related to future development). **19-Jul-2016, Workshop:** Stated that that was considered in the EIS, increase of the population in the community assessment [See EIS Section 18.4].	**Addressed in EIS Appendix 7.2-B (#129):** The predicted maximum point of impingement over land is located near the eastern edge of the causeway, where causeway widening construction activities will occur. There are no known plans for residential development in this area, which is zoned Agricultural Land Reserve on the north side of Deltaport Way, and designated as industrial use by the Tsawwassen First Nation Land Use Plan on the south side of Deltaport Way in Tsawwassen First Nation Lands (EIS Figure 26-8 Tsawwassen First Nation Land Use Plan).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 18.4 Population 27.0 Human Health 27.6.2 Potential Effect #1 – Adverse Health Effects Related to Air Emissions in Construction Phase Appendix 27-A Air Quality HHRA Technical Report: Figure 1 - Twenty Four Hour Air Concentrations of PM10 (µg/m3) During an Average and Peak Construction Day Figure 2 - Twenty Four Hour Air Concentrations of PM2.5 (µg/m3) During an Average and Peak Construction Day
TFN-11.4	Concerned with the potential long term impacts on health related to air quality such as increased incidence of asthma in the community, COPD,	18-Nov-2013, Community Meeting	**18-Nov-2013, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#131):** Assessment of potential Project-related changes (including cumulative changes) to air quality and the potential for effects of those changes on human health, is included in EIS Section 27.0.	**EIS** 9.2 Air Quality 27.0 Human Health

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	emphysema, lung cancer and allergies. Requested lung capacity testing in the community. Requested additional explanation as to why a residual effect from exposure to air emissions is determined to be unlikely.	19-Nov-2013, Meeting 27-Nov-2013, Community Meeting 26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**19-Nov-2013, Meeting:** Stated that it is the mandate of Health Authorities to look into health issues. Such studies aren't easy to do and a high level of trust is needed between the community and the tester because of issues of confidentiality. There are larger air quality issues that the community is facing. **27-Nov-2013, Meeting:** Stated that the Human Health Risk Assessment will address this concern; this study is not yet complete as it is part of the EA process. **26-Nov-2014, Workshop:** Stated that the threshold is in reference to exposure at the population level, not for individuals. The residual effect is unlikely because the exposure doesn't reach the threshold for causing effects at a population level. The determination is made by predicting the potential for people to be present in the area, as well as how often and for how long an activity is anticipated to occur. It is noted that while people may not be likely to be in a situation where effects are occurring, it is still possible. **15-Jan-2014, Letter from the VFPA:** *"Based on the findings of the human health assessment, the requirements for follow-up work to improve predictive capabilities or understanding of baseline conditions will be identified by the VFPA. Monitoring programs to be implemented throughout the life of the Project will be described in the Environmental Impact Statement document to evaluate the effectiveness of mitigation measures and guide subsequent management actions. Lung capacity testing is part of the mandate of the Health Authorities. These types of studies require a high level of trust between the community and the tester because they involve confidential information."* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and	The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation.	27.6 Future Conditions with the Project – Potential Project-Related Effects 27.6.1 Rationale for Determination of Negligible Effects 27.6.5 Potential Effect #4 – Adverse Health Outcomes due to Changes in Health Inequity 27.7 Mitigation Measures 27.8 Characterisation of Residual Effects and Context 27.11 Summary of Residual Effects and Residual Cumulative Effects for Human Health, Table 27-24 Appendix 27-A Air Quality HHRA Technical Report

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			interests and provided the VFPA's responses.		
TFN-11.5	Concerned with potential impacts from noise to health and outdoor recreation. Requested assurance that health impacts from noise will be captured within the EIS.	16-Dec-2013, Email	**21-Jan-2014, Letter from the VFPA:** Noise will be included under the Human Health VC. **13-Jun-2016, Letter from the VFPA:** Provided a revised version of EIS Section 27.0 and EIS Appendix 27-B. In the process of responding to the CEA Agency's IRs, it was determined that the correct and measurable noise effect (sleep impairment) had not been carried forward for a significance determination of the residual effect, and for a cumulative effects assessment. Revisions were made to EIS Section 27.0 and EIS Appendix 27-B to provide supporting analysis. The section also includes revisions related to the comparison of noise levels to international thresholds for speech comprehension and sleep impairment. The overall conclusions of the assessment have not changed. The VFPA invites the Tsawwassen First Nation to meet to discuss the updated Human Health Assessment and any concerns you may have. **12-Jul-2016, Meeting:** The VFPA met with Tsawwassen First Nation to provide a high-level summary of the RBT2 Human Health Effects Assessment, to describe the changes in the revised assessment, to discuss the revised conclusions with respect to Tsawwassen First Nation, and to provide an opportunity for questions and discussion. Noted that the assessment of noise-related health effects now includes a greater level of detail regarding: • Indicators for sleep-related health effects from noise; • International noise thresholds for health effects; • Analysis of how many homes may be affected by noise (and where); and • Definition of significance.	**Addressed in EIS Sections 9.3 and 24.0:** Changes to the quality of outdoor recreation resulting from noise and vibration is assessed in the EIS. Outputs from the Noise and Vibration IC (EIS Section 9.3) are considered in the assessment of potential effects to outdoor recreation in EIS Section 24.0. Expected noise conditions east of the Project (where recreational boating and windsport activities occur) are anticipated to be above 60 A-weighted decibels at a distance of 3 km from the Project, and above 50 dBA at a distance of 6 km. During the Project's construction and operation phases, noise increases at these distances is projected to be less than 3 dBA (EIS Section 9.3 Noise and Vibration). It is anticipated that the sound of recreational vessel engines, water and wind will limit the perceptibility of Project-related noise changes by recreational boating and windsport user groups when near Roberts Bank, but the level of impact will be dependent on factors such as wind direction and weather conditions, and as such cannot be quantified. For this reason, the effect from noise to outdoor recreation is assessed to be negligible in the EIS. **Addressed in EIS Appendix 7.2-B (#43):** The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS. The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use. The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic. • The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration. • Mitigation measures related to noise are included in (EIS Section 27.9.2). The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration. The assessment concluded that: • Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible. • The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors. • Some changes in noise conditions that could be perceptible include: ○ Increased noise during periods of peak construction activity.	**EIS** 24.0 Outdoor Recreation 24.6.1 Recreational Boating and Windsport Activities - Rationale for Negligible Effect Determination 27.0 Human Health 27.6 Future Conditions with the Project - Potential Project-Related Effects: 27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise 27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance 27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity 27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedule 13-10 – Human Health

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Explained that the overall conclusions of the human health assessment remain the same.	○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals. ○ Increased noise in marine areas is expected to be perceptible close to the terminal. **Additional information provided by the VFPA:** The VFPA issued a revised version of EIS Section 27.0 and EIS Appendix 27-B Human Health Risk Assessment – Noise and Vibration (see CEAR Document #412). In the process of responding to the AIR-12.04.15-13 – Schedule 13-10, it was determined that the correct and measurable noise effect (sleep impairment) had not been carried forward for a significance determination of the residual effect, and for a cumulative effects assessment. Revisions were made to EIS Section 27.0 and EIS Appendix 27-B to provide supporting analysis; this informs the assessment provided in AIR-12.04.15-13 – Schedule 13-10. The section also includes revisions related to the comparison of noise levels to international thresholds for speech comprehension and sleep impairment. The overall conclusions of the assessment have not changed.	
TFN-11.6	Concerned that adverse impacts from the Project are most likely to be experienced locally, (and in close proximity to the Project) whereas positive impacts such as increased employment opportunities will not necessarily be experienced locally (and are more likely). Concerned that the negative effects of the Project are disproportionately felt locally, while the benefits are experienced on a national scale.	19-Nov-2013, Meeting 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2	**19-Nov-2013, Meeting:** Recorded comment for consideration by Project team. **26-Nov-2014:** Stated that the EIS does not incorporate a meta-analysis of overall weighting of costs. Potential adverse effects will be provided on a VC level and mitigation will be presented. The overall analysis of weighing the costs or benefits doesn't happen through a technical discipline process. Ultimately the decision-maker for the Project (being the Minister or the Governor-in-Council, as applicable) will make the determination as to whether to approve the Project and in making that decision, will consider the whole range of costs and benefits. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-Sep-2016, Workshop:** Recorded comment for consideration by Project team.	**Addressed in EIS Appendix 7.2-B (#127):** An assessment was conducted to determine potential Project-related effects on human health. The assessment was carried out using both a quantitative human health risk assessment and a qualitative health impact assessment and considered: • Exposure to air emissions; • Exposure to noise and vibration; • Exposure to shellfish contamination; • Stress and annoyance; • Employment and income; • Food security, including potential changes in availability of traditional food; and • Health inequity, referring to the distribution of Project-related risks and benefits. The sub-component of health inequity assessed potential effects related to unequal distribution of Project-related benefits and Project-related adverse effects. **Addressed in EIS Section 27.0:** In summary, health inequity is likely to indirectly increase as a result of the environmental and social changes that will result from the Project. In addition to accommodations (such as employment, training, and contracting opportunities summarised in EIS Section 32.3.3), planned mitigation measures for all Project components will help minimise the Project's contribution to health inequity. The residual effect is characterised as negligible, as these changes may adversely affect individuals but are unlikely to be detectable at a population level. **Addressed in response to IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups. **Addressed in response IR10-28:** The VFPA's response to IR10-28, as requested by the Review Panel, provides further discussion of anticipated effects on the participation of Indigenous Peoples in the labour market resulting from changes in the environment from the proposed Project and marine shipping associated with the Project. **Addressed in response to IR13-15:** The VFPA's forthcoming response to IR13-15 will further discuss the assessment of health inequity within the human health assessment.	**EIS** 27.0 Human Health 27.6.1 Rationale for Determination of Negligible Effects 27.6.5 Potential Effect #4 – Adverse Health Outcomes due to Changes in Health Inequity Appendix 27-B Human Health Risk Assessment – Noise and Vibration 32.3.3 Potential or Established Aboriginal and Treaty Rights and Related Interests, Mitigation Measures **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedule 13-10 – Human Health Response to Sufficiency Information Request #15 (IR13-15) Response to Sufficiency Information Request #27 (IR10-27) Response to Sufficiency Information Request #28 (IR10-28)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Additional information provided by the VFPA: The VFPA-Tsawwassen First Nation Memorandum of Agreement provides commitments to positive benefits from the Project for the Tsawwassen First Nation	
TFN-11.7	Asked how extraneous air quality events are accounted for in the assessment and speculation that there is no good way to predict the air quality effects on human health. Asked whether air quality monitoring tests for anything other than common particulates (for e.g. dangerous materials).	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** The VFPA indicated that there would be follow up with the Air Quality technical specialist with respect to the data around specific events.	**Addressed in EIS Section 30.0:** EIS Section 30.0 presents a review of the potential effects to human health (via air quality effects) of three plausible worst-case scenario accidents and malfunctions. Overall, no significant adverse residual effects on human health would be expected. **Addressed in EIS Section 9.2.4.1:** Project-related emission sources are primarily associated with fugitive dust during the construction phase and fuel combustion in both the construction and operation phases, (i.e., from diesel-fuelled engines, with smaller emissions related to propane-fuelled CHE, and gasoline-fuelled vehicles). The contaminants of potential concern (COPCs) from these sources considered in the assessment include: • Criteria air contaminants (CACs) – carbon monoxide (CO), nitrogen oxides (NO_x), sulphur dioxide (SO_2), particulate matter (PM), inhalable particulate matter (particulate matter up to 10 micrometres in size) PM_{10}, fine particulate matter (particulate matter up to 2.5 micrometres in size) $PM_{2.5}$, and ground-level ozone (O3); • Trace organic contaminants (TOCs) – Trace contaminants that are known to be emitted from combustion in engines, including acrolein, benzene, 1,3-butadiene, acetaldehyde, formaldehyde, naphthalene, polycyclic aromatic hydrocarbons represented by benzo(a)pyrene, and diesel particulate matter (DPM); • Greenhouse gases (GHGs) - carbon dioxide (CO_2), methane (CH_4) and nitrous oxide (N_2O) expressed as carbon dioxide equivalent (CO_2e); and • Climate forcing particulate matter – black carbon, also expressed as CO_2e. Black carbon is emitted from combustion processes. Black carbon plays a role in climate forcing as it absorbs solar radiation, influences cloud processes and alters the melting of snow and ice cover. **Additional information provided by the VFPA:** Air quality monitoring can test for a wide range of parameters beyond particulates, including O_3, NO_2 and SO_2. As part of DP3, the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station (T39). The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of equipment including ozone and particulate monitoring technologies (including for CO, nitric oxide (NO) and NO_2, SO_2, O_3 and $PM_{2.5}$, as well as the meteorological parameters of wind speed, wind direction and temperature). This station is part of Metro Vancouver's regional air quality monitoring network and results from the station can be viewed in real-time at www.bcairquality.ca/readings. The analysis of the data from this station indicates that there has been a reduction in both sulphur dioxide (SO_2) and fine particulate matter ($PM_{2.5}$) concentrations measured at this monitoring station after the implementation of the requirements for low sulphur fuels from ships under the North American Emission Control Area (ECA) regulations. Currently, the levels of all COPCs are below the most stringent air quality criteria. With respect to extraneous air quality events, these are also captured at the air quality monitoring stations, but were omitted from the background concentrations used in the RBT2 Air Quality Study. Smoke due to wildfires has been observed to	**EIS** 9.2 Air Quality 9.2.4.1 Compounds of Potential Concern 30.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				increase $PM_{2.5}$ and/or ozone concentrations. For example, data from Station T39 in for the period of June 2010 to December 2012 indicated that the observations were below the ambient air quality objectives for Metro Vancouver, except for peak $PM_{2.5}$ and ozone levels during regional scale air quality advisories for $PM_{2.5}$ from smoke due to wildfires in August 2010 and for ozone in August 2010 and 2012.	
TFN-11.8	Stated that TFN does not agree with the EIS conclusions that the impact on crabs will be minor. Clarified that this concern is not a rights and title issue, but an impact on TFN member health and welfare.	27-Jul-2016, Chief & Council Meeting	**27-Jul-2016, Meeting:** Recorded comment to share Tsawwassen First Nation's view with the Review Panel.	**Addressed in EIS Sections 12.0 and 21.0:** Detailed assessment of the projects potential effects to crabs is provided in EIS Section 12.0. As noted in EIS Section 21.0, the Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect (related to the displaced crab harvesters) is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible (Section 32.2.8). Measures proposed to reduce potential effects include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction and operation environmental management plans related to construction-phase communication, construction monitoring and crab salvages **Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation. **Addressed in response to IR13-16:** The VFPA's forthcoming response to IR13-16 will further provide an update concerning ongoing consultation related to crab harvesting.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Current Use of Land and Resources for Traditional Purposes, Future Conditions with the Project – Potential Project-related Effects 32.2.7 Current Use of Land and Resources for Traditional Purposes, Mitigation Measures Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context **Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172) Response to Sufficiency Information Request #16 (IR13-16)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-11.9	Stated that an assessment of less-than-lifetime exposure should be completed or additional rationale should be provided to justify the absence of an assessment of cancer risks for the project.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 27.9.2:** As noted in EIS Section 27.9.2, adverse health effects from air emissions are characterised as not significant, since the predicted levels of exposure do not exceed toxicological health thresholds; i.e., the risk quotients and incremental life time cancer risks indicate acceptably low levels of risk. Further information is presented in EIS Appendix 27-A, Section 4.2.4 Chronic Inhalation: Carcinogenic Effects.	**EIS** 27.0 Human Health 27.9.2 Significance Determination Appendix 27-A Air Quality HHRA Technical Report
TFN-11.10	Stated that the MPOI overland was only used in evaluation of acute exposures. Limited information is provided with respect to this location. It is unclear where it is and why acute exposures alone were evaluated. Requested a figure showing the location of this MPOI over land. Further, rationale for assessing under an acute exposure alone should be provided. Requested a figure showing the location of MPOI in relation to the receptors	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR6-24:** The VFPA's response to IR6-24, as requested by the Review Panel, provides the location and value of the maximum point of impingement for both over-water and overland in all results plots and include the location of the discrete receptors.	**Information Requests** Response to Sufficiency Information Request #6 (IR6-24 of CEAR Document #1188)
TFN-11.11	Requested a verification of the calculations used to estimate the shellfish concentrations and the assumptions used to estimate BSAF.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR12-04:** The VFPA's response to IR12-04, as requested by the Review Panel, will further discuss potential effects on human health from marine resource contamination for both Indigenous and non-Indigenous populations.	**Information Requests** Response to Sufficiency Information Request #4 (IR12-04)
TFN-11.12	Requested additional explanation on why the terms in Eqn 16 and Eqn 16.1 have different values.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR12-04:** The VFPA's response to IR12-04, as requested by the Review Panel, will further discuss potential effects on human health from marine resource contamination for both Indigenous and non-Indigenous populations.	**Information Requests** Response to Sufficiency Information Request #4 (IR12-04)
TFN-11.13	Requested confirmation that review of the SENES Air Quality Study has not identified concerns/ issues that could result in changes to information/data used in the HHRA. If changes have occurred, please update the HHRA to reflect these changes.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA has submitted responses to all air quality information requests as part of responses to Information Request Package 6. The VFPA confirms that there is no new air quality analysis, or issues or concerns identified, that would result in changes to the human health risk assessment for air quality.	**Information Requests** Response to Sufficiency Information Request – Package 6 (CEAR Document #975)
TFN-11.14	Requested further information regarding the approved developments.	28-Oct-2016, Letter to Panel (CEAR	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 3.4.3:** EIS Section 3.4.3 presents information regarding approved developments considered in the assessment.	**EIS** 3.0 Geographical Setting 3.4.3 Projects Contributing to Expected Conditions

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Requested a list of these developments. Further, please discuss this as a source of uncertainty. Discussion surrounding the potential for underestimation of risks should be provided. A sensitivity analysis surrounding this input variable would be helpful.	Document #650)			
TFN-11.15	Stated that Benzo(a)pyrene was selected to represent all PAHs. It is unclear if this is adequately protective. Requested information related to other PAH constituents. Are there other PAH constituents that could be of concern? Discussion surrounding the concentrations that may be emitted in relation to B(a)P equivalency would also be helpful.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR12-04:** The VFPA's response to IR12-04, as requested by the Review Panel, will further discuss potential effects on human health from marine resource contamination for both Indigenous and non-Indigenous populations.	**Information Requests** Response to Sufficiency Information Request #4 (IR12-04)
TFN-11.16	Stated that the assessment does not involve construction related emissions. It is stated that these were not included based on "relatively short time frame" associated with construction vs project operations. This is a source of uncertainty. Further justification for this approach is required. Requested confirmation that the omission of this scenario does not have the potential to underestimate true risk levels. Discussion regarding the emission concentrations for the construction phase compared to those predicted for the operational phase is necessary.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 27.0:** Health risks during construction were assessed for two emissions scenarios: a peak construction day and an average construction day. Both scenarios included emissions from Project construction, as well as emissions based on expected conditions, as discussed in EIS Section 9.2. The results of the assessment notes that adverse health effects from Project-related exposures to airborne contaminants are unlikely, and further characterised as not significant, since the predicted levels of exposure do not exceed toxicological health thresholds; i.e., the risk quotients and incremental life time cancer risks indicate acceptably low levels of risk.	**EIS** 9.2 Air Quality 27.0 Human Health
TFN-11.17	Stated that a recreational user has not been evaluated under a chronic exposure scenario. Given the presence of traditional harvesters, a rationale for this exclusion is required. Please discuss the potential for recreational	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 27-A:** As stated in EIS Appendix 27-A, Sections 4.1.2, 4.2.3, and 4.2.4, risk quotients for chronic exposure during construction and operation are tabulated in the main body of the report (Table 16) for receptors including Tsawwassen First Nation, farmers, Canadian residents, and U.S. residents. The remaining RQ values are lower than those shown in summary tables, and are provided in Appendix A. These do not include receptors representing recreationists, however. It is expected that recreationists would be present at receptor areas for limited periods of time during	**EIS** 27.0 Human Health Appendix 27-A Air Quality HHRA Technical Report

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	users to frequent some of the locations considered on a regular basis? Based on personal knowledge of the area, it is possible that community members utilize the beach area near the BC Ferry Terminals on a routine basis. Discussion of uncertainty surrounding this approach may be adequate.			the summer and rarely present during winter months. Thus, their potential exposures would be acute rather than chronic. The chronic exposure assessment included permanent receptor locations where individuals could be exposed year-round.	
TFN-11.18	With respect to Table 8 – Receptor Characteristics, stated that it is unclear where the ingestion rates for TFN and shellfish consumption were sourced from. They appear to be incorrectly referenced. Further, it is unclear if these values are averages, 95% UCLMs or other statistical values. Please confirm that the ingestion rates are correct, provide the correct reference and statistical value they represent. There is uncertainty surrounding the ingestion rates used for shellfish consumption. Other sourced that provide shellfish consumption rates are available. These sources provide values greater than those used in the HHRA. Please discuss this uncertainty. Discussion regarding the sensitivity of this input parameter would also be helpful. Similar to shellfish ingestion, uncertainty exists in association with farmer ingestion rates. Discussion of this uncertainty would be helpful. Please discuss this uncertainty. Discussion regarding the sensitivity of this input parameter would also be helpful.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR12-04:** The VFPA's response to IR12-04, as requested by the Review Panel, will further discuss potential effects on human health from marine resource contamination for both Indigenous and non-Indigenous populations.	**Information Requests** Response to Sufficiency Information Request #04 (IR12-04)

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TFN-11.19	Stated that for Equation 2.11 the Qpi Value is "Forage 1.6", but there is no source provided. Stated that it is assumed this value is from USEPA 2005 as this is the source for all other forage values. Please confirm that this is the source.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR12-04:** The VFPA's forthcoming response to IR12-04, as requested by the Review Panel, will further discuss potential effects on human health from marine resource contamination for both Indigenous and non-Indigenous populations. **Addressed in response to IR13-06:** The VFPA's forthcoming response to IR13-06, as requested by the Review Panel, will further discuss potential effects on human health related to shellfish consumption.	**Information Requests** Response to Sufficiency Information Request #4 (IR12-04) Response to Sufficiency Information Request #6 (IR13-06)
TFN-11.20	Stated that for Equation 16 – There is no source provided for the fish lipid constant value. Please provide the source for this value.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The source for the fish lipid value is the US EPA Region 6 Multimedia Planning and Permitting Division. Source: US EPA.2005. Human health risk assessment protocol for hazardous waste combustion facilities. US EPA, Office of Solid Waste, EPA530-R-05-006. Available at: https://archive.epa.gov/epawaste/hazard/tsd/td/web/pdf/05hhrap5.pdf.	
TFN-11.21	Stated that in the table at top of pg. 25, there is measured lipid content values for each species assessed. It is unclear why these values were not used in the assessment. It appears that the assumed value of 0.03 was used instead. Please indicate the reason for not using the measured values over the assumed value in the calculations. Discussion with respect to conservativeness may be helpful (i.e. is use of the assumed value more conservative?).	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR12-04:** The VFPA's forthcoming response to IR12-04, as requested by the Review Panel, will further discuss potential effects on human health from marine resource contamination for both Indigenous and non-Indigenous populations. **Addressed in response to IR13-06:** The VFPA's forthcoming response to IR13-06, as requested by the Review Panel, will further discuss potential effects on human health related to shellfish consumption.	**Information Requests** Response to Sufficiency Information Request #4 (IR12-04) Response to Sufficiency Information Request #6 (IR13-06)
TFN-11.22	For the acute inhalation assessment - There is an RQ> 1 for the MPOI over water under peak construction and average construction. Based on the figures provided, it looks like there are issues with dust in the beach area by the ferry terminal. These unacceptable risk levels have been written off based on magnitude. Please confirm if the risk levels calculated consider dust suppression measures that may be used during construction. If they do not, comment on the need for dust suppression as a risk management measure.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR6-24:** The VFPA's response to IR6-24, as requested by the Review Panel, provides the location and value of the maximum point of impingement for both over-water and overland in all results plots, and include the location of the discrete receptors. The concentrations reflected in these updated figures are based on emissions before mitigation. An Air Quality and Dust Control Plan for the construction phase is proposed, as summarised in EIS Section 33.3.3.	**EIS** 33.3.3 Air Quality and Dust Control Plan **Information Requests** Response to Sufficiency Information Request #24 (IR12-24)

Table 12: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information

TFN-12.1	Concerned with the negative effects related to increased employment, including displacement of jobs from other areas in the local economy, and increased wages for small businesses.	19-Nov-2013, Meeting	**19-Nov-2013, Meeting:**
			Recorded comment for consideration by Project team.
			01-Apr-2015, Letter from the VFPA:
			Provided an advance copy of the EIS for the Project, including EIS Appendix 7.2-B which responded to questions raised by Tsawwassen First Nation to date, including information on the economic development assessment.
				Addressed in EIS Section 20.0:
				The Economic Development assessment includes assessment of potential adverse effects on labour market balance (including wage inflation or labour shortages). Further details on rationale for the scope, methods and conclusions are provided in the EIS.
				Addressed in EIS Appendix 7.2-B (#113):
				The economic development assessment evaluated potential Project-related effects on local and regional economies, and focused on:
				• Business revenues associated with the direct supply of materials, goods and services to the Project for construction and operation;
				• Business revenues associated with supply of inputs to the businesses that are directly supplying goods and services to the Project;
				• Induced revenues for businesses related to household spending by workers employed as a result of the Project;
				• Construction sand supply and consumption; and
				• Consistency with economic development plans.
				The economic development assessment concluded that:
				• The Project is expected to result in the following positive effects on economic development in Metro Vancouver:
				  ○ During the 5.5 year construction phase:
				  ▪ $837 million in additional gross revenues to businesses in Metro Vancouver;
				  ▪ $238 million in induced household spending in Metro Vancouver;
				  ○ During operation:
				  ▪ $31 million annually in materials, good, and services contracting revenue to the economy of Metro Vancouver; and
				  ▪ $71 million of annual induced household spending in in Metro Vancouver.
				• The Project is expected to result in an increase in materials, goods and services contracting revenues for Indigenous businesses located in Metro Vancouver.
				• The Project is expected to result in negligible effects on construction sand availability and price.
				• The Project is consistent with economic development strategies in Metro Vancouver's Regional Growth Strategy, the economic development objectives of the Corporation of Delta, and the general directions set out in the Tsawwassen Land Use Plan of Tsawwassen First Nation.
				• The Project is expected to result in positive effects to economic development in Metro Vancouver; therefore, the Project is not expected to result in measurable adverse residual effects. The Project is not expected to result in incremental adverse cumulative effects on economic development.
				The Economic Development assessment includes assessment of potential adverse effects on local sand supply, resulting from the Project-related demand, as well as potential adverse effects on labour market balance (including wage inflation or labour shortages). Further details on rationale for the scope, methods and conclusions are provided in the EIS.
				Addressed in response to IR10-27:
				The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.
					EIS
					Appendix 7.2-B Aboriginal Groups Interests and Issues Table
					19.0 Labour Market
					19.7.3 Potential Effect #3 -Potential Change in Labour Market Balance
					20.0 Economic Development
					20.6.1 Rationale for Negligible Effect – Change in Construction Aggregate Availability and Price
					20.6.2 Potential Effect #1 – Change in Materials, Goods, and Services Contracting Revenues
					20.6.3 Potential Effect #2 – Change in Induced Output (Revenues)
					20.6.4 Potential Effect #3 – Consistency with Economic Development Plans
					20.8 Characterisation of Residual Effects and Context
					Information Requests
					Response to Sufficiency Information Request #27 (IR10-27)

Table 13: Light – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-13.1	Please provide a rationale for choosing the Commission Internationale de L'Eclairage (CIE) classification systems.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR6-02:** The VFPA's response to IR6-02, as requested by the Review Panel, provides a rationale for choosing the Commission Internationale de L'Eclairage (CIE) classification system. The light study for the EIS employed the internationally recognised and accepted CIE (Commission Internationale de l'Eclairage) zone classifications. This methodology was selected because the zone classifications rely on instrument-based measurements, and are therefore considered to be an accurate and appropriate assessment metric.	**Information Requests** Response to Sufficiency Information Request #02 (IR6-02 of CEAR Document #1060)
TFN-13.2	Please calculate predicted light trespass as a percentage of existing conditions and qualify findings regarding the nature of existing conditions. For instance, Table 9.4-9 indicates that both POR2 (Mayne Island) and POR9 (the lookout location on the UEL) showed similar lux levels. What was the quality of this light? How much of this light was of natural origin in each location? Stated that with respect to light trespass, the broad four-point scale being used, coupled with limitations to the equipment (SQL meters) used to measure illuminance level does not result in a meaningful assessment of effects. Specifically, SQL meters are not well suited to differentiating between natural and artificial light. This may result in a case where a large natural increase in illuminance (the difference between a clear moonless night and a clear night on a full moon) may measure as brighter than a ship or ships on the horizon. This does not give any insight into the ultimate effect on perceived visual quality, where generally natural light sources are perceived as acceptable and artificial ones are less well tolerated.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR6-01:** The VFPA's response to IR6-01, provides additional detail on existing conditions for light, including illuminance and sky glow under varying weather conditions and seasons. Information on full moon light levels for trespass and skyglow can be found Table 3 (trespass) and Table 5 (sky glow) of EIS Appendix 9.4-A. Predicted future light trespass from the RBT2 Terminal as a percentage of existing conditions can be determined using the values provided in Table 11 of Appendix 9.4-A. As the Project contribution is 0 lux at most PORs, the percentage change from existing conditions is 0% at most PORs. The light assessment determines the contribution of light from the Project, as an artificial source, to the existing light environment. The Project light trespass contribution at POR2 (and POR9) is 0 lux. An assessment of cumulative effects on visual resources, including contributions of past and existing sources of light in the assessment area, is provided in AIR-12.04.15-13 – Schedule 13-9. This discussion is qualitative, as a determination of the relative contribution to existing light conditions from natural vs. artificial light is not technically feasible. The cumulative effects assessment for Visual Resources addresses the effect of the Project on perceived visual quality, in the context of contributions from natural vs. artificial light from other projects and activities.	**EIS** Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedule 13-9 Visual Resources Total Cumulative Effects Assessment Response to Sufficiency Information Request #01 (IR6-01 of CEAR Document #1060)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-13.3	Stated that with respect to sky glow, a more finely graded scale appropriate to measuring effects on stargazing, would be more meaningful as a tool for carry-over to the assessment of effects on Visuals Resources. For instance, the now-widely accepted Bortle Scale, a 9-point scale based on ranges of mag/arcec2 better reflects the human receptor experience of night sky change in areas, like the Gulf Islands or Brunswick Point valued for their rural quality and darker skies. Please convert changes to sky glow from % sky glow to the Bortle Scale (see sample table below) and reassess effects and significance. Please provide results in mag/arcsec2 to allow conversion to Bortle Scale. Stated that any sky glow above 200% is rated as G4, the maximum rating, indicative of "areas of high district brightness: generally urban areas having mixed residential and commercial land use with high night-time activity." Table 9.4.4, however, indicates that a full moon in an area free of artificial illumination has a sky glow value of 3000%. A full moon therefore belongs in the same category as an urban area, according to the CIE classification system. This is counter-intuitive in terms of eventual carry-over effects to visual resources, where natural sky glow is generally perceived more favourably than artificial sky glow.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR6-02:** The VFPA's response to IR6-02, as requested by the Review Panel, provides a comparison of changes in classification at each of the 12 points of reception between the CIE scale and the Bortle scale. The Project is predicted to result in a change in CIE zone classification for one POR (POR1) from G2 to G3. Using the Bortle scale, the Project is not predicted to result in a change in Bortle scale class at POR1, but is predicted to result in a change in Bortle scale class at two other PORs: POR7 (Brunswick Point) and POR11 (Existing Roberts Bank terminals). POR7, located at Brunswick Point, is predicted to change from Class 5 (Suburban sky) to 6-7 (Bright suburban sky – Suburban/urban transition). POR11, which is the existing Roberts Bank terminals, is predicted to change from 6-7 (Bright suburban sky – Suburban/urban transition) to 8-9 (City sky – Inner-city sky). **Addressed in response to IR6-02:** The VFPA's response to IR6-02, as requested by the Review Panel, describes whether the use of the Bortle scale results in any changes to the criteria ratings for the predicted change in nighttime visual resources or the determination of significance for a change in nighttime visual resources. The response notes that the change in classification identified for two of the 12 PORs (POR7 and POR11) when applying the Bortle scale would not alter the criteria ratings for the predicted change in nighttime visual resources as presented in the EIS. The assessment results when applying the Bortle scale do not result in a change to the significance determination for residual effects on nighttime visual resources as presented in EIS Section 25.9.2. With the application of the Bortle scale there remains a minor level of overall change to the nighttime viewscapes visible from the two affected PORs, and the existing visible landscape remains able to absorb evident features that are similar in character to existing levels of development. The response also provides Measured Sky Quality as (mag/arcsec^2).	**EIS** 25.0 Visual Resources 25.9.2 Significance Determination **Information Requests** Response to Sufficiency Information Request #02 (IR6-02 of CEAR Document #1060)
TFN-13.4	In regards Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study, Section 1.2, stated that no reference in this section is made to consideration of weather and seasons as one	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR6-01:** The VFPA's response to IR6-01, as requested by the Review Panel, provides the seasonal frequency, duration and density of nighttime fog in the area encompassing the 12 points of reception and assesses the potential effects of nighttime fog on light scatter and sky glow. The response indicates that increased fog will decrease the light trespass from the Project, whereas increased cloud cover and fog would increase sky glow.	**Information Requests** Response to Sufficiency Information Request #01 (IR6-01 of CEAR Document #1060)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	of the study objectives, as required by the EIS Guidelines. Please provide information regarding weather and season effects per the requirements of the EIS Guidelines. Requested information on where in the EIS or Appendices the issue of night time light conditions in foggy conditions is identified and assessed. If this has not been addressed, please indicate why not.				
TFN-13.5	In regards to Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study, Section 2.3, stated that EIS Chapter 9 notes that "…cloud cover can increase the sky glow level...The existing sky glow levels were thus obtained from sky quality measurements taken under minimal cloud cover… (during the new moon phase) in order to determine the greatest possible change in sky glow attributable to the project." Section 2.3 of Appendix 9.4-A, however, notes that measurements were collected at POR1 "when the sky was mainly cloudy"; at POR2 and POR3 "under partly cloudy skies"; at POR4, POR5, and POR6 "under mainly cloudy skies"; and at POR 10 "under partly cloudy skies and windy conditions." Measurements at POR7, POR8, and POR 11 were taken under mainly clear skies. Conditions under which measurements were taken at POR9 were not recorded. Stated that given that cloudy conditions are likely to result in an overestimation of baseline light conditions and a resulting underestimation of effect, please explain the discrepancy between the stated approach in the EIS and the actual methodology noted in the Appendix. Please indicate how this will affect the effects of the	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR6-01:** The VFPA's response to IR6-01, as requested by the Review Panel, discusses the effect of varying cloud cover conditions. As noted in the response light trespass is the direct illumination of nearby off-site locations from the Project. Cloud cover does not typically interact with the propagation of light from the source to nearby locations, due to the height of cloud cover. In the unlikely event that low-lying cloud cover does interact with light propagation from a light source to a receptor location that is higher up, the low-lying cloud cover would limit the propagation of light and decrease the level of light trespass at receptor locations. Cloud cover would not have an adverse impact on the measured light trespass at a given location, and therefore the light trespass levels presented in the EIS have not been adjusted for cloud cover.	**Information Requests** Response to Sufficiency Information Request #01 (IR6-01 of CEAR Document #1060)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	assessment and reassess effects with a baseline corrected for cloudy conditions.				
TFN-13.6	Concerned with light effects to health and outdoor recreation. Suggested mitigation measures include ongoing monitoring and reducing night-time light leakage.	24-Apr-2014, ITK Meeting with Elders	**24-Apr-2014, Meeting:** Recorded comment for consideration by Project team. **08-Oct-2014, Workshop:** Held an EIS workshop and presented on results of the light assessment: • Minimal increases in light trespass levels from project related activity are expected, but the overall light environment is not expected to change. • Minimal increases in sky glow levels are also expected; however, these changes will not result in a noticeable change in the visibility of the stars.	**Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on VCs and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of Environmental Management Plans, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. **Addressed in EIS Sections 9.4 and 25.0:** EIS Section 9.4 and EIS Section 25.0 was completed applying the use of high pressure sodium (HPS) lighting at the Deltaport Terminal and for the proposed Project. A process is underway, however, to change the current outdoor lighting fixtures at the existing Deltaport Terminal to light-emitting diodes (LEDs). The current container terminal operator, Global Container Terminals, has introduced LEDs to a various pieces of terminal infrastructure, including but not limited to its cranes. LEDs are more energy efficient and can be easier to control in terms of where the light is focused. The continued transition to LEDs is expected to reduce both light trespass and sky glow from the Deltaport Terminal. The light fixtures and lighting design are not yet finalised for RBT2, and this will be part of the final project design phase. Given the broad uptake of LED lighting at port terminals, it is anticipated that operators of RBT2 will utilise LEDs. The VFPA is encouraging the minimisation of light pollution through its targeting of ENVISION accreditation for its major infrastructure projects, including RBT2. More information concerning ENVISION is available at: https://sustainableinfrastructure.org/envision/how-it-works/.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests 9.4 Light 9.4.4 Relevant Guidelines 9.4.8 Future Conditions with the Project 25.0 Visual Resources 25.6 Future Conditions with the Project - Potential Project-related Effects 25.7.2 Mitigation Measures, Mitigation Measure #2 – Lighting Design and Operation – Light Management Plans 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.1 Current Use of Land and Resources for Traditional Purposes, Indicators 32.2 Current Use of Land and Resources for Traditional Purposes 33.3.5 Construction Environment Management Plan, Light Management Plan 33.4.3 Operation Environment Management Plan, Light Management Plan

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Table 14: Local Government Finances – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-14.1	Asked about the impact from port development to land and home values.	19-Nov-2013, Meeting	**19-Nov-2013, Meeting:** Responded that the change in land value has not been assessed.	**Additional information provided by the VFPA:** Impacts that may have the potential to affect property values such as noise, light and view were included in the assessment, but an assessment specifically on the impact from port development to land and home values was not included in the EIS Guidelines and has not been completed.	

Table 15: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-15.1	Stated that TFN would like to ensure that effects to the commercial fishery are being adequately addressed, noting participation in the commercial fishery is not a Treaty right or an Aboriginal right, but a contractual right.	26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**26-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project, including EIS Appendix 7.2-B which responded to questions raised by Tsawwassen First Nation to date.	**Addressed in EIS Appendix 7.2-B (#116):** A description of the scope and methods of the Marine Commercial Use assessment is provided in EIS Section 21.0. • The Marine Commercial Use assessment considers potential effects on marine fish harvesting, seafood harvesting (including crab), guided sport fishing, and marine-based tourism. • The rationale for the selection of the Marine Commercial Use assessment spatial boundaries is provided in the EIS. • Relevant information was sought from all Indigenous groups that hold commercial fishing licences. • The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including those in the lower Fraser River. **Addressed in EIS Sections 12.0 and 21.0:** Detailed assessment of the project's potential effects to crabs is provided in EIS Section 12.0. As noted in EIS Section 21.0, the Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect (related to the displaced crab harvesters) is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 8.1.9 Environmental Assessment Methods, Cumulative Effects Assessment 12.0 Marine Invertebrates 21.0 Marine Commercial Use 21.2 Selection of Marine Commercial Use Valued Component 21.3.1 Spatial Boundaries
TFN-15.2	Requested a map showing both DFO sub-areas and Local Assessment Area (LAA). Concerned that the LAA may not line up with DFO sub-areas, and how impacts could be properly evaluated if this were the case.	03-Jul-2014, Aboriginal Group VC Workshop #2 26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**03-Jul-2014, Workshop:** Committed to providing a map of the commercial harvesting of invertebrates proposed assessment area overlain with the DFO sub-areas. **29-Oct-2014, Workshop:** Provided the maps requested with Tsawwassen First Nation through presentations and in hard copy as part of Preliminary EIS Workshop #2. **26-Nov-2014, Workshop:** Noted the Project area does not span multiple areas for crab (it only intersects with crab management area I). Committed to confirming this and following up about management areas for fish. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project, including EIS Appendix 7.2-B which responded to questions raised by Tsawwassen First Nation to date, including the DFO management areas.	**Addressed in EIS Appendix 7.2-B (#83):** DFO Fisheries Management Areas in the Project area are described in the EIS. The potential Project-related effects on marine fish and on commercial, recreational and Indigenous fisheries are considered within the area of maximum extent of potential adverse effects, and not by DFO Fisheries Management Area.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 13.3.1 Spatial Boundaries 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.3.1 Spatial Boundaries
TFN-15.3	Asked about the No Float Zone proposed for RBT2 and expressed concern with the anticipated reduction of currently available	22-Jan-2016, Meeting 19-Jul-2016, Issues Workshop -	**22-Jan-2016, Meeting:** Committed to providing a map of the proposed area.	**Addressed in EIS Sections 12.0 and 21.0:** Detailed assessment of the project's potential effects to crabs is provided in EIS Section 12.0. As noted in EIS Section 21.0, the Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect (related to the displaced crab harvesters) is determined to be not	**EIS** 12.0 Marine Invertebrates 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests,

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	navigation and harvesting areas. Requested a map of the area. Concerned with the effectiveness of the proposed navigational closure and potential impacts to Aboriginal fisheries and domestic use.	Musqueam First Nation / Tsawwassen First Nation #1 01-Sep-2016, Letter	**29-Apr-2016, Meeting:** Provided the "no float zone maps" requested at the 22-Jan-2016 meeting (EIS Figures 21-6 Navigational Closure Area and Crab Harvesting and 21-8 Proposed Navigational Closure Expansion). **15-Sep-2016, Letter from the VFPA:** Explained that the VFPA determined that locating the terminal almost entirely in subtidal waters not only reduced impacts to valued environmental intertidal habitat but also minimised dredging requirements which further reduces environmental impacts on fish and fish habitat.	significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible (EIS Section 32.2.8). Measures proposed to reduce potential effects include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction and operation environmental management plans related to construction-phase communication, construction monitoring and crab salvages **Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation. **Addressed in response to IR13-16:** The VFPA's forthcoming response to IR13-16 will further provide an update concerning ongoing consultation related to crab harvesting.	Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172) Response to Sufficiency Information Request #16 (IR13-16)
TFN-15.4	Stated that TFN is sceptical of the use of commercial harvesting data generated by DFO given that the commercial sector typically does not often contribute to improving the health of the environment.	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Recorded comment for consideration by Project team.	**Addressed in response to IR7-33:** As noted in the VFPA's response to IR7-33, in the October 26, 2016 submission to the CEA Agency registry, the Area I Crab Fisherman Association (AICFA) requested that the VFPA use the electronic monitoring data to analyse potential Project effects, as well as effects of the 2009 navigational closure (2009 Closure) on commercial crab harvesting. The VFPA subsequently consulted with DFO and the AICFA to request access to the CMA I electronic monitoring data, and DFO logbook and fish slip harvest landing and landing value information for the proposed navigational closure expansion and existing 2009 Closure at Roberts Bank. The two	**Information Requests** Response to Sufficiency Information Request #33 (IR7-33 of CEAR Document #1172)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Suggested that the VFPA add a multiplier to data or expression of confidence to act as a buffer in the assessment.			new sets of data from CMA I and DFO were provided to the VFPA in spring 2017 and reviewed collectively. The IR response notes it is difficult to quantifiably estimate, or predict, reductions in landing values due to the decrease in the size of the fishing areas in sub-area 9-6 and sub-area 29-7 directly attributable to the navigational closure expansion. However, the analysis of the additional DFO data on commercial crab harvest landings and landing values and CMA I electronic monitoring data supports the conclusions made in EIS Section 21.9: • The Project terminal and proposed navigational closure expansion would displace a large portion of commercial crab harvesting in the LAA, and result in a demonstrable change to harvest landings and revenues, particularly from sub-area 29-6; and • The re-establishment of displaced commercial crab harvesters and effects on commercial crab harvest landings and revenues accrued to displaced harvesters and other harvesters harvesting outside of the proposed closure boundary, would be similar to that which occurred with the 2009 Closure, and be within historical norms.	
TFN-15.5	Concerned with the use of commercial harvesting data as primary data in the assessment (it is noted the difference between Aboriginal Fisheries Strategy (AFS)) fisheries and commercial fisheries is flawed as not all AFS fishers have the opportunity to sell, among other factors such as the size of the fleet that participates).	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Responded that the data gathered in the effects analysis and Marine Commercial Use assessment was focused on the commercial fisheries. Stated that data on the food, social and ceremonial (FSC) side were considered in more detail in the Current Use assessment for the EIS. Effort was made to separate out the analyses to make sure they were reflected. Explained that the VFPA took FSC to mean a communal license, including regular FSC licenses, limited participation licenses, and licences with allowance for sale ("EO" licenses); the VFPA used "FSC" to mean these three types of licenses. The VFPA acknowledged in the EIS that, for Tsawwassen First Nation, "domestic" is the equivalent terminology to FSC. Domestic and FSC harvesting were considered in the Current Use section.	**Addressed in EIS Appendix 7.2-B (#118):** The Marine Commercial Use effects assessment includes commercial marine fish and seafood harvesting, including activities under communal commercial licenses held by Indigenous groups. Fish and seafood harvesting for food, social, ceremonial and domestic purposes (as per the AFS) by Indigenous groups are considered in EIS Section 32.0. **Addressed in response to IR13-23:** The VFPA's forthcoming response to IR13-23 will further discuss Indigenous groups' ability to harvest crab for Food, Social and Ceremonial (FSC) purposes.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 21.0 Marine Commercial Use 21.5.2 Aboriginal Commercial Fishing and Seafood Harvesting 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-Related Effects **Information Requests** Response to Information Request #23 (IR13-23)

Table 16: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-16.1	Asked whether sturgeon are captured in the assessment. Asked if sturgeons are being investigated? Asked if anyone is tracking sturgeon.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council 07-Oct-2014, Preliminary EIS Workshop #1	**28-Jan-2013, Meeting:** Stated that several field studies are underway to characterize existing conditions. Stated that the VFPA will provide the results of all studies undertaken. **07-Oct-2014, Workshop:** Provided information about how sturgeon are considered in the assessment.	**Addressed in EIS Section 13.0:** Discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Additional information provided by the VFPA:** Potential Project-related effects on sturgeon (white sturgeon and green sturgeon) are considered in the marine fish assessment within the Pacific salmon sub-component. Sturgeon species were not selected as a representative species due to their rarity in the Roberts Bank area. Representative species in the Pacific salmon sub-component include Chinook and chum salmon. Based on qualitative and empirical evidence considered during the marine fish assessment, minor decreases in productivity to Pacific salmon are anticipated due to direct mortality (e.g., entrainment of juveniles), and changes in the acoustic (i.e., if impact pile driving is used) and light environments during the Project's construction phase, as well as due to changes in habitat availability during Project operation. Effects on Pacific salmon associated with changes in water quality and changes in biotic interactions are considered negligible. **Addressed in responses to IR5-15 and AIR-12.04.15-09:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sturgeon and describes the status and management practices associated with the species. Rationale as to how sturgeon were assessed via use of Chinook and chum salmon as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sturgeon, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in IR5-15 response.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity **Information Requests** Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Information Request #15 (IR5-15 of CEAR Document #1078)
TFN-16.2	Asked if the VFPA had done field work on the interruption of salmon runs. Asked if anyone is tracking salmon sockeye runs.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council	**28-Jan-2013, Meeting:** Stated that several field studies are underway to determine the current conditions. Stated that the VFPA will provide details on all species being investigated. Stated that the VFPA is tracking salmon runs. **25-Feb-2013, Workshop:** The VFPA held a finfish workshop with Tsawwassen First Nation fishers to learn more about their use of their fishing practices, fishing areas, species of interest. **11-Apr-2013, Workshop:** The VFPA held an elders finfish TEK workshop to obtain information on food, social and ceremonial (FSC) finfish fisheries occurring within the proposed Project Area (Roberts Bank) and the wider Fraser River Estuary by the Tsawwassen First Nation. Anecdotal information will be used to qualitatively assess which finfish species are present within the proposed Project Area (and wider Estuary); which species are of greatest importance to Tsawwassen First Nation and potentially other stakeholders in the Region; and whether the existing terminal or	**Addressed in EIS Section 13.4:** EIS Section 13.4 presents information sources used to inform the marine fish assessment, including a description of fieldwork undertaken to support the assessment. The assessment in EIS Section 13.0 focused on five sub-components: • Pacific salmon, represented by Chinook and chum species; • Reef fish, represented by lingcod and rockfish; • Flatfish, represented by English sole and starry flounder; • Forage fish, represented by Pacific herring, Pacific sand lance, shiner perch and surf smelt; and, • Demersal fish, represented by Pacific staghorn sculpin and threespine stickleback. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses biology, migration behaviour, habitat utilisation, the status and management practices associated with sockeye salmon (Cultus Lake) and white sturgeon. As noted in that response, assessment conclusions and mitigation measures for representative species also apply to sockeye salmon (Cultus Lake) and white sturgeon (Lower Fraser population) and remain unchanged. **Additional information provided by the VFPA:** The VFPA's response to IR5-15, IR-7.31.15-09, and AIR-12.04.15-09, further discuss how sockeye and sturgeon species are considered to be represented in the assessment by other fish.	**EIS** 13.0 Marine Fish **Information Requests** Response to Information Request #09 (IR-7.31.15-09 of CEAR Document #314) Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			other regional developments and human- use activities have potentially affected finfish population dynamics (spatially and/or temporally) and other fish characteristics (such as size). **01-Apr-2015, Letter from the VFPA:** Provided Tsawwassen First Nation with an advance copy of the EIS, which included EIS Appendix 7.2-B.		
TFN-16.3	Stated that sockeye is most important to TFN both culturally and economically, and any assessment that doesn't fully undertake to understand the effects of the Project on sockeye is incomplete in TFN's view.	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Acknowledged the importance of sockeye, both culturally and ecologically. Stated that all pacific salmon species are accounted for in the Roberts Bank ecosystem model. Stated that it would be impractical to characterise existing conditions and assess effects a on every species that may frequent the Roberts Bank area. Biophysical VCs, sub-component species or groups were chosen for their ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. Stated that the VFPA picked representative species that are most likely to interact with the Project and be potentially impacted to avoid underestimating the effect. Stated that chinook and chum were selected because they are the most estuarine dependent. The assessment of chinook and chum conservatively represents the other salmon species, and also steelhead and cutthroat trout. Stated that some of the information we collected and reviewed indicates that juvenile sockeye do not use Roberts Bank in high abundance, and they also transit through the estuary relatively quickly. Stated that a large proportion of sockeye also tends to migrate north.	**Addressed in EIS Appendix 7.2-B (#171):** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. In addition, the potential effects of the Project with respect to the ongoing productivity of commercial, recreational and Indigenous fisheries are evaluated in the EIS. **Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
TFN-16.4	Stated that it looks like the Project will have adverse effects on salmon. Stated that the silt being generated from the terminal is a concern for salmon and crab.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council	**28-Jan-2013, Meeting:** Stated that the VFPA is looking into this and matters around geomorphology and potential movement of sand and silt. Recorded comment for consideration by Project team.	**Addressed in EIS Sections 12.0 and 13.0:** EIS Sections 12.0 and 13.0 discuss salmon and crab migration routes and lifecycles from construction and physical occupation of the Project. While the Project is predicted to cause losses of productivity of bivalve shellfish, Dungeness crabs and orange sea pens, the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no significant adverse residual effects from the Project to marine invertebrates. The Project is not expected to result in any incremental adverse cumulative effects to marine invertebrates. The assessment	**EIS** 9.6 Water Quality 12.0 Marine Invertebrates 13.0 Marine Fish

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Asked what is being done about this concern.		**01-Apr-2015, Letter from the VFPA:** Provided Tsawwassen First Nation with a copy of the EIS, which included EIS Section 12.0 Marine Invertebrates and 13.0 Marine Fish.	concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. **Addressed in EIS Section 9.6:** Changes to surficial geology and marine sediment during Project construction activities are expected to be minimal or undetectable relative to natural variability.	
TFN-16.5	Stated that any impacts to marine fish, their habitat, or our opportunity to harvest marine fish are of great concern to TFN. Stated that of particular concern is the impact of this development on TFN's ability to access fishing and harvest areas.	16-Oct-2013, Letter to the CEA Agency	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#120):** In the Marine Commercial Use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine-based activity or potential; • The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect (related to the displaced crab harvesters) is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible (EIS Section 32.2.8). **Addressed in EIS Section 32.2.6.2:** As indicated in EIS Section 32.2.6.2, potential changes in productivity may occur for Pacific salmon, reef fish, and demersal fish, as a result of the Project; however, potential Project-related effects on those resources are not expected to result in measurable Project-related effects to Current Use of these fish. Project-related effects on access to Current Use locations for fishing are expected to be negligible during construction and operation.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Current Use of Land and Resources for Traditional Purposes, Future Conditions with the Project – Potential Project-related Effects 32.2.7 Current Use of Land and Resources for Traditional Purposes, Mitigation Measures Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context
TFN-16.6	Concerned that fish are being redirected away from Canoe Passage and that this impact will increase with increased container ships at RBT2. Concerned that Canoe Pass is getting closed off because of the current terminal configuration	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Committed to follow-up with Tsawwassen First Nation in regards to this concern. **15-Jan-2014, Letter from the VFPA:** A review of historical and recent air photos, in addition to modelling of sediment deposition at Roberts Bank (including Canoe Passage) is underway. Historic Canoe Passage discharge channel locations and sediment distribution	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or build-up of sand) were modelled to assess variation pre and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.5 Coastal Geomorphology 9.5.6 Existing Conditions 9.5.8 Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint

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	and corresponding build-up of sand.		(e.g., bar formation or build-up of sand) will be documented to assess natural variation pre- and post-terminal construction, and potential changes as a result of the proposed terminal configuration will be assessed. Fish and fish habitat suitability studies are currently underway to assess current fish distribution and abundance, and potential changes in fish presence as a result of the proposed Project will be assessed. Potential changes resulting from the Project during both construction and operation phases will be included in the assessment. **01-Apr-2015, Letter from the VFPA:** Provided Tsawwassen First Nation with an advance copy of the EIS, which included EIS Appendix 7.2-B. **12-Sep-2016, Workshop:** The VFPA held an issues workshop with Tsawwassen First Nation on coastal geomorphology. An expert on coastal geomorphology stated that he can't guarantee that Canoe Passage won't be affected by the Project, but the understanding he's come to is that the effect doesn't extend as far as Canoe Passage. Noted the observation that since 1949 the channel hasn't been anywhere near the Project is correct.	the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS.	Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint
TFN-16.7	Asked whether there has been consideration of the timing of in-water construction activities to avoid highs in the cycles. Suggested that construction not begin on a four-year-high in the context of sockeye runs.	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Stated that the juvenile salmon timing window (enforced by DFO) prevents project works and activities from occurring between March 1 and August 15 to protect juvenile outmigration and rearing. That's been written into the EIS and construction schedule.	**Addressed in EIS Section 17.0:** Mitigation for Marine Biophysical VCs summarises that Project construction phase avoidance measures include fisheries-sensitive windows established by DFO, which have been incorporated into the preliminary construction scheduled, as described in EIS Section 4.3.1 Project Schedule, Construction Phase. For example, aligning construction activities to avoid fisheries-sensitive windows for juvenile Pacific salmon from March 1 to August 15, above -5.0 m CD.	**EIS** 17.0 Mitigation for Marine Biophysical VCs Table 17-1 Measure to Avoid Potential Project-related Productivity Losses
TFN-16.8	Asked whether eulachon are captured in the assessment. Asked why the Project is expected to have no measurable effect on eulachon in Canoe Passage. Concerned that even small effects could impact the wellbeing of eulachon. Stated that any natural resource that people in	07-Oct-2014, Preliminary EIS Workshop #1 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Sep-2016, Issues Workshop – Musqueam	**07-Oct-2014, Workshop:** Provided information about how eulachon are considered in the assessment. **26-Nov-2014, Workshop:** Committed to following-up on that question about why the Project determined no impact to eulachon in Canoe Passage. **01-Apr-2015, Letter from the VFPA:** Provided Tsawwassen First Nation with an advance copy of the EIS, which included EIS Appendix 7.2-B.	**Addressed in EIS Section 13.0:** Discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon, is captured in EIS Section 13.0. **Addressed in response to AIR-12.04.15-09:** The VFPA's response to AIR-12.04.15-09 outlines in detail the selection process for VCs, sub-components, and representative species and rationale for selection. Discussion of how sockeye, sturgeon, and eulachon were captured in the assessment (i.e., by proxy) is provided. **Addressed in EIS Section 13.0:** The EIS considered eulachon in EIS Section 13.0, where the species was assessed via the use of forage fish (specifically Pacific herring and surf smelt) as representative species.	**EIS** 13.0 Marine Fish 32.2.4.1 Tsawwassen First Nation **Information Requests** Response to Additional Information Request #9 (AIR 12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	the Project area rely on (e.g. eulachon) should be a valued component. The changes in the availability of resources will be felt more keenly by local Aboriginal populations than will the incremental economic benefit spread across the country.	First Nation / Tsawwassen First Nation #2	**12-Sep-2016, Workshop:** Responded that eulachon wasn't selected as a representative species in the biophysical sections, but in the Aboriginal rights and interests section, the relationship Tsawwassen First Nation has with eulachon was covered and it was captured. The ecosystem model looks at interactions with the Project in space and time. It was noted that the Aboriginal Rights and Interests section is EIS Section 32.0.	**Addressed in EIS Section 32.2.4.1:** The importance of eulachon to Tsawwassen First Nation is acknowledged in EIS Section 32.2.4.1. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to eulachon and describes the status and management practices associated with the species. Rationale as to how eulachon were assessed via use of Pacific herring and surf smelt as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect eulachon, as well as effectiveness of mitigation, are presented in the VFPA's response to AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in IR5-15 response. Potential effects on eulachon (as represented by Pacific herring and surf smelt) are assessed as minor, based on the low potential of eulachon to interact with the Project during terminal construction (adult eulachon presence in the LAA has not been confirmed, and eulachon larvae rear in the Strait of Georgia outside LAA boundaries). With implementation of mitigation measures (including adherence to the crab fisheries sensitive window and implementation of Construction Environmental Management Plans), no loss in eulachon productivity is anticipated. **Additional information provided by the VPFA:** The VFPA acknowledges the importance of eulachon to Indigenous groups and has worked to support eulachon habitat through its Habitat Enhancement Program (HEP). In 2014, HEP provided funding to Pacific Salmon Foundation to support a Fraser River Eulachon Habitat Utilization Survey. This survey involved capturing and tagging 300 eulachon to better understand habitat use as eulachon undergo physical changes prior to river entry and spawning and to gather information to support habitat rehabilitation and abundance recovery. In 2017, HEP provided funding to the Lower Fraser Fisheries Alliance to support an assessment and recovery project for eulachon in the Fraser River.	
TFN-16.9	Concerned that the Project area is used as a critical sockeye holding area before they begin their migration up the Fraser River. Noted the characteristics of the area are unique within TFN territory, and impacts to the area would not be easy to mitigate in a like-for-like swap scenario. Stated that adult sockeye are known to hold, from time to time, off the mouth of the Fraser in some years and could be more exposed to the project.	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Stated that with regard to looking at holding areas in the Fraser estuary, the VFPA concluded there to be no additional effects beyond what's documented in the EIS. The effects pathways that would affect holding sockeye (light, noise) are adequately captured in the EIS. The VFPA's understanding of holding areas is that the holding area is quite large and includes Point Roberts, Gibsons and the Gulf Islands. Roberts Bank comprises a small portion of this larger area. From that perspective there is limited potential in overlap in space for that to occur. It is noted that the information reviewed about holding areas didn't identify specific areas in which fish are holding, and the VFPA requests that Tsawwassen First Nation share any such information. The VFPA requested that Tsawwassen First Nation provide any more information on sockeye holding in specific areas if available.	**Addressed in EIS Section 13.0:** While there is evidence that adult sockeye pass through the estuary annually en route to the Fraser River to spawn, available information indicates that most stocks enter the Fraser River with little or no delay (i.e., perhaps one day); hence, any potential interaction between the Project and migrating or passing individual adult sockeye salmon would be limited to approximately several days per year. A potential exception is a portion of the late-run timing group, which typically holds in the outer estuary for several weeks prior to starting upriver migration; however, since 1995, large segments of the late-run sockeye have ceased their holding behaviour and entered the Fraser River three to six weeks earlier than historically observed. As noted in EIS Section 13.2.1, there is no scientific evidence that waters at or near Roberts Bank represent holding areas for adult sockeye. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The IR response also further assesses potential effects of the project on Sockeye directly. As further described in the response to IR5-15, based on existing literature, there is no formally defined holding area within the Fraser River estuary for returning adult sockeye. It appears that the brackish layer or plume within which adult sockeye may hold can extend as far north as Gibsons Landing, as far west and south as the Gulf Islands (from Gabriola Island near Nanaimo to Saturna Island at Boundary Passage), and as far east at	**EIS** 13.0 Marine Fish 13.2.1 Sub-components **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Point Roberts area. However, since 1995, sockeye holding behavior appears to have ceased.	
TFN-16.10	Concerned with impacts to juvenile salmonids from the Project and use of the ITP.	01-Sep-2016, Letter	**15-Sep-2016, Letter from the VFPA:** The VFPA determined that locating the terminal almost entirely in subtidal waters not only reduced impacts to valued environmental intertidal habitat but also minimised dredging requirements which further reduces environmental impacts on fish and fish habitat. **27-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Tsawwassen First Nation and other Indigenous groups related to Dungeness crabs and DAS, and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit.	**Addressed in Package 3 Preamble in Support of Responses to IR3-25 to IR3-40:** For further information concerning this change, please see IR Package 3 Preamble in Support of Responses to IR3-25 to IR3-40. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related PCU (CEAR Document #928)** **PCU**
TFN-16.11	Concerned that chum has been selected as one of the 25 focal species and not sockeye. Stated that in Section 16.2 of the EIS, the justification for not including all salmon species (particularly sockeye and pink) when assessing the potential project effects on Commercial, Recreational and Aboriginal fisheries is not defensible. Requested that as much data be used as possible to assess effects to sockeye salmon, noting the species has a four year cycle and it is	28-Oct-2014, Preliminary EIS Workshop #3 15-Jun-2015, Letter to the CEA Agency (CEAR Document #231) 19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1 28-Oct-2016, Letter to Panel (CEAR	**28-Oct-2014, Workshop:** Explained the ecosystem system model and discussed drivers and chum. Stated that all species of salmon are important, but they are using two in particular (chum and Chinook) to understand the effects and to navigate the environmental assessment. **30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#78):** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon subcomponent, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the subcomponent Pacific salmon, as represented by chum and Chinook.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2.1 Sub-components 21.0 Marine Commercial Use 21.5.2 Existing Conditions, Aboriginal Commercial Fishing and Seafood Harvesting

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	important to include data from more than just a single peak year. Stated that the EIS guidelines required that particular attention be paid to the findings of the Cohen commission. Stated that while it may be appropriate to not have included Sockeye in the assessment of effects on marine fish and their habitats, Sockeye should be included in the assessment of effects on Commercial, Recreational and Aboriginal (CRA) fisheries. The same holds for the inappropriate exclusion of other CRA fisheries (e.g. Eulachon). Concerned with the selection of chum and not sockeye as a focal species. Commented that there are 40-50 times as many sockeye in the area, and the economic value of sockeye exceeds the value of all other species for previous 4 years combined. Concerned that if sockeye are not part of the biophysical assessment, they will not be assessed as part of the socio-economic assessment. Stated that Chinook and chum are selected as indicator species of the potential project on salmon. Stated that these species are not the preferred species of Tsawwassen, who rely more on sockeye, culturally and economically.	Document #650)	**19-Jul-2016, Workshop:** The VFPA held an issues workshop regarding salmon, and potential Project effects. The VFPA acknowledges the importance of sockeye, both culturally and ecologically. Stated that it would be impractical to characterise existing conditions and assess effects a on every species that may frequent the Roberts Bank area. Biophysical VCs, sub-component species or groups were chosen for their ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. Stated that the VFPA picked representative species that are most likely to interact with the Project and be potentially impacted to avoid underestimating the effect. Stated that chinook and chum were selected because they are the most estuarine dependent. The assessment of chinook and chum conservatively represent the other salmon species, and also steelhead and cutthroat trout. Stated that some of the information we collected and reviewed indicates that juvenile sockeye do not use Roberts Bank in high abundance, and they also transit through the estuary relatively quickly. A large proportion of sockeye also tends to migrate north. It is noted that the VFPA worked with Tsawwassen First Nation and Musqueam First Nation to try to understand economic aspects of fisheries, including sockeye. There is some information in the Marine Commercial Use (MCU) section around sockeye harvest trends and locations. Mapping was undertaken and meetings held to try to understand where some fisheries species are located that community members are involved in harvesting. The MCU section relied very heavily upon the Marine Fish section to understand how availability would affect the fishery. The VFPA's understanding is that there is a lot of sockeye fishing in Canoe Passage, but commercial salmon harvesting does not generally occur nearer to the Project area. A transiting boat could see effects, and this is reflected the approach we took with the economic component.	Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. **Addressed in response to AIR-12.04.15-09:** As noted in the VFPA's response to AIR-12.04.15-09, Sockeye salmon are represented by Chinook and chum salmon for the following reasons (additional rationale is provided in AIR 12.04.15-09), including Appendix AIR9-A Table 2: • Like Chinook and chum salmon, sockeye is one of five Pacific salmon species that are anadromous, and rely on freshwater habitats within the Fraser River watershed for spawning and rearing. • Mechanisms affecting Cultus Lake sockeye productivity (i.e., injury/direct mortality, changes in the acoustic and light environment, and changes in habitat availability) and sockeye response to Project-related effects are the same as those for Chinook and chum salmon. • The use of Chinook and chum salmon to assess Project-related effects on Cultus Lake sockeye is considered appropriate, as Chinook and chum salmon are more likely to interact with the Project due to higher local abundance and dependence on juvenile rearing habitats within the LAA. Adult sockeye pass through the estuary (some through the Project's LAA) en route to Fraser River spawning locations (beyond LAA boundaries). Since 1995, upriver migration of this late-run group has occurred with no holding at the river mouth; there is no evidence that waters at or near Roberts Bank represent holding areas for Cultus Lake sockeye. Relative to other salmon species, Cultus Lake sockeye juveniles do not use Roberts Bank in high abundance, and primarily rear in nearshore areas of the Strait of Georgia and off the Gulf Islands. In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye salmon and describes the status and management practices associated with the species. Rationale as to how sockeye salmon were assessed via use of Chinook and chum as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sockeye, as well as effectiveness of mitigation, are presented in the VFPA's response to AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in IR5-15 response.	**Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Requested that the proponent model the effects of the project on sockeye runs. Stated that in any year, the maximum number of Chinook that may be caught by Tsawwassen, under Final Agreement, is 625. The maximum number of Chum salmon is 2576. Sockeye catches may, in years of sufficient abundance, may be up to a maximum of 15226. Losses of chinook and chum may represent a lesser reduction in value than losses of sockeye.				

Table 17: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-17.1	Asked what the migratory patterns of crabs are and what sort of contaminants they pick up if they pass the port. Concerned with the unknown black material found inside crabs that have been harvested at Roberts Bank.	18-Nov-2013, Community Meeting 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation	**18-Nov-2013, Meeting:** Recorded comment for consideration by Project team. **15-Jan-2014, Letter from the VFPA:** There have been some studies that have shown crabs are migratory and other studies that have shown they are not. As part of the EA, the VFPA is trying to determine the level of contaminants that crabs could be picking up at Roberts Bank. **26-Nov-2014, Workshop:** Referred to the collection of some black crab specimens for testing which occurred independently of the RBT2 assessment. VFPA representatives at the meeting did not know the status of the testing, but undertook to follow-up. **07-Aug-2014, Email from the VFPA:** Stated that the VFPA is undertaking related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. This black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing. **09-Jul-2015, Email from the VFPA:** Provided Tsawwassen First Nation with a memo detailing the results of black crab testing. The memo provided the conclusions of the study: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR 4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary.	**Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the cause of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available. **Addressed in responses to IR4-34 and IR4-33:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the VFPA's response to IR4-34. Tsawwassen First Nation, Musqueam First Nation, Penelakut Tribes, and Hwlitsum crab harvesters operating under licenses in DFO Fisheries Management Areas 28 and 29 were asked to retain trapped specimens of Dungeness crab displaying evidence of blackening. Collection kits, including instructions for handling, were provided to crab harvesters participating in the study. A total of 15 kits were distributed. Five legal-sized male crabs were collected from DFO Fisheries Management Area 29-7 at Roberts Bank in August 2014 by a participating Tsawwassen First Nation crab harvester. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as "shell disease", a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	
TFN-17.2	Stated that the proposed Project location is the most productive crabbing area used by TFN members. Expressed concern about crab size, lack of recruitment, sealice and compromised crab health, decline in fisheries and seasonality of fishing limiting their access. Stated that any impacts to marine invertebrates, their habitat, or our opportunity to harvest marine invertebrates are of great concern to TFN. Stated that of particular concern is the area immediately adjacent to the deep-water shelf, which is where this project is proposed.	03-Dec-2012, Meeting 12-Dec-2012, Meeting with Crabber TEK	**03-Dec-2012, Meeting:** Stated that the VFPA would like to continue to learn more about Tsawwassen First Nation's crab fisheries and hope to do so at the upcoming meeting with crabbers on December 12, 2012. [The VFPA also met with Tsawwassen First Nation crabbers on September 10, 2012]. **12-Dec-2012, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided Tsawwassen First Nation with an advance copy of the EIS, which included EIS Section 12.0.	**Addressed in EIS Section 12.0:** EIS Section 12.0 presents an effects assessment for marine invertebrates. During construction and operation, the Project is expected to result in a net decrease in marine invertebrate productivity, both before and after mitigation is implemented. Increases in productivity of infaunal and epifaunal invertebrate communities and decreases in productivity for bivalve shellfish, Dungeness crab and orange sea pens are predicted. Short-term productivity losses are due to direct mortality and losses of available habitat within the Project footprint. Productivity decreases can be partially mitigated through the implementation of environmental management plans, including crab salvages and transplanting of orange sea pens, and through the creation of eelgrass, intertidal marsh, mudflat and sandy gravel beach habitats. While the Project is predicted to cause losses of productivity of bivalve shellfish, Dungeness crabs and orange sea pens, the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no significant adverse residual effects from the Project to marine invertebrates. The Project is not expected to result in any incremental adverse cumulative effects to marine invertebrates. Addressed in EIS Sections 12.0 and 21.0. EIS Sections 12.0 and 21.0 together present a review of existing conditions related to crab health and fisheries. As noted in EIS Section 21.0, potential Project effects on marine commercial use include potential displacement of commercial crab harvesting during construction and operation, resulting in a change of harvesting area, total harvest and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing the Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in EIS Appendix 7.2-B (#165):** The assessment of Current Use includes evaluation of potential effects to crab harvesting related to changes in access. The assessment concludes that after the implementation mitigation, a negligible residual effect is anticipated. A determination of significance is not made on negligible residual effects, as the effect is not measurable or detectable.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 21.0 Marine Commercial Use

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information

TFN-17.3	Concerned with potential impacts to crabs, crabbers, crab habitat and preferred crab harvesting areas from use of the ITP.
	Concerned that ITP site is in productive crab habitat.
	Concerned that mitigation of impacts to crab habitat as a result of the ITP won't be satisfactory.
	Stated that the impacts on crabs will be disastrous and the Project will wreck TFN member livelihoods.
	Asked if the VFPA has done a study on the impact of the ITP on crabs.
	Requested that the VFPA provide ITP-specific crab information in the EIS.
	Asked what the effect of using the ITP will be, given the length of time and intensity of use would be greater than for DP3 (since RBT2 is a larger project and situated in deeper water).
	Stated that the gain in area available to TFN's food, social, ceremonial (FSC) crab fishery from the expanded Navigational Closures Area (NCA) comes at the expense of high quality habitat that will be lost to the footprint of RBT2 and the ITP. A large proportion of the RBT2 and ITP footprints are within the optimal water depths for crab fishing and these areas will not be available for fishing due to project development. (LGL Crab Study)
		12-Feb-2015, Meeting
		03-Mar-2015, Meeting
		05-May-2015, Meeting
		19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1
		01-Sep-2016, Letter
		12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2
		12-Jul-2017, Letter to the CEA Agency (CEAR Document #997)
			12-Feb-2015, Meeting:
			Noted that potential effects to crabs will be described in the EIS.
			03-Mar-2015, Meeting:
			The VFPA and Tsawwassen First Nation met to specifically discuss concerns related to the ITP. The VFPA looked at the impacts of the depositing of sand to Dungeness crab in the context of the whole Project area, not a specific site. The VFPA looked at it from an ecosystem perspective, considering ongoing productivity analysis, dredging and the impact on crabs, and did an analysis of activities around the ITP.
			The VFPA does have data and understands that it is important in terms of productivity; the VFPA has the information needed to make that assessment.
			It is noted that Tsawwassen First Nation was involved in planning and studies undertaken related to the ITP during DP3; there are several years of baseline information and displacement and placement of sand were assessed. There are specific transects from the ITP area. The VFPA undertakes to take back the request to separate out ITP-specific information from the EIS.
			18-Mar-2015, Meeting:
			The VFPA called Tsawwassen First Nation to provide information regarding the Gravid Crab survey, and delays related to weather. Tsawwassen First Nation advised that regardless of the Gravid Crab Survey, concerns regarding impacts to crabs at the ITP remain.
			01-Apr-2015, Letter from the VFPA:
			Provided a copy of the EIS, which described potential Project-related effects on Dungeness crabs.
			05-May-2015, Meeting:
			The VFPA and Tsawwassen First Nation met. ITP-specific crab information in the EIS was separated out for Tsawwassen First Nation and further discussed Tsawwassen First Nation's concerns related to the ITP.
			19-Jul-2016, Workshop:
			The VFPA stated that alternatives to using the ITP are being looked into and considered seriously. The VFPA expects being able to provide updates in the next few months.
			12-Sep-2016, Workshop:
			The VFPA stated that the Project team is still looking into alternatives to the ITP.
				Addressed in responses to IR3-24 to IR3-40:
				For further information concerning this change, see Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40.
				Addressed in PCU:
				As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing:
				• Detailed revised Project description, including a revised construction schedule;
				• Revised Project interaction matrix;
				• Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and
				• Revised assessment of environmental effects as required by the Project modifications.
				PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows:
				• Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and
				• Increases in positive interactions with socio-economic VCs.
				These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.
				Additional information provided by the VFPA:
				As discussed in EIS Section 21.8.1, other sections of the EIS describe mitigation measures that are relevant to the assessment of effects on seafood harvesting area use and displacement. These include mitigation measures to address biophysical effects on marine invertebrates through avoidance and reduction of potential effects, as outlined in the EIS, and are summarised below:
				• Specific modifications to Project component locations and designs that will reduce potential effects to crabs, including the following:
				  ○ Placement of terminal in subtidal waters (EIS Section 12.7.1.1); and
				  ○ Reduced footprint of causeway widening (EIS Section 12.7.1.1);
				• Implementation of construction and operation environmental management plans related to the following:
				  ○ Construction work windows (EIS Section 12.7.1.2) and crab salvages around key crab life cycle windows and to relocate gravid female crabs (EIS Section 33.3.12);
				  ○ Water quality and sediment management (EIS Section 12.21.24); and
					EIS
					12.0 Marine Invertebrates
					12.4.1 Desktop and Field Studies
					Table 12-4 Marine Invertebrates Studies to Support the Assessment
					12.5.3 Existing Conditions, Dungeness Crabs
					12.6.2 Future Conditions with the Project, Negligible Effects
					21.0 Marine Commercial Use
					33.0 Environmental Management Program
					Information Requests
					IR Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related PCU (CEAR Document #928)
					Response to Sufficiency Information Request #07 (IR10-07)
					PCU

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			15-Sep-2016, Letter from the VFPA: The VFPA determined that locating the terminal almost entirely in subtidal waters not only reduced impacts to valued environmental intertidal habitat but also minimised dredging requirements which further reduces environmental impacts on fish and fish habitat. Given the greater impacts of the conceptual design shown in the 2004 MOA, a return to that design would be regrettable—and we do not take your letter to be suggesting such a regression. **27-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Tsawwassen First Nation and other Indigenous groups related to Dungeness crabs and DAS, and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit.	○ Communications to include information about the timing and area of proposed construction and operational navigational closure expansion for commercial and recreational crab harvesting, and information about access restrictions and procedures for maintenance of safety commercial, recreational, and Indigenous crab harvesting activity (EIS Section 33.3.16); and • Offsetting effects by the creating habitat, including eelgrass, intertidal marsh, mudflat, and sandy gravel beach to mitigate adverse effects to the productivity of crab populations and associated crab fisheries (including commercial, recreational, and Indigenous) (EIS Section 17.5). **Addressed in response to IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, provides additional clarity concerning the economic implications of any permanent or temporary displacement.	
TFN-17.4	Stated that in Section 12.6.2 and 12.6.3 of the EIS, more justification/ explanation is required for the use of the scale of negligible (0-5%), minor (6-30%, and moderate (31-60%) used to evaluate changes in invertebrate productivity (effect rating). Are these intended to equate to magnitude (it is not clear). Is it appropriate to use the same scale for all invertebrates? For example, a 50% decrease in productivity of Dungeness crab might be considered significant (or high magnitude?) whereas a 50% decrease in productivity of bivalves might not be. How does the scale of change then relate to significance of effects? Note that both 31-60 and 31-65 are used in the EIS for the moderate level.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 3, #7)."*	**Addressed in response to IR-7.31.15-07:** Provides a discussion of: • Rationale for the application of the common classification system (of negligible, minor, moderate, or high) to describe productivity results from the Roberts Bank ecosystem model and other lines of evidence; • How productivity ranges relate to natural ecosystem variability and how ranges were determined; and • How the definition of magnitude (of effects) ratings relates to the definition of changes in productivity.	**EIS** 12.0 Marine Invertebrates 12.6.2 Negligible Effects 12.6.3 Potential Effect – Changes in Productivity **Information Requests** Response to Information Request #7 (IR-7.31.15-07 of CEAR Document #314)
TFN-17.5	Stated that for effects on the Dungeness crab sub-component (EIS Section 12.6.3.3), the EIS includes the statement "because construction activities were not incorporated into the ecosystem model, associated effects are deemed underestimated in the model." Stated that there needs to be further explanation of how the effected was deemed to be minor if the construction	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to [the VFPA's] methodology to inform its sufficiency review."*	**Additional information provided by the VFPA:** **Addressed in CEAR Document #547:** As is noted in the VFPA's response to preliminary questions from DFO and NRC in 2015 (see reference to the right): the RBT2 construction phase may result in changes to the environment. However, such potential changes are expected to be of short duration, localised, and many are expected to be either fully or partially mitigated. The primary objective of using the RB model was to evaluate potential changes in ecosystem productivity resulting from the Project (i.e., permanent loss of habitat and footprint-associated changes to coastal processes). The RB model was not intended to evaluate shorter-term effects from construction activities, and the inclusion of such activities	**EIS** 12.0 Marine Invertebrates 12.6.3.3. Changes in Productivity of Dungeness Crabs **CEAR Document #547 from the VFPA to the Review Panel Re: Answers to Preliminary Technical Questions Submitted During the Completeness Phase from DFO, Natural Resources Canada, And Environment and**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	effects were not included and why construction effects were not included.			would have been inconsistent with the primary objective. It is relevant to note that the RB model was one of several lines of evidence used to assess potential effects, and other lines of evidence were used to address potential effects from construction phase activities.	**Climate Change Canada, Concerning the Ecosystem Modelling to Support the Roberts Bank Terminal 2 Project Environmental Review**
TFN-17.6	Asked if magnitude in this table equivalent to the scale used in Section 12.6.2 and 3 / Table 12-13 (effect rating)? It would appear so but why then was magnitude not used throughout to be consistent?	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency has requested additional information regarding significance criteria in its letter of July 31, 2015 to [the VFPA] (page 3, #7)."*	**Addressed in response to IR-7.31.15-07:** Provides a discussion of: • Rationale for the application of the common classification system (of negligible, minor, moderate, or high) to describe productivity results from the Roberts Bank ecosystem model and other lines of evidence; • How productivity ranges relate to natural ecosystem variability and how ranges were determined; and • How the definition of magnitude (of effects) ratings relates to the definition of changes in productivity.	**Information Requests** Response to Information Request #7 (IR-7.31.15-07 of CEAR Document #314)
TFN-17.7	Stated that the overall study results suggest that over time, crab availability is not predicted to change because the population is large and migratory. Requested clarification as to whether or not the study results account for the increased pressure on crabs, as a result of this necessary change in harvesting by Tsawwassen and potentially for others that may be granted licenses to crab in the area. Stated that they are becoming more reliant on Dungeness Crab, as natural and anthropogenic change has reduced the availability of all species of Fraser River salmon. This changing reliance means that an impact assessment done under status quo conditions may not address concerns that will arise under future scenarios of resource use and dependency.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	**Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
TFN-17.8	Requested that the proponent provide assurances greater than "are expected" to the Tsawwassen First Nation that the expanded navigation will not affect their opportunity to harvest Dungeness Crab. If this is not the case then Tsawwassen First Nation needs to know how and when the proponent proposes to go about working with Tsawwassen First Nation on such mitigation plans.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity for commercial harvesters; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); • Financial compensation; and • Others as raised through consultation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab	**Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation. In addition, the VFPA's response to IR10-07 as requested by the Review Panel provided additional discussion on potential economic implications of displacement in terms of access to resources.	
TFN-17.9	Stated that it is unknown if the proposed sea pen transplanting effort will be successful. Requested that the proponent describe the environmental outcome of a scenario in which the translocation is unsuccessful and the local population of sea pens becomes depleted or extirpated. (LGL Crab Study).	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information. **07-Feb-2018, Letter from the VFPA:** Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved transplant of 1,200 orange sea pens to three sites within the LAA for the Project. See attached a report titled Orange Sea Pen Transplant Pilot and Monitoring Program. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05.	**Addressed in responses to IR5-05 and IR5-06:** The VFPA's response to IR5-05, provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in Orange Sea Pen productivity, and that the level of confidence in this assessment was considered to be moderate. IR5-06 discusses the confidence in the rating. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere.	**Information Requests** Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Request #06 (IR5-06 of CEAR Document #1145)
TFN-17.10	Stated that 43% of the proposed expanded Navigational Closure Area (NCA) area is located in deep water habitat (>50 meters) that TFN food, social, and ceremonial (FSC) fishermen cannot fish due to gear limitations, and 30% of the expanded NCA is located in habitat that is too shallow (< 2 meters) to be fished. Therefore, a total of 73% of the proposed expanded NCA	12-Jul-2017, Letter to the CEA Agency (CEAR Document #997)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA's response to IR10-07, as requested by the Review Panel, provides additional clarity concerning the economic implications of any permanent or temporary displacement. **Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity;	**Information Requests** Responses to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172) Response to Sufficiency Information Request #07 (IR10-07)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	is either too deep or too shallow for crab fishing. (LGL Crab Study). Stated that similar to the current Navigational Closure Area (NCA), the expanded NCA will only provide temporary refuge from the commercial fishery as males move inside and outside the current NCA. (LGL Crab Study). Stated that overall, the study shows that there will be a 50% reduction in optimal (2-20 meter) food, social and ceremonial (FSC) crab fishing area, and a 20% reduction in accessible (2-50 meter) FSC crab fishing area due to the project. Therefore, the proposed configuration of the expanded Navigational Closure Area (NCA) does not appear to adequately offset the loss in FSC fishing opportunity and catch as more fishing area will be lost than gained. (LGL Crab Study)			• Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation.	
TFN-17.11	Stated that the losses identified by the study represent a best case scenario for TFN. If the mitigation measures proposed by the EIS are less effective than predicted, then TFN's access to its food, social, and ceremonial (FSC) crab fishery will be reduced to an even greater degree than indicated above. (LGL Crab Study)	12-Jul-2017, Letter to the CEA Agency (CEAR Document #997)	The VFPA has reviewed this letter and provides the following additional information. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 33.5 with details on the proposed Follow-Up Program.	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on	**EIS** 33.5 Follow-Up Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	
TFN-17.12	Concerned with the discrepancy between study findings which indicate bivalve shellfish are safe to eat, yet DFO maintains a permanent bivalve shellfish closure. Noted that TFN would like to harvest shellfish if it is safe to eat.	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation	**26-Nov-2014, Workshop:** Recorded comment for consideration by Project team. The VFPA presented information on Project related health effects. Stated that DFO maintains permanent bivalve shellfish closure at Roberts and Sturgeon Banks, and Boundary Bay (DFO Area 29 in general) generalized sanitary shellfish closure. Stated that there are no potential direct adverse health effects predicted to result from exposure to contaminants in shellfish Stated that future changes with project, either during construction or operations, have no potential to increase the tissue concentrations of contaminants studied. Noted that potential indirect health effects, related to the perception that shellfish is contaminated, are assessed under the 'Stress and Annoyance' sub-component. **01-Apr-2015: Letter from the VFPA:** Provided a copy of the EIS, which included information on food safety associated with edible bivalve consumption in Appendix 7.2-B.	**Addressed in EIS Appendix 7.2-B (#136):** Food safety associated with edible bivalve consumption requires that the bivalve tissues be safe based on all three of the following: • General absence of toxins produced by harmful algal blooms that can result in paralytic shellfish poisoning (PSP) and amnesic shellfish poisoning (ASP); • General absence of microorganisms in the shellfish tissues (viruses, bacteria, protistans) that are potentially pathogenic to humans; and • Presence of trace elements (e.g., cadmium) and chemical contaminants such as petroleum hydrocarbon residues at levels lower than thresholds of unacceptable health risk if consumed by humans. The shellfish consumption risk assessment directly addresses the third of these factors. In contrast, the DFO Area 29 sanitary shellfish closure is driven mostly by concerns associated with the second of these factors. DFO is the proper authority to determine the validity of shellfish closures. **Addressed in response to IR13-22:** The VFPA's forthcoming response to IR13-22 will further discuss potential Project effects on the quality and availability of preferred resources.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank: 5.1 Human Health Risk Assessment (HHRA), Context **Information Requests** Responses to Sufficiency Information Request #22 (IR13-22)
TFN-17.13	Concerned with the effectiveness of crab salvage as a mitigation measure. • Interested in future discussions specific to related mitigation measures. • Question asking for an estimate of how many crabs will need to be relocated. • Concerned that it doesn't sound like work has been done to tag and track crabs to see where they would end up if relocated. • Suggested to bait outside the Project area to draw crabs away as opposed to baiting within the Project area and relocating them; • Concerned that moving them may put more stress on another crab area. • Noted that crabs can migrate fast and what may seem like a far distance could be a short distance for a crab.	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1 12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2	**19-Jul-2016, Workshop:** Responded that crab salvage was used as a mitigation measure in DP3, and the feedback indicated that it was successful. Crab salvage involves laying traps down—in the past we worked with Tsawwassen First Nation to trap crabs and move them to outside the Project footprint and away from construction activities, and move them to another area within their home range, to avoid direct mortality. Salvage and the use of timing windows are the primary direct mitigation measures for crabs, but other pieces are built in through offsetting and habitat creation as well, for e.g., eelgrass transplants are thought to also benefit crabs. **12-Sep-2016, Workshop:** Stated that the VFPA is committed to the plan in consultation with First Nations and regulators, including the specific details of how many traps would be laid own and for how long. The idea is to salvage within the area for construction and move them elsewhere on Roberts Bank.	**Additional information provided by the VFPA:** To ensure their alignment with all required project permits, any conditions of approvals, final designs, finalised construction or operation approaches and site-specific considerations, the Project's Environment Management Plans are necessarily developed and finalised nearer to the start of the construction and operation phases. The VFPA is committed to soliciting feedback from Indigenous groups concerning the draft environmental management plans, including on the Marine Species Salvage Plan. The VFPA will seek opportunities to work with Indigenous groups in the salvage plan implementation.	

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	• Suggested to tag crabs to determine where they are travelling. Suggested to have an alternative plan should it not be effective.		The mitigation plans are evolving, and the VFPA looks forward to discussions with Tsawwassen First Nation about these plans. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.		

Table 18: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-18.1	Stated that as sentinels of the health of the Salish Sea and as animals with important social and ceremonial values to TFN, TFN is very concerned about any adverse effects of the Proposed Project on marine mammals. Concerned that even if the residual effect to the Southern Resident Killer Whale (SRKW) population is ranked "not significant", a small impact from the Project could be the tipping point that leads to population collapse, given its already small numbers. Suggested identifying the threshold under which the population can sustain impacts should be important. Stated that SRKW are important to TFN for cultural purposes. Stated that Kinder Morgan EA concludes that there will be a cumulative effect on killer whales in the southern Gulf Islands due to noise, and TFN can only assume the VFPA will have the same effect. Interested in mitigation measures for SRKW. Suggested that an increase in tug escorts may help. Stated that the cumulative impacts of underwater noise on Killer Whale will be significant. Stated that the Construction and Operations Environment Management Plans described by the EIS are meant to mitigate against the effects of noise, and the possibility of vessel strikes. It is not known how successful these plans will be. Requested further description on how the project might be modified in the event that the Environment Management Plans are found to be insufficiently protecting Killer Whales from harm. See also DFO IR-67 & 68 (12 Oct 2016).	16-Oct-2013, Letter to the CEA Agency 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 21-Jul-2015, Meeting 28-Oct-2016, Letter to Panel (CEAR Document #650)	**26-Nov-2014, Workshop:** Stated that the presentation on marine mammals given at Workshop #3 (28-Oct-2014) provided additional information on the preliminary determination of significance for SRKW. The presentation included the following information: "Potential Project effects on marine mammals include: • Underwater noise resulting in behavioural effects or difficulty hearing/finding food • Adverse health effects from consumption of contaminants resulting from sediment re-suspension • Potential vessel strikes Anticipated construction related effects expected to be low following mitigation No residual effects during operations Cumulative effects for future projects / activities – analyses ongoing" **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **21-Jul-2015, Meeting:** Explained that the route that will be used is the same as the route studied on other projects. Added that effects related to the Project are expected to be similar to what is currently experienced. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation and discussed SRKW and the Enhancing Cetacean Habitat and Observation (ECHO) Program. The VFPA explained that the Port initiated a program to slow down vessels. DFO and TC are also working on initiatives to help SRKW.	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKW (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKW. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. **Addressed in response to IR4-10:** As noted in the VFPA's response to IR4-10, in 2014, the VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/ **Addressed in EIS Section 14.0:** As noted in EIS Section 14.0, cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. **Addressed in response to IR5-50:** The VFPA's response to IR5-50, as requested by the Review Panel, describes the measures that are within the Proponent's control and could be used to mitigate the potential effects of underwater noise on marine mammals during the proposed Project operation. **Further information provided by the VFPA:** The VPFA welcomes Indigenous groups' input concerning potential project mitigation measures and encourages additional suggestions.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 14.0 Marine Mammals 14.9 Determination of Significance of Residual Adverse Effects 14.10.4 Significance Determination for Residual Adverse Cumulative Effects **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051) Response to Sufficiency Information Request #50 (IR5-50 of CEAR Document #1172)

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Table 19: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-19.1	Stated that the context of the Tsawwassen First Nation Final Agreement needs to be better presented in the current use section for TFN. Stated that rights are not site specific and this needs to be emphasized in the harvesting section.	21-Jul-2015, Meeting	**21-Jul-2015, Meeting:** Committed to follow up regarding appropriate wording for incorporation into the MSA. **11-Sep-2015, Phone Call:** Tsawwassen First Nation indicated that the following would be language they would want to see in the marine shipping Current Use document: "Current protocols are in no way reflective of where the rights exist or may be exercised in the future". **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5.4.13 Tsawwassen First Nation.	**Addressed in MSA Section 9.5.4.13:** Wording was incorporated into the MSA at Tsawwassen First Nation 's request. The following language was incorporated into MSA Section 9.5.4.13: *"Tsawwassen First Nation has advised that their treaty rights are not site-specific within these areas, and that the location of Current Use activities (or lack of Current Use activities) are in no way reflective of where the treaty rights exist or may be exercised in the future (Tsawwassen First Nation 2015a). Tsawwassen First Nation has also advised that it is currently developing marine resource harvesting plans for areas within the Marine Shipping Area (e.g., Boundary Bay) (Tsawwassen First Nation 2015b)."*	**MSA** 9.5.4.13 Tsawwassen First Nation
TFN-19.2	Stated that marine shipping should be included in environmental assessment. Concerned that issues associated with marine shipping will not be addressed given the guidance that marine shipping will not be considered in the Panel's decision. Asked why the CEA Agency considers the VFPA's navigational jurisdiction a factor in the decision when it wouldn't have a bearing on a private proponent.	16-Oct-2013, Letter to the CEA Agency 21-Jul-2015, Meeting	The VFPA has reviewed this letter and provides the following additional information. **21-Jul-2015, Meeting:** Stated that other First Nations have asked the same question, but the guidelines are quite specific in the intent. It is noted that questions related to the scope of the marine shipping study and where it fits into the panel process can be directed to the CEA Agency. Responded that the VFPA cannot comment on the CEA Agency process. The VFPA is involved in the review, but not in enforcement within the marine shipping area. The VFPA is unable to implement mitigations beyond its jurisdiction. The marine shipping report will be shared with the CEA Agency and Transport Canada. The appropriate authority or party will need to respond to issues raised in the report within their sphere of influence. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B Aboriginal Groups Issues and Interests.	**Addressed in MSA Appendix 5-B (#17):** The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#17). **Addressed in *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. As described in the Updated EISG: "Marine shipping associated with the Project that is beyond the care and control of the Port is not considered to be part of the Project for the purposes of the environmental assessment. As a result, the Minister will not make a decision under CEAA 2012 about whether that marine shipping associated with the Project is likely to cause significant adverse environmental effects, and it will not be subject to conditions issued to the proponent in any decision statement allowing the Project to proceed. However, marine shipping associated with the Project beyond the care and control of the proponent is within the jurisdiction of the federal government. The environmental assessment will act as a means for the federal government to collect information on the effects of increased marine shipping associated with the Project for use by programs or activities within federal jurisdiction."	**MSA** Appendix 5-B Aboriginal Groups Issues and Interests 11.0 Introduction ***Updated EIS Guidelines***

Tsawwassen First Nation

Table 20: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-20.1	Stated that TFN is very concerned about potential impacts to the brackish marshes and eelgrass beds of the Delta.	16-Oct-2013, Letter to the CEA Agency	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 11.0:** EIS Section 11.0 assesses potential effects of the Project on marine vegetation and presents a characterisation of existing conditions. Overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of environmental management plans and the creation of habitat. The overall productivity increase is due to sheltering of the intertidal zone shoreward of the terminal, which would optimise physical conditions for marine vegetation. During Project construction and operation, changes in productivity of eelgrass, biofilm and biomat are predicted to be negligible (i.e., not measurable or detectable), while increases in productivity of intertidal marsh are expected. Productivity of rockweed, a macroalgae, is predicted to decrease during construction and operation. This decrease can be mitigated through the creation of on-site subtidal rock reef habitat. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity, but is expected to return to existing conditions outside of the annual freshet period. The assessment concludes there are no significant adverse residual effects from the Project to marine vegetation, as it would continue to maintain its existing ecological functions. The Project is not expected to result in any incremental adverse cumulative effects to marine vegetation. **Addressed in EIS Appendix 7.2-B (#201):** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorisation will require that functional objectives are met. **Additional information provided by the VFPA:** The VFPA has been working on the proposed Tsawwassen Eelgrass Project in consultation with Tsawwassen First Nation. This project is currently in the permitting and approvals stage, and would result in the conversion of lower-value subtidal areas into higher value eelgrass habitat. The total area of habitat enhancement is approximately four hectares.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation
TFN-20.2	Requested a detailed description of what biomat is. Commented that even though biofilm is a relatively new thing, TFN has a high level of concerned with impacts to biofilm.	08-Oct-2014, Preliminary EIS Workshop #2 26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation	**08-Oct-2014, Workshop:** Responded that there is quite a bit of biofilm and biomat in the inter-causeway area. Both of them are basically a matrix of sediment particles; biomat is more of a cyanobacteria, a green algae, whereas biofilm is comprised of primary producers, smaller photosynthesising microscopic organisms, which birds eat. Shared that the marine vegetation presentation will likely include a habitat map, showing the extent of biofilm and biomat, as well as present information about Project-related changes.	**Addressed in EIS Appendix 7.2-B (#65):** Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which for the purposes of the Marine Vegetation Effects Assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. Biofilm, biomat, and intertidal marsh are considered in the effects assessment as sub-components of the marine vegetation VC. The existing conditions (including ecological function) for biomat and biofilm in the Project area and the potential effects of the	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.5 Existing Conditions 11.5.4 Biomat 11.5.5 Biofilm 11.6. Future Conditions with the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			28-Oct-2014, Workshop: Marine Vegetation VC (of which biomat is a sub-component) was a topic of discussion at this Preliminary EIS Workshop. **26-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	Project on these marine vegetation sub-components, as well as on coastal birds, are described in the EIS. The assessment concludes that, overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of environmental management plans and the creation of habitat. During Project construction and operation, changes in the productivity of biofilm and biomat would be negligible (i.e., not measurable or detectable), while increases in the productivity of intertidal marsh are expected. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity. Biofilm community composition is expected to return to existing conditions outside of the annual freshet period. As described in the EIS, the temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet are not predicted to affect shorebirds.	11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity
TFN-20.3	Asked if there is any possibility that the diatoms that serve as the organism input for biofilm were introduced to the area by ballast water from vessels berthed at Deltaport.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that it is very unlikely. The diatoms occur throughout the Strait of Georgia, and much is known about them, such as species and genus, what they look like, and their shape. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 11.5:** EIS Section 11.5 characterises the existing conditions of marine vegetation within the LAA, and describes the surrounding environment and factors influencing the Marine Vegetation VC. EIS Sections 11.5.4 and 11.5.5 discuss diatoms as constituents of biomat and biofilm.	**EIS** 11.0 Marine Vegetation 11.5 Existing Conditions 11.5.4 Biomat 11.5.5 Biofilm

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Table 21: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-21.1	Stated that TFN is very concerned about impacts to marine and sediment quality as they have direct linkages to our quality of life and opportunities to exercise Tsawwassen Rights. Concerned with the impact of this proposal on sedimentation on the foreshore of TFN's lands - lands already impacted by port and ferry causeway development	16-Oct-2013, Letter to the CEA Agency	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.5:** The Project layout and configuration have been modified to minimise the potential for a number of adverse changes to geomorphology during Project construction and operation. An example is locating the terminal almost entirely within the subtidal zone at Roberts Bank. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint would interact with tidal currents and wind-generated waves, resulting in localised alterations to sediment transport, sediment erosion and deposition, and freshwater and marine water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the intertidal flats adjacent to the causeway. This change would occur during construction only, and it is temporary and reversible. The VFPA would ensure the study and management of potential channel formation during the construction phase, and changes would be incorporated in detail design as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities. **Addressed in EIS Section 9.6:** Changes to surficial geology and marine sediment during Project construction activities are expected to be minimal or undetectable relative to natural variability. Changes in sediment contaminant levels are not expected. The terminal footprint is predicted to alter tidal currents and interactions with Fraser River waters. Initially, it is predicted to cause seabed erosion and sediment deposition near the terminal. Subsequently, it is predicted to increase fine sediment deposition on portions of the tidal flat within the range of existing natural variability. No incremental cumulative changes in surficial geology and marine sediment quality are anticipated to result from the Project in combination with other projects and activities.	**EIS** 9.5 Coastal Geomorphology 9.6 Surficial Geology and Marine Sediment
TFN-21.2	Concerned about any discharges and wastes that result from the proposed project, and the implications of such for the environment and/or our people. Concerned with foreign species and invasive plants from increased international shipping traffic. Commented that improper handling of bilge water at the current port has been observed.	16-Oct-2013, Letter to the CEA Agency 18-Nov-2013, Community Meeting 27-Nov-2013, Community Meeting 14-Apr-2014, Community Meeting 17-Jun-2014, Technical	**18-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **27-Nov-2013, Meeting:** Committed to follow-up with Tsawwassen First Nation regarding this concern. **15-Jan-2014, Letter from the VFPA:** *"The Canada Food Inspection Agency (CFIA) is the primary federal agency covering inspections related to foreign species (invasive plants) arriving on imported containers.*	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the International Maritime Organization (IMO), are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast "flush" well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters.	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project **MSA** Appendix 5-B Aboriginal Issues and Interests

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Asked which authority is responsible for controlling invasive species. Asked if invasive species could be flagged.	Working Group Meeting #4 21-Jul-2015, Meeting	*CFIA's objective is to inspect for invasive alien species. Depending on the nature of the inspection, they partner with the following federal agencies: Canada Border Services Agency (CBSA), Environment Canada and the Department of Fisheries and Oceans.* *In the instance of container shipping, CFIA is involved with inspections of the vessel, the contents of the container (with CBSA) and the exterior of the container itself. For example, CFIA will inspect the exterior of a container as it is being processed at the truck gate(s) of the marine terminal(s)."* **14-Apr-2014, Meeting:** Recorded comment for consideration by Project team. **17-Jun-2014, Working Group:** Responded that invasive species can be flagged. The VFPA will identify potential effects to a range of species (through the model) to understand what the offsetting needs are. If there is an increase in invasive species, measures could be undertaken to address this effect. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **21-Jul-2015, Meeting:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included information on ballasting in Section 3.0 and Section 4.0.	Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. **Addressed in MSA Appendix 5-B (#33):** Information on ballasting is provided in Section 3.0 and Section 4.0. Transport Canada enforces Canadian regulations and international conventions implemented by Canada governing matters such as ballast water management. Since ballasting is not permitted within the marine shipping area, it is not assessed as an activity of marine shipping associated with the Project. Further rationale is provided in Section 7.3. Other types of releases are also described in Section 4.0, and the assessment of potential effects on marine vegetation and other marine resources as a result of a spill is included in Section 10.0. **Addressed in TC IR-02 to TC IR-06:** In its response to the Review Panel's IRs of May 10, 2017, Transport Canada has indicated that with respect to chronic oiling, the use of anti-fouling agents, and discharges of ballast water, bilge water, and sewage, that marine water quality in the marine shipping area is not expected to change because these potential contributors are regulated by the *Canada Shipping Act,* 2001, and in particular the Vessel Pollution and Dangerous Chemicals Regulations (VPDCR) under this act. Furthermore, Transport Canada states that "In relation to the Project, the technical requirements of the VPDCR apply to all vessels over 400 gross tonnage. As such, all container ships and most tugs serving container ships that would call at the proposed RBT2 would be subject to these requirements".	**TC IR-02 to TC IR-06, from Transport Canada to the Review Panel Re: Response to IRs issued by the Review Panel on May 10, 2017 (CEAR Document #962)**

Table 22: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-22.1	Concerned with the availability of resources for mitigation. Requested to be made aware of all the proposed mitigation options, and to know how they are ranked. Stated preference for mitigation for the Project to be undertaken as close to the Project as possible. Requested additional information and details regarding mitigation measures (e.g. noise, crab salvage).	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation 19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1	**26-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **19-Jul-2016, Workshop:** Recorded comment for consideration by the Project team. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Appendix 7.2-B (#197):** The VFPA has adopted the use of the following mitigation hierarchy to address Project effects: 1. Avoidance, such as through Project placement and design, and adherence to fisheries-sensitive windows; 2. Reduction, such as through the implementation of standard management practices and Environmental Management Plans; and 3. Offsetting, which involves the creation and enhancement of biophysical habitats that support species of the Roberts Bank ecosystem. Marine sub-components or representative species that undergo decreases in productivity will be offset to the extent feasible using onsite offsetting. **Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in Community Meetings and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS. **Addressed in EIS Section 35.0:** EIS Table 35-2 presents all proposed Mitigation Measures and Commitments related to the project. **Addressed in response to IR-7.31.15-12:** The VFPA's response to IR-7.31.15-12 provides a discussion of mitigation measures considered by the VFPA, including those considered and rejected.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components Table 35-2 Proposed Mitigation Measures and Commitments **Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314)
TFN-22.2	Asked whether the VFPA thinks a fisheries hatchery at RBT2 would be beneficial to have in an area where crabs hatch.	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Committed to follow-up. **15-Jan-2014, Letter from the VFPA:** *"The VFPA is currently undertaking field studies to collect baseline information that will assist in determining potential impacts on fish and wildlife habitat. Although mitigation requirements will ultimately be determined by regulators through the EA process, the VFPA has developed a number of possible mitigation approaches. A fish hatchery is an example of a possible mitigation approach. Habitat mitigation options will be placed where they are most appropriate and not necessarily at Robert Bank."*	**Additional information provided by the VFPA:** The VPFA welcomes Indigenous groups' input concerning potential project mitigation measures and encourages additional suggestions. The VFPA's response to IR10-12, as requested by the Review Panel, further discusses the VFPA's proposed approach to engagement and consultation with Indigenous peoples during and after the environmental review, including concerning such potential project mitigation measures.	**Information Requests** Response to Sufficiency Information Request #12 (IR10-12)
TFN-22.3	Asked whether a Project Inclusion List would include initiatives that increase the sensitivity	27-May-2014, Technical Working Group Meeting #3	**27-May-2014, Working Group:** Responded that this would not be the sort of thing that would typically be included on a Project Inclusion List. It	**Addressed in MSA Section 2.1.2:** The conservation areas within the Gulf Islands are described in MSA Section 2.1.2 and shown in MSA Figure 2-2. The extent to which potential effects of marine shipping associated with the Project are	**MSA** 2.0 Geographic Setting 2.1.2 Species at Risk and Conservation Areas

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	of the environment, such as the establishment of a marine park and conservation area in the Gulf Islands archipelago.		does not fit within the methodology typically followed when completing cumulative effects assessments. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 2.1.2 Species at Risk and Conservation Areas.	predicted to occur within conservation areas is addressed within each relevant IC or VC section.	Figure 2-2 Conservation Areas in and Near the Marine Shipping Area
TFN-22.4	Interested in making recommendations and providing input to potential studies and/or mitigation measures specific to eulachon.	12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2	**12-Sep-2016, Workshop:** Stated that the VFPA is open to hearing suggestions for studies, mitigations and follow-up monitoring. Noted that VFPA is looking for collaboration. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsawwassen First Nation on the Follow-up Program and asked what Tsawwassen First Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward.	**Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to eulachon and describes the status and management practices associated with the species. The IR response also further assesses potential effects of the project on Eulachon, including consideration of underwater noise. With implementation of mitigation measures (specifically underwater noise management plan), no residual effect on eulachon productivity is anticipated. **Additional information provided by the VPFA:** The VFPA acknowledges the importance of eulachon to Indigenous groups and has worked to support eulachon habitat through its Habitat Enhancement Program (HEP). In 2014, HEP provided funding to Pacific Salmon Foundation to support a Fraser River Eulachon Habitat Utilization Survey. This survey involved capturing and tagging 300 eulachon to better understand habitat use as eulachon undergo physical changes prior to river entry and spawning and to gather information to support habitat rehabilitation and abundance recovery. In 2017, HEP provided funding to the Lower Fraser Fisheries Alliance to support an assessment and recovery project for eulachon in the Fraser River.	**Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
TFN-22.5	Requested that backup plans to be developed should mitigation measures not prove to be as effective as anticipated. Requested for TFN to have meaningful input into the development of monitoring.	19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1 12-Sep-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #2	**19-Jul-2016, Workshop:** Responded that it plans to include Tsawwassen First Nation in discussions about monitoring. Acknowledged those plans will require giving everyone more detail on the mitigation and monitoring measures that have been proposed. **12-Sep-2016, Workshop:** Responded that there are other mitigation measures for crab in addition to the salvage plan. DFO sensitive timing windows have been written into the schedule to protect the gravid female life history, which is from October 31 to March 15. During that time no works would happen below 5 m chart datum. Specific to the salvages, the intent is to avoid direct mortality and to keep that productivity within the system. By doing this those moved will at least avoid certain death. Once moved crabs can move out of the area. **12-Sep-2017, Meeting:** The VFPA met with Tsawwassen First Nation to discuss the Follow-up Program and Crab Study Workshop. Discussed Tsawwassen First Nation's Dungeness Crab Abundance and Movement Study in the RBT2 Project Area, as prepared by LGL Limited and submitted to the Review Panel on July 12, 2017.	**Addressed in EIS Appendix 7.2-B (#32):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			The VFPA presented the draft Follow-up Program and sought input from Tsawwassen First Nation on the program. Asked: • What is important to you and your community? • What elements would you like to see monitored? • How would you like to be involved moving forward?	The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	
TFN-22.6	Requested information regarding rejected mitigation measures and the rationale as to why they were rejected.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency has requested additional information on mitigation measures in its letter of July 31, 2015 to [the VFPA] (page 6, #12)."*	**Addressed in response to IR-7.31.15-12:** The VFPA's response to IR-7.31.15-12 provides a discussion of mitigation measures considered by the VFPA, including those considered and rejected.	**Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314)
TFN-22.7	Stated that other than a communications plan, no specific mitigation measures specific to addressing (Commercial, Recreational, Aboriginal) CRA fisheries are provided in EIS Section 17 or 21.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires this information to inform its sufficiency review."*	**Addressed in EIS Section 21.0:** As noted in EIS Table 21-7, proposed mitigation measures related to Marine Commercial use includes: • Implementation of the marine species salvage plan and communications plan; and • Work with DFO to consult with commercial crab harvesters and Indigenous groups to identify and implement feasible mitigation. **Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation.	**EIS** 21.0 Marine Commercial Use **Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)

Table 23: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-23.1	Concerned about potential adverse effects of noise on our people and the environment. Concerned that noise model assumptions don't accurately reflect TFN member experiences/ sensitivities. Concerned with the effects on local upland livability from increased noise and light, both during the construction and operational phases of the Project. Stated the potential that adjacent land may be added to TFN treaty settlement lands.	16-Oct-2013, Letter to the CEA Agency 12-Jul-2016, Meeting 19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	The VFPA has reviewed this letter and provides the following additional information. **12-Jul-2016, Meeting:** Provided an overview of the changes in the revised RBT2 Human Health Effects Assessment. Explained the methodology and noted that the conclusions of the HHRA are the same. There are residual effects to noise based on a small increase in noise levels associated with the Project. There is also a contribution from existing and future sources, but RBT2 is an important noise source as well as others within the community. The VFPA did its best to understand and estimate what those would be, based on available information and projections. It determined that residual effects are not significant. **19-Jul-2016, Workshop:** Stated that measuring noise sensitivity is not based on specific experiences. In terms of sleep disturbance, speech comprehension and being highly annoyed, the assessment showed that additional noise (primarily from rail rather than ship operations) would not broaden (i.e., affect more people), but that it may increase the frequency of disturbance to those already affected. Stated that it was identified that Tsawwassen and Delta residents would be most likely to experience the effects of noise exposure. Specific data for either Musqueam or Tsawwassen was not available for this assessment.	**Addressed in EIS Section 9.3:** The assessment of Noise and Vibration in EIS Section 9.3 indicates that the predicted daytime-nighttime average noise-level increases for upland receptor sites over expected conditions during Project construction would not be perceptible, including at the Tsawwassen First Nation Longhouse receptor site. Perceptible changes in overall noise levels during operation are also not anticipated for upland receptor sites; however, rates of occurrence of transient and impulsive noise events are expected to increase by up to 8.0 events per hour over expected conditions, and the increased frequency may be noticeable, especially at night. Project operation low-frequency noise levels are not expected to increase to perceptible levels over expected conditions. Net cumulative noise-level changes as a result of the combination of the Project with other certain and reasonably foreseeable projects are anticipated relative to expected conditions for two receptor sites, including the Tsawwassen First Nation Longhouse. However, the changes are not predicted to be within the range of perceptibility. **Addressed in EIS Section 27.0:** EIS Section 27.0 presents an assessment conducted to determine potential Project-related effects on human health. The results of the human health assessment were considered in the assessments of marine commercial use, outdoor recreation, and Current Use. A minority of households would experience small increases in noise during construction or operation. The increase would generally be below the range of human perception, and adverse health effects related to noise are considered not significant, as predicted exposure levels do not exceed health thresholds. Confidence in the assessment is high because models used conservative assumptions and have been validated against studies or monitoring data. The Project is not expected to result in any significant adverse effects on human health. The Project is not expected to result in measurable incremental residual cumulative effects to human health. **Addressed in EIS Appendix 7.2-B (#44):** The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3.The upland study area extends to Canoe Passage. The marine study area includes all marine areas within 10 km of the proposed terminal, including areas at the mouth of the Fraser river and Canoe Passage, north of the northern tip of Westham Island. The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3. **Additional information provided by the VFPA:** In responding to the CEA Agency's AIR-12.04.15-13, it was determined that the correct and measurable noise effect (sleep impairment) in EIS Section 27.0 had not been carried forward for a significance determination of the residual effect, and for a cumulative effects assessment. Revisions were made to EIS Section 27.0 and EIS Appendix 27-B to provide supporting analysis. The section also includes	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.3 Noise and Vibration 27.0 Human Health

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				revisions related to the comparison of noise levels to international thresholds for speech comprehension and sleep impairment. The overall conclusions of the assessment did not change. Tsawwassen First Nation was notified and provided with the revised version of EIS Section 27.0 and EIS Appendix 27-B on 13-Jun-2016.	
TFN-23.2	Stated that the citing a US FTA report, the EIS notes (p.9.3-7) that "a level of 93 VdB is the approximate threshold of human perception" for vibration. A number of other sources (see below) indicate a much lower perception threshold of approximately 65 VdB. Using a higher threshold may underplay the potential for effects to be rated as "significant". 1. Please provide a rationale for choosing 93 VdB as the effects threshold instead of the commonly used threshold for transit impact assessment of 65 VdB. 2. Please re-evaluate the determination of significance based on the lower threshold of 65VdB.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The two thresholds are equivalent but expressed in different units. The U.S. FTA value of 65 VdB is in decibel scale relative to 1x10-6 inches/sec whereas Noise and Vibration assessment (EIS) value is in decibel scale relative to 1x10-9 m/sec, as defined in EIS Appendix 27-A, Section 2.3.1.2. This is consistent with the U.S. FTA Noise and Vibration Impact Assessment manual, which states that the accepted reference quantities for vibration velocity are expressed in incher per second in the U.S., and in m/sec in the rest of the world. As indicated in EIS Appendix 9.3-A, construction and operation vibration levels are not predicted to exceed the threshold of perception of 93 VdB. As indicated in EIS Section 27.6.1.3, the threshold for human annoyance related to vibration, of 103 VdB, is also not exceeded and as such a measurable health effect is not predicted and a determination of significance is not required.	**EIS** 9.3 Noise and Vibration Appendix 9.3-A Noise and Vibration Technical Report 27.0 Human Health Appendix 27-A Air Quality HHRA Technical Report
TFN-23.3	Stated that site 4 is the baseline data collection location for noise and vibration on TFN lands. The EIS notes that baseline data on vibration (VdB) and low-frequency noise (dBC) were not collected at Site 4. Similarly, Lmax from trains (shunting and wheel noise) were not measured. TFN members report experiencing vibration from trucks and trains and both low frequency noise from trains on TFN lands. Requested a rationale for estimating (p.9.3-13) baseline conditions rather than collecting valid baseline data for vibration at Site 4 on TFN Lands.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in responses to IR7-03 and IR7-04:** The VFPA's response to IR7-03, as requested by the Review Panel, provides an analysis of transient noise produced by locomotive pass-bys and train movements at sites 4 and 5 in the upland study area. The analysis demonstrates that the noise levels created by locomotive pass-by events at sites 4 and 5 are not measurable relative to ambient noise levels. The VFPA's response to IR7-04, as requested by the Review Panel, provides the results of low-frequency noise measurements conducted on Tsawwassen First Nation Lands in October 2017.	**Information Requests** Response to Sufficiency Information Request #3 (IR7-03 of CEAR Document #1078) Response to Sufficiency Information Request #4 (IR7-04 of CEAR Document #1141)
TFN-23.4	Stated that deriving an annual average is a valid statistical approach. In doing so, however, models must be both calibrated and verified: real world measurements must be reproducible. There is a discrepancy between night-time (Ln) data collected at Site 4 and predicted annual average Ln for the same site, with predicted Ln being lower 2.6dB than measured Ln. While this is considered to be "barely perceptible", the difference is relevant for two reasons: a) the discrepancy is three times the difference between measurement days; and b) under prediction of present noise conditions may lead to under prediction of future noise conditions. Given that Site 4 Ln is already on or exceeding night-time WHO guidelines for Ln, small	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The difference between the measured Ln and the model-predicted annual average Ln should not be considered an underprediction. The difference is due to both the lower elevation of the receiver in the model (versus the roof-mounted receiver that was used in the 2013 field work) and due to the annual-average meteorology that was used in the model (versus the specific meteorology that was present during the 2013 field work).	**EIS** 9.3 Noise and Vibration Appendix 9.3-A Noise and Vibration Technical Report

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	changes may nevertheless result in threshold exceedances. Requested to know why the model under predicts noise when verified against baseline data: is the difference entirely attributable to lowering the receiver, as noted in Appendix 9.3-A, p.42.				
TFN-23.5	Stated that the EIS notes that "in certain months…construction noise is expected to increase". EIS, Appendix 9.3-A indicates the "highest noise levels are expected to occur in January 2019". Asked what is the expected start and duration of dredging. Requested information on which months construction noise is expected to increase and if these increases will be restricted to daytime hours or would occur through the night.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**PCU**
TFN-23.6	Stated that to facilitate an understanding of cumulative effects, it would be useful to add columns containing "actual" and "modelled annual" current condition information to Table 9.3-20. Similar tables comparing "existing", "predicted without project" and "predicted with project" values for dBC, VdB and transient/ impulsive noises would also be helpful. Requested the indicated tables, by site and parsed by Ld, Ln, Ldn and Lmax to facilitate review.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR12-05:** The VFPA's response to IR12-05 will further discuss modelled scenarios of the noise and vibration effects assessment.	**Information Requests** Response to Sufficiency Information Request #5 (IR12-05)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-23.7	Stated that the EIS notes that "it is unclear if these changes [to low-frequency noise] will be perceptible, because human response to low frequency noise is less well understood than the response to A-weighted noise". TFN members have indicated that they already experience low-frequency noise. The certainty that low-frequency noise will increase coupled with the uncertainty regarding the experience of these effects suggests that project approval, if given, should proceed conditional upon establishment of a monitoring and adaptive management program. If approved to proceed, the project should be conditional on the establishment of an adaptive management program for low frequency noise, vibration, and transient noise.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Follow-up Program
TFN-23.8	Stated that taken together, the 10 projects listed in this table will contribute 2500 additional marine vessel movements per year in the vicinity of the project. While individual vessels are present for a brief period of time and are unlikely to affect annual average noise levels, TFN members indicate that transient noises (e.g. vessel horns) are already audible. The Supplemental Shipping report indicates that no baseline data (regarding frequency and sound level) on these transient noises have been collected suggesting that it is premature to draw conclusions regarding significance of effect, residual effect, or cumulative effect. Please collect data on transient vessel noise and predict increases in frequency to determine nature and significance of effect.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR7-02:** The VFPA's response to IR7-02 describes the frequency of occurrence of transient noise events from a container ship while transiting the marine shipping area and while at berth. Information on the Lmax of transient noise events from container ships is provided and noise levels at various setback distances are described. **Addressed in EIS Section 4.4.2.1:** As described in EIS Section 4.4.2.1, the Project is estimated to receive 260 container ship calls per year when the terminal reaches its 2.4 million vessel TEU design capacity. This will result in 520 Project-associated container ship movements per year (one call equals two movements—one inbound and one outbound), or on average approximately three pass-bys, and associated noise, every two days at a given receptor point along the shipping route. Whether or not the noise from a vessel pass-by is perceptible at a receptor point depends on the setback distance from the noise source.	**EIS** 4.0 Project Description 4.4.2.1 Container Ship Manoeuvres **Information Requests** Response to Sufficiency Information Request #02 (IR7-02 of CEAR Document #1104)

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TFN-23.9	With respect to Table 9.3-23, stated that the derivation of the table from data provided in the Appendix cannot be replicated. Please provide: (1) current annual average traffic (2) method for deriving predicted volume ranges identified in table column 2.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR7-08:** The VFPA's response to IR7-02 provides a description of how the information presented in EIS Appendix 4-D was used to derive the values presented in EIS Table 9.3-23. As noted in EIS Appendix 4-D, Table 12 provides inbound and outbound total vehicle movements (passenger per service vehicles and container trucks) for the growth scenario of 4.8 million (M) TEUs through the existing Deltaport Terminal, and the proposed RBT2 terminal. The 4.8 M TEU scenario corresponds to future conditions with Project operation. Vehicle movements are provided for each hour of the day such that it is possible to calculate the AADT and percentage heavy vehicles that would be arriving at and departing the Roberts Bank causeway via Deltaport Way. Exhibits 5.4 and 6.4 in Bunt & Associates (2011) provide projected AM and PM peak traffic volumes on Deltaport Way for 2031. The traffic volumes take into account the Tsawwassen First Nation Land Use Plan which includes up to nearly 3,500 additional homes, a 1.2 million sq ft shopping centre, and a 575,000 sq ft mall. The traffic data from EIS Appendix 4-D and Bunt & Associates (2011) were combined to provide total traffic volumes on Deltaport Way for the temporal cases that are considered in EIS Table 9.3-23 (i.e., future conditions with the Project and future conditions with the Project and other reasonably foreseeable projects and activities). Data from EIS Appendix 4-D provides Project-related truck traffic for the on-causeway portion of Deltaport Way. These volumes were used in the assessment of future cumulative changes to noise levels (EIS Section 9.3.10) for the off-causeway portion of Deltaport Way, and are shown in EIS Table 9.3-22 for 'incremental road traffic associated with RBT2'. Annual average daily traffic projections, based on the AM/PM peak traffic data in Bunt & Associates (2011), were estimated using the formula: AADT = AM Peak x 8.	**EIS** Appendix 4-D Roberts Bank Traffic Data Matrix **Information Requests** Response to Sufficiency Information Request #08 (IR7-08 of CEAR Document #1104)
TFN-23.10	Stated that TFN members have noted that late night shift change traffic is particularly disruptive because passenger vehicles are higher pitched and travelling faster, resulting in transient noise spikes. Please model future traffic and Ln for the hour before and after shift change as this may vary significantly from the daily average.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR7-01:** The VFPA's response to IR7-01 provided nighttime equivalent sound levels (Ln) calculated under worst-case meteorological conditions. The calculations were carried out according to ISO 9613 (ISO 1996) with the influence of meteorology on sound propagation accounted for using the CONCAWE method (CONCAWE 1981). Refer to IR7-01 for a detailed discussion of these calculations.	**Information Requests** Response to Sufficiency Information Request #01 (IR7-01 of CEAR Document #1104)
TFN-23.11	Stated that while predicted conditions with the project do not increase appreciably over predicted future conditions without the project, it is important to note that present-day Ln levels are at or exceed recommended WHO guideline for night time noise. TFN members already experience noise as intrusive; any future change will be significant and measures to minimize noise, especially at night, are required. Requested the identification of noise mitigation strategies and/or partner with	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR7-12:** In Appendix A of its submission to the Review Panel (CEAR Document #579), Health Canada provided a list of commonly applied construction mitigation measures and considerations for noise reductions. As part of the VFPA's response to IR7-12, the noise mitigation measures included in the Health Canada submission (CEAR Document #579) have been evaluated at a preliminary level for technical and economic feasibility. In some cases, more detailed technical evaluation would be required before implementation. Further evaluation would be focused on verifying technical and economic feasibility, as well as potential effectiveness and appropriateness in terms of mitigating the	**Information Requests** Response to Sufficiency Information Request #12 (IR7-12 of CEAR Document #1134)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	other project operators to identify collective mitigation strategies to keep night-time noise to <45dBA.			specific RBT2-related sources and types of noise. A summary of the preliminary evaluation is provided in Appendix IR7-12-A, Table IR7-12-A1.	
TFN-23.12	Stated that in reference to Technical Reports Appendix 9.3-A and 9.3-B, Appendix 4-D Section 2.3.3.2, two different sets of standards are referenced. It is important to understand why to evaluate the assessment. Please provide the rationale for using ISO 1996 to calculate port and rail noise and using Setra 1997 to calculate road noise. Do the two standards yield different results when applied to the same data?	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** In each case, the appropriate standard was used to model these different type of noise sources. ISO 1996 is not intended to be used to model road vehicle noise. Conversely, Setra 1997 is specifically intended to model road vehicle traffic noise and is not capable of modelling other noise sources.	**EIS** 9.3 Noise and Vibration Appendix 9.3-A Noise and Vibration Technical Report Appendix 4-D Roberts Bank Traffic Data Matrix
TFN-23.13	Stated that in reference to Technical Reports Appendix 9.3-A and 9.3-B, Appendix 4-D Section 3.3.7, the Appendix notes that "no results are presented for locomotive pass-bys or train movements at site 4 [on TFN lands] or site 5 as these transient events were not at measurable levels at these sites." TFN members report experiencing transient train noise on TFN lands. Please suggests reasons for reported human perception of noise despite the absence of measurable values and indicate if there are other means to improve understanding of transient nose experience on TFN lands.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in responses to IR7-03 and IR7-04:** The VFPA's response to IR7-03, as requested by the Review Panel, provides an analysis of transient noise produced by locomotive pass-bys and train movements at sites 4 and 5 in the upland study area. The analysis demonstrates that the noise levels created by locomotive pass-by events at sites 4 and 5 are not measurable relative to ambient noise levels. The VFPA's response to IR7-04, as requested by the Review Panel, provides the results of low-frequency noise measurements conducted on Tsawwassen First Nation Lands in October 2017.	**Information Requests** Response to Sufficiency Information Request #3 (IR7-03 of CEAR Document #1078) Response to Sufficiency Information Request #4 (IR7-04 of CEAR Document #1141)
TFN-23.14	Stated that in reference to Technical Reports Appendix 9.3-A and 9.3-B, Appendix 4-D Section 4.1, the summary of key findings in the upland study area focuses exclusively on Ldn. While this number is weighted to include night time noise, it obscures findings regarding the time period - night-time - of most concern to TFN members. It would be useful to add information about Ln, even if the patterns and expected dB increases are similar. Please add information about Ln.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR7-10:** The VFPA's response to IR7-10 provides information concerning Ln, using modelled results from response to IR7-01. The analysis provided in the response demonstrates the variation in nighttime noise levels that could occur under worst-case meteorological conditions, depending on the Project construction or operation activities taking place at the same time as the worst-case meteorological conditions. While the Panel's context to this information request indicates that information on nighttime noise levels is important for the assessment of sleep disturbance, it should be clarified that the Human Health Risk Assessment for Atmospheric Noise and Vibration (EIS Appendix 27-C) relies on annual-average noise levels to evaluate noise-related risks to human health as per World Health Organization guidelines (WHO 2009). As such, it is not appropriate to use these worst-case Ln to evaluate potential noise-related health effects due to sleep disturbance, but rather the annual average Ln values (representing annual average meteorological conditions) provided herein. The annual average Ln values for Project construction and operation are also included in EIS Section 9.3.9.3.	**Information Requests** Response to Sufficiency Information Request #10 (IR7-10 of CEAR Document #1113)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-23.15	Stated that in reference to Technical Reports Appendix 9.3-A and 9.3-B, Appendix 4-D Section 4.2, the absence of winter sampling is of concern to TFN members. Winter sampling is needed to validate the model's accuracy in all four seasons. Please collect supplemental winter noise data for all parameters (dBA, dBC, VdB) to calculate Ld, Ln, and Lmax.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Noise measurements were collected in summer months as a conservative approach. Noise levels are expected to be higher in summer due to higher vehicle traffic. The VFPA website provides results of continuous noise monitoring at Roberts Bank, where noise levels can be viewed in all seasons. https://www.portvancouver.com/port-dashboard/noise-monitoring/.	
TFN-23.16	Stated that Tsawwassen Members have identified concerns with both low frequency noise (vibration) and atmospheric noise inside of their properties and homes, and have noted anecdotally to Tsawwassen Government staff and advisors that these environmental effects are caused by the operations of the existing Roberts Bank facility, and that these effects often disturb their sleep. The experience of Tsawwassen Members, who are receptors of atmospheric and low-frequency noise generated as a result of the operation of the current Roberts Bank Superport is not reflected by the result of the EIS.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.3.7:** The description of existing conditions considered sources of noise and vibration, including the existing Roberts Bank terminals, BC Ferries Terminal and road and rail traffic within the upland study area. Existing noise levels are typical of suburban areas, and noise within the upland study area comes from many diverse sources, including the following: • Activity at Roberts Bank terminals and BC Ferries Terminal; • Road and rail traffic on the Roberts Bank causeway; • Road and rail traffic on routes within the study area (including Highway 17 and Deltaport Way); • Construction activities on Tsawwassen First Nation land; • Farming activities; • Aircraft; • Marine vessels; • Local activities; and • Natural sounds (e.g., wildlife, wind). No single source tends to dominate these noise environments; noises from all of these sources contribute in varying degrees to the overall average daily noise levels.	**EIS** 27.0 Human Health 27.5.3.2 Existing Health Conditions Related to Noise and Vibration
TFN-23.17	Concerned that the characteristics of the receptor against which noise effects are modelled is not reflective of Tsawwassen people.	19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Explained that unlike certain other things where average experience might be looked at, with the noise assessment the Project team tried to pick points closest to the noise source and choose locations that have particular uses that might be interrupted by noise, and model at that location. It's conservative in that if the effect isn't experienced there, then the effect only decreases for other locations. The assessment assumes that a certain amount of noise will wake you up. The measuring of whether it's enough to wake someone up or not isn't predicated on who that person is. In terms of sleep disturbance—speech comprehension and being highly annoyed—what it said was that additional noise (which is more from rail as opposed to from ship operations) wouldn't broaden (that is to say go out further and affect more people), but that those people already disturbed may be disturbed more often.		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			The VFPA referred to the World Health Organization guidelines noting the number of additional people potentially waking up is not significant at the population level. However, if you're somebody there, it doesn't matter whether or not the noise is affecting people at the population level, you're going to be annoyed and sleep disturbed. That is the summary of what the noise assessment found. The results fed back into other areas (sub-components) of the health assessment such as stress and annoyance, and also health inequity. There are a number of different areas that could lead into health inequity, including benefits and downsides resulting from the Project. The exposure to noise was identified as having no potential positive effect—only negative—and that the people most likely to experience that negative effect are Tsawwassen and Delta members. While Indigenous populations within B.C. and Canada generally have worse health outcomes, specific data for either Musqueam or Tsawwassen wasn't available. That's the best explanation of what's been done in terms of noise, which is important.		

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Table 24: Outdoor Recreation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-24.1	Concerned with the Deltaport Causeway and rail crossing in the context of accessing the waterfront area north of the causeway and safety to pedestrians and recreational land users. The safety concern is greater with the higher rail traffic associated with operations of RBT2. Suggested that the VFPA build a pedestrian overpass, in part to address impacts to the community from the Project.	31-Jan-2014, Email 23-Apr-2014, ITK Meeting with Elders 14-Sep-2015, Meeting	**31-Jan-2014, Email:** Recorded comment for consideration by the Project team. **23-Apr-2014, Meeting:** Recorded comment for consideration by the Project team. **04-Dec-2015, Letter from the VFPA:** Tsawwassen First Nation is requesting that, as part of the Terminal 2 community amenity contribution, "VFPA construct a pedestrian overpass over Highway 17 at Tsawwassen Drive or another preferred location, in consultation with TFN". Tsawwassen First Nation notes that "Delta also supports a pedestrian overpass over Highway 17." The VFPA would be prepared to enter into a discussion with Tsawwassen First Nation and Delta as to whether an overpass over Highway 17 would be a potential RBT2 amenity benefit for your communities. We will follow up to determine your interest in such a discussion. **16-Dec-2015, Meeting:** Tsawwassen First Nation indicated that they are not interested in pursuing the overpass project at the moment. **11-Jul-2017, Letter from the VFPA to Tsawwassen First Nation and City of Delta:** *"The VFPA appreciates the continued interest from Tsawwassen First Nation, the Corporation of Delta and community members in a pedestrian /cyclist overpass at Deltaport Way.* *We welcome future discussions of this proposal, as well as other potential community benefits, in the context of the proposed RBT2 Project. We hope to commence discussions with you on possible project-related benefits in the fall of 2017."*	**Addressed in response to IR7-40:** The Project will not change the current access to, use of, or spatial footprint of the Brunswick Point Trail and Tsawwassen Sea Dyke Trail. As per the EA methodology outlined in EIS Section 8.0, no project interaction and in turn, no effects to other land-based outdoor recreation sub-component of the outdoor recreation VC (which includes land-based walking, hiking, running, and cycling activities in the LAA) were identified or carried forward for assessment. As mitigation measures are only required when effects are identified, mitigation is not required. As part of the community benefit program, the VFPA welcomes further discussion on the development of a pedestrian and cyclist overpass at Deltaport Way with Tsawwassen First Nation and the City of Delta. The VFPA has indicated in a letter dated July 11, 2017 to Tsawwassen First Nation and City of Delta that it is open to further discussion on the possibility of the pedestrian and cyclist overpass, as well as other potential community benefits.	**Information Requests** Response to Sufficiency Information Request #40 (IR7-40 of CEAR Document #1116)

Table 25: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-25.1	Asked if the assessment factors in accidents involving non-hazardous materials.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Responded that in the Plausible Worst Case Scenarios listed, in addition to fuel spills, they're assuming that hazardous goods being transported are also spilled. Stated that there is not a worst case scenario that considers a non-hazardous materials spills. Noted that team would take that back for consideration. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues Section 30.0 on Potential Accidents and Malfunctions.	**Additional information provided by the VFPA:** The EIS (Sections 30.0, 30.4 and 30.5) and MSA (Section 10.0) identified potential accidents or malfunctions related to the Project and Marine Shipping. Both non-hazardous (e.g., aggregate, non-hazardous container cargo) and hazardous (e.g., hydrocarbons, dangerous goods) materials were considered, however because magnitude of environmental risk associated with a particular accident or malfunction is a function of the event's probability and its anticipated consequences (including environmental effects), incidents involving non-hazardous materials were not analysed in detail like the plausible worst-case scenarios in EIS Section 30.6 and MSA Section 10.3.	**EIS** 30.0 Potential Accidents or Malfunctions 30.4 Potential Marine-based Accidents and Malfunctions 30.5 Potential Land-based Accidents and Malfunctions 30.6 Assessment of Plausible Worst-Case Scenarios **MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios
TFN-25.2	Disagreed with the statement that there is no potential for Project interactions with oil tankers, and/or an oil-related accident or malfunction; the terminal faces a shipping lane and oil tankers come up and down the coast.	07-Oct-2014, Preliminary EIS Workshop #1 21-Jul-2015, Meeting	**07-Oct-2014, Workshop:** Responded that the quantitative risk assessment takes a broader scope, and does look at the potential for that interaction, but within this section of the EIS, the list has been narrowed down to plausible worst-case scenarios that are relevant to the scope of the assessment and Project, and in the VFPA's jurisdiction. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **21-Jul-2015, Meeting:** Explained that the route that will be used is the same as the route studied on other projects. Added that effects related to the Project are expected to be similar to what is currently experienced. Information being sought are potential effects, impacts to treaty rights, suggestions regarding mitigation and Current Use information. Described one of the worst-case scenario considered in the MSA: risk of containership grounding in Boundary Passage, resulting in a heavy oil spill. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included information regarding potential accidents and malfunctions.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on SRKW, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of EIS Appendix 30-A (Appendix B, Table B-4). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and	**EIS** 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B – Tables **MSA** 4.0 Activity Description Figure 4-1 Marine Shipping Area, Shipping Lanes, and Locations of Interest 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures 10.5 Assessment of Potential Effects of Accidents or Malfunctions Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. **Addressed in MSA Section 10.3.2.2:** As noted in MSA Section 10.3.2.2, EIS Appendix 30-A and MSA Appendix 10-A provide the evaluation of the potential for a collision between a container vessel and each of four types of marine vessels in the marine shipping area: crude tankers, other tankers (product and chemical), bulk carriers, and other container ships. After considering a series of variables, including the outcome that a spill is associated with the collision, the analysis found the following: • Minimum return period (at 95% confidence level) for collisions of RBT2-bound container ships with other traffic in the marine shipping area of 133 years; • Container ship-tanker collision return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil; and • Minimum return period for a container ship collision with another container ship is approximately 250 years. A collision does not necessarily lead to a spill. Worldwide data indicate collisions resulting in spills are less likely. The analysis in EIS Appendix 30-A (Tables 3-14 and 3-15, at full RBT2 traffic plus other foreseeable marine facilities) found the following: • Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and other container ships that results in a spill (of fuel oil) are approximately 10,000 years; and • Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and laden crude oil tankers that result in a crude oil spill are over 800,000 years.	
TFN-25.3	Concerned that a collision might occur just south of Point Roberts resulting in fuel spreading into the Boundary Bay area. Noted that Boundary Bay is an area for harvesting fish and crabs, and TFN is close to having a harvesting plan in Boundary Bay finalized.	21-Jul-2015, Meeting	**21-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included information regarding potential accidents and malfunctions.	**Additional information provided by the VFPA:** It is conceivable that a collision might occur just south of Point Roberts, however collisions and associated spills in the marine shipping area will have the highest probability of occurrence where the probability of an encounter between ships is highest, based on the relative risk of overtaking, head-on, and crossing encounters. The most likely encounter locations in the marine shipping area are near East Point on Saturna Island at the eastern entrance to Boundary Passage, and near Turn Point on Stuart Island at the entrance to Haro Strait at the southwest end of Boundary Passage. A collision resulting in a spill in that region is considered as a plausible worst-case scenario in MSA Section 10.3.3. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios.	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-cast Accident or Malfunction Scenarios 10.4 Mitigation Measures Appendix 10-B Marine Fate of Shipping Spill-type Accidents
TFN-25.4	Asked if the incident at Westshore in 2012 is included	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Responded that the team writing this section is aware of the incident and has whatever	**Addressed in EIS Appendix 7.2-B (#211):** The EIS describes a range of previous construction- and operation-related accidents and malfunctions that have occurred at the Roberts Bank terminals, including the incident involving the Cape Apricot at the Westshore Terminals in December 2012.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	in the assessment.		information is available, and is considering the most recent local incidents in their analysis.		30.0 Potential Accidents or Malfunctions 30.4.3 Vessel Allision
TFN-25.5	Interested in whether the terminal operator will be required to recognise the significance of an accident or malfunction that results in an effect to TFN's right to harvest.	26-Nov-2014, Health & Aboriginal Rights Workshop - TFN	**26-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the Western Canada Marine Response Corporation. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on liability on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: https://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm. **Additional information provided by the VFPA:** Taking into account the Review Panel's report, the Minister of the Environment decides whether the project is likely to cause significant adverse environmental effects. If the Minister's decision is that the project is likely to cause significant adverse environmental effects, the matter is referred to the Governor in Council (Cabinet) who will decide if the likely significant adverse environmental effects are justified in the circumstances. Before making these decisions, the Government of Canada will assess potential impacts to Aboriginal and treaty rights. If the Minister's decision is that the project is not likely to cause significant adverse environmental effects or if the project is likely to cause significant adverse environmental effects that have been determined by the Governor in Council to be justified in the circumstances, the conditions with respect to mitigation measures and a follow-up program with which the proponent must comply for the proposed project to be carried out, are set out in the environmental assessment decision statement issued by the Minister. The Terminal Operator will be required to comply with all of these conditions. **Addressed in response to IR11-07:** The VFPA's response to IR11-07, as requested by the Review Panel, discusses measures, and the roles and responsibilities for implementing those measures, that would be applied to assess, monitor and mitigate environmental effects following the occurrence of an accident or malfunction.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions 30.3.3 VFPA Practices and Procedures **Information Requests** Response to Sufficiency Information Request #07 (IR11-07)
TFN-25.6	Concerned about impacts to small fishing vessels from the Project. Concerned with accidents and spills, and particular concern that the Accidents and Malfunctions section does not take into account small fishing vessels.	18-Nov-2013, Community Meeting 07-Oct-2014, Preliminary EIS Workshop #1	**18-Nov-2013, Meeting:** Recorded comment for consideration by Project team. **15-Jan-2014, Letter from the VFPA:** As part of the EA for the proposed Project, the VFPA is looking at worldwide collisions and local collisions to determine what is reasonable for a predicted rate of marine accidents and malfunctions related to RBT2. **07-Oct-2014, Workshop:** Responded that the marine vessel category is where fishing vessels were considered. The reason that a fishing vessel scenario didn't make it into the initial list of Plausible Worst-case	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on SRKW, coastal birds, and Current Use were	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions 30.4.4 Vessel Collision Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Scenarios was because of the worst-case nature of a potential incident. Because this is a marine environment, and most of our VCs are marine biophysical, spill volume was looked at as the main criteria for worst-case. So, the bigger the potential spill, the worst-case scenario. For example, a fishing vessel would have a smaller fuel tank than a bulk carrier berthing at Westshore. However, there are other potential worst-case consequences with a fishing vessel, like loss of life to the operator, for example. It is noted the quantitative risk assessment will be included as an appendix to the EIS; the VFPA undertakes to take the comment back for consideration. **29-Oct-2014, Meeting:** The VFPA held a workshop on Current Use and marine commercial use. Responded that a "Quantitative Risk Assessment [EIS Appendix 30-A] identifies safety risks for small vessels will be an Appendix in the EIS. That study indicated that this Project will result in increased vessel traffic. It also asked what other types of vessels they will interact with, and considered the potential risk of collision and/or interaction between them. One of the subsets of vessels was commercial fishing vessels, which [Golder Associates] drew upon for this assessment as point of a cross-reference.	considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of EIS Appendix 30-A (Appendix B, Table B-4). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **With respect to small vessels, see EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0, as well as EIS Appendix 30-A. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios.	Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures
TFN-25.7	Concerned with the way in which probability of accidents and malfunctions is described in the EIS as it relates to potential impacts to crabs.	19-Jul-2016 - Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Responded that there is not a potential pathway for increased contamination [to crabs] from construction or operation. With regard to accidents and malfunctions, the conclusion is different and that's in a different section of the EIS.	**Addressed in EIS Section 30.0:** Potential effects to crabs of three worst-case scenarios are considered in EIS Section 30.6. The Project does not involve the shipment of fuel and therefore the assessment considered the potential spill of fuel required for container ship operation. The assessment concluded that a spill from the fuel tanks of a container ship in the berth area could result in adverse residual effects to marine vegetation, invertebrates, fish and marine mammals, as well as marine commercial use, outdoor recreation and land and water use. With the exceptions of SRKW, coastal birds, and current use, these residual effects were considered not significant. However, due to the extremely low probability of such a ship impact and spill scenario, all residual effects were considered unlikely. In the case of land-based activities, the two worst-case plausible road and rail scenarios were identified as a fuel truck accident on Roberts Bank Way North involving a diesel spill, and a yard locomotive derailment on the widened causeway, also involving a diesel spill. In both cases, due to Project-specific conditions and existing and anticipated practices and procedures, the probability of such an incident is considered very low. As the spill associated with each of the land-based scenarios would occur at a distance away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure, and human health.	**EIS** 30.0 Potential Accidents or Malfunctions 30.6 Assessment of Plausible Worst-Case Scenarios 30.6.1.3 Plausible Worst-Case Scenario #1 Effects Assessment

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-25.8	Stated that TFN was unable to find in Section 30 of the EIS the identification of the magnitude, including quantity, mechanism, rate, form and characteristics of the contaminants and other materials that could be released to the environment during a Land-based accident or malfunction event during operations or for construction related accidents and malfunctions.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires this information to inform its sufficiency review."*	**Addressed in EIS Section 30.0:** EIS Section 30.0 presents three worst-case scenarios for assessment, including two on land: • Tanker truck accident on Roberts Bank Way North; and • Derailment of a yard locomotive on the widened causeway. In each case, the scenario's spilled quantity, mechanism of failure and spill characteristics are presented.	**EIS** 30.0 Potential Accidents or Malfunctions 30.6 Assessment of Plausible Worst-Case Scenarios

Table 26: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-26.1	Requested that First Nations review draft sections on traditional and current use.	03-Jul-2014, Valued Components Workshop #2	**03-Jul-2014, Workshop:** Stated that the VFPA is working on the draft EIS and is hoping to have it done in the fall. Noted that it is not complete and this dialogue is important to consider. **15-Jul-2015, Email:** Provided Tsawwassen First Nation with their draft community profile for review. Tsawwassen First Nation provided comments on 30-Jul-2014. **09-Dec-2014, Email:** Provided Tsawwassen First Nation with a draft portion of EIS Section 32.0 concerning Tsawwassen First Nation rights and Current Use information, a draft portion of EIS Section 21.0 concerning Indigenous commercial fishing and seafood harvesting, and a draft version of EIS Appendix 18-A. Tsawwassen First Nation provided comments on 09-Jan-2015. **25-Mar-2015, Letter from the VFPA:** Feedback received was considered and incorporated into the EIS as appropriate, as identified by letter sent to Tsawwassen First Nation. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in this appendix. Some questions, comments and requests were addressed at the workshops or through follow up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. The VFPA continues to be open to hear concerns and will notify Indigenous groups when the EIS is submitted.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process 7.2.3 Future Planned Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
TFN-26.2	Noted that TFN does not distinguish between traditional and contemporary uses of resources, in that current use/harvesting is a contemporary expression of an activity that's been carried out for thousands of years. Requested that harvesting as defined by the TFN harvesting agreement be incorporated into the assessment for current use of lands and resources for traditional purposes.	26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**26-Nov-2014, Workshop:** Noted that input is welcome. If it's a resource that has been traditionally harvested in the past and continues to be harvested now, it would be characterised as for "traditional purposes", regardless of end use. It is noted "traditional purposes" is not defined by the CEA Agency. Stated that the *EIS Guidelines* and the CEA Agency legislation leave a lot of room for interpretation. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#158):** The assessment of Current Use was carried out in accordance with the *EIS Guidelines*. Harvesting, as defined by the Tsawwassen First Nation Harvest Agreement, is consistent with the assessment of Current Use. The agreement is also considered in EIS Section 21.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-26.3	Concerned with the level of uncertainty with regard to information provided and available for the hunting and trapping of smaller animals. Stated that TFN suspects some hunting or trapping of smaller animals is occurring, despite none being reported.	26-Nov-2014, Health & Aboriginal Rights Workshop – Tsawwassen First Nation	**26-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#172):** The harvesting of plants, birds (including waterfowl) hunting and trapping of smaller animals, as well as other harvesting activities, are included in EIS Section 32.2. The Project is not predicted to have an effect on the Current Use related to harvest of plants or birds, or on hunting and trapping of waterfowl and smaller animals. **Additional information provided by the VFPA:** The VFPA interviewed Tsawwassen First Nation hunters on 01-May-2014, 06-May-2014 and 03-Jun-2014. The VFPA sought to learn about Tsawwassen First Nation practices, posed questions about Current Use of lands for hunting birds, marine mammals and terrestrial wildlife. They discussed areas used for hunting, and specifically talked about birds, ducks, geese, deer, and changes in the ability to hunt over time, and participation in hunting over time. They also discussed the importance of hunting as a food source, and well as with respect to cultural significance.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes
TFN-26.4	Requested that the context in which "culture" is defined in the Tsawwassen First Nation Final Agreement (2009) be considered in the VFPA's interpretation. Noted that the definition was drafted and tabled by the Province, and not supported by TFN because it is far too limiting.	26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**26-Nov-2014, Workshop:** Stated that while the VFPA referred to that definition, it does not limit the VFPA's interpretation of culture. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#182):** The EIS notes that the definition of culture included in the Tsawwassen First Nation Final Agreement was tabled by the Province and is not supported by Tsawwassen First Nation.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.4 Tsawwassen First Nation
TFN-26.5	Stated that TFN is of the view that there will be a detectable effect to crab harvesting for traditional purposes in or near the Project area as a result of changes in access during the construction phase of the Project.	26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**26-Nov-2014, Workshop:** Stated that the information being presented today is preliminary, and the language used in the presentation is reflective of that (i.e. "There may be a detectable effect"). **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **27-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Tsawwassen First Nation and other Indigenous groups related to Dungeness crabs and disposal at sea (DAS), and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit.	**Addressed in EIS Appendix 7.2-B (#165):** The assessment of Current Use includes evaluation of potential effects to crab harvesting related to changes in access. The assessment concludes that after the implementation of mitigation, a negligible residual effect is anticipated. A determination of significance is not made on negligible residual effects, as the effect is not measurable or detectible. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule,	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.2.1 Potential Impacts on the Exercise of Treaty Rights -- Tsawwassen First Nation **PCU**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	
TFN-26.6	Concerned with interference of construction activities with TFN access, including crab boats and traps. Requested for a marine traffic plan that addresses these issues.	12-Feb-2015, Meeting	**12-Feb-2015, Meeting:** Stated that a review of impacts to crabs was done and that there are specific mitigations which will be described in the EIS. Presented information on the Land and Marine Traffic Management Plan, stating that the VFPA will develop and ensure implementation of a Land and Marine Traffic Management Plan) to address land-and marine-based construction traffic, traffic control, and potential traffic hazards on the Project site and within PMV jurisdiction, while establishing a protocol for collaboration with managers of adjacent transportation corridors. Stated that measures within this plan will reduce potential disturbance with the WMA and community lease land by providing guidance to avoid construction activity and vessel travel in these areas. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#169):** The assessment of Current Use includes the potential effects of the Project on the ability of Indigenous groups to access and use preferred harvesting areas. A quantitative risk assessment was conducted to determine the risk of potential accidents related to small vessels (EIS Section 30.0). A Land and Marine Traffic Management Plan is proposed to be included as part of the Environmental Management Program (EIS Section 33.0) to mitigate potential marine vessel traffic issues. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the (PCU) on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 33.0 Environmental Management Program 33.3.9 Land and Marine Traffic Management Plan **PCU**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	
TFN-26.7	Stated that TFN is of the view that the waterlot due to be transferred to TFN should be identified on Project-related maps (and in the EIS) that identify TFN lands and use areas.	26-Nov-2014. Health & Aboriginal Rights Workshop – Tsawwassen First Nation 12-Feb-2015, Meeting	**26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	**Addressed in EIS Section 32.0:** Tsawwassen First Nation water lots are identified and depicted in a map in the EIS Section 32.2.4.1, which discusses Tsawwassen First Nation land and water use.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.4.1 Tsawwassen First Nation
TFN-26.8	Concerned with impacts to eelgrass habitat for crabs and other species; it is noted the Project footprint is proposed for a very productive area where TFN fishers actively harvest.	27-Nov-2013, Community Meeting 26-Nov-2014. Health & Aboriginal Rights Workshop – Tsawwassen First Nation	**27-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **15-Jan-2014, Letter from the VFPA:** The VFPA acknowledges the need to understand potential Project-related effects. The marine vegetation and biofilm components of the EA will assess potential Project-related effects on eelgrass. The proposed scope of assessment for traditional land and resource use will take into account the potential for the Project to result in changes to harvesting opportunities and practices, and changes in other traditional uses of the land. The VFPA recognises continued consultation with Tsawwassen First Nation Crabbers and Elders will continue to help inform the studies. The VFPA is committed to share the results of this consultation with Tsawwassen First Nation. **26-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **19-Jul-2016, Workshop:** The VFPA hosted an Issues Workshop with Tsawwassen First Nation and presented on this concern, stating that the location or orientation of the footprint and the creation of a wave shadow behind the terminal creates ideal conditions for the growing of eelgrass. The VFPA noted this is why there's been rapid growth of eelgrass in the inter-causeway, as the causeways block waves. The VFPA stated that the	**Addressed in EIS Appendix 7.2-B (#68):** Potential effects on eelgrass habitat, as well as on crabs and other species that use eelgrass habitat, are described in the EIS. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass is a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. **Addressed in EIS Appendix 7.2-B (#165):** The assessment of Current Use includes evaluation of potential effects to crab harvesting related to changes in access. The assessment concludes that after the implementation mitigation, a negligible residual effect is anticipated. A determination of significance is not made on negligible residual effects, as the effect is not measurable or detectable.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 11.7.2 Reduction and Off-setting Measures 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 12.7.2 Mitigation #1 for Direct Mortality 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Effects on Aboriginal and Treaty Rights and Related Interests Analysis

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			idea is not to protect eelgrass for the sake of eelgrass, but because of its importance to other species. There is also onsite habitat proposed to be built with the Project, and with this in mind, there is no effect predicted from the Project to eelgrass.		
TFN-26.9	Concerned with the loss of area within which TFN can exercise certain aspects of TFN culture, negatively impacting community identity and the ability to pass down knowledge.	19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**19-Jul-2016, Workshop:** Responded that the interrelatedness of cultural heritage and intergenerational transfer to use of the environment, and the difficulty of quantifying or mitigating effects on them is recognised. Reference to additional information request AIR-12.04.15-29 regarding Physical and Cultural Heritage; it is noted the response provides additional information on how the VFPA approached this in the EIS. The approach taken looked at four indicators (access, availability and quality of resources, quality of experience); if there was an effect on any one of those four indicators, the inference was made that there could be an effect to cultural practices or heritage that are dependent upon access to or a certain quality of experience at culturally important locations or the availability or quality of culturally important resources. Effort was made to take a cautionary approach to this aspect of the assessment. For that reason, mitigation measures identified in relation to the four indicators were viewed as applying in the aggregate to address potential effects on use of lands and resources for traditional purposes, including potential associated effects on cultural heritage. Suggestion made to review the response, if Tsawwassen First Nation hasn't already done so. Request for feedback if Tsawwassen First Nation sees opportunities for improvement with regard to how cultural heritage is assessed.	**Addressed in response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality.	**Information Requests** Response to Additional Information Request #29 (AIR-12.04.15-29 of CEAR Document #388) Response Sufficiency Information Request #22 (IR10-22)
TFN-26.10	Concerned with consideration of Treaty rights in the EIS, noting that TFN must defend all rights specified in the Tsawwassen First Nation Final Agreement, and not just those currently exercised: • Commented that the EIS should include species of emerging or potential future commercial fisheries, for example lingcod and	06-Jun-2014, Aboriginal Group VC Workshop #1 19-Jul-2016, Issues Workshop - Musqueam First Nation / Tsawwassen First Nation #1	**06-Jun-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 32.3.2.1. **19-Jul-2016, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 32.3:** EIS Section 32.3.2.1 specifically acknowledges the Tsawwassen First Nation Final Agreement and considers potential Impacts on the Exercise of Treaty Rights – Tsawwassen First Nation, based on information provided to the VFPA by Tsawwassen First Nation on Tsawwassen's current and potential future use of lands and resources pursuant to treaty rights under the Tsawwassen First Nation Final Agreement, presented in EIS Section 32.2.4.1. For example, the VFPA notes that EIS Section 32.2.4.1 expressly refers to the "emerging commercial fisheries" provision in Tsawwassen First Nation Final Agreement, as well as the Tsawwassen's treaty right to harvest ground fish (e.g., rockfish, lingcod) for domestic purposes, even though that right had not yet been exercised since the agreement had come into effect in 2009. **Addressed in EIS Section 10.3.3:** As noted in EIS Section 10.3.3, productive potential is a key concept in relation to the RB Model (ecosystem model). The RB model was one of several lines of evidence used to assess potential Project effects, and other lines of evidence were used to address potential effects from construction phase activities.	**EIS** 10.3.3 Ecosystem Model Process 13.0 Marine Fish 13.5.2 Existing Conditions, Reef Fish 13.6 Future Conditions with the Project 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.5 Existing Conditions 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis 32.3.2.1 Potential Impacts on the Exercise of Treaty Rights – Tsawwassen First Nation 32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	sockeye salmon. • Stated that in evaluating potential effects, the baseline should include the productive potential of the area, and not the current level of productivity.			**Addressed in response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future use activities that have been identified by Indigenous groups, including those use activities linked to the exercise of treaty rights under the Tsawwassen First Nation Final Agreement, and how the VFPA expects those potential effects to be address through mitigation (further discussed in IR10-11 and IR10-12).	**Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
TFN-26.11	Stated that the EIS Guidelines require the Proponent to include in the EIS information related to, "Aboriginal traditional territories, treaty lands, Indian reserve lands". The EIS (Appendices to Volume 1, Section 3.3.1) only includes a map of Tsawwassen Treaty Lands'. The EIS should include the boundaries for Tsawwassen Territory.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency did not request additional information for this item since there is already information on Tsawwassen Territory provided in the EIS in Section 3.3.1.1 and the inset of Figure 3-2."*	**Addressed in EIS Figure 32-1:** EIS Figure 32-1 shows Tsawwassen First Nation Traditional Territory and LAAs of Linked Biophysical VCs. **Addressed in response to IR1-22:** Figure IR1-22-2 in Appendix IR1-22-A in the VFPA's response to IR1-22 shows a map with the traditional territories of each Indigenous group as provided in the EIS and MSA, per the clarification received from the Review Panel on October 3, 2016 (CEAR Document #563).	**Information Requests** Response to Sufficiency Information Request #22 (IR1-22 of CEAR Document #897)

Table 27: Project Overview and Description

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-27.1	Concerned that the terminal will be used for coal.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council	**28-Jan-2013, Meeting:** Explained that RBT2 is proposed for containers only. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
TFN-27.2	Asked whether the EIS would be revised to reflect a better alternative, if it were selected. Stated that TFN is of the view that the VFPA should be bound to implement improvements.	05-May-2015, Meeting	**05-May-2015, Meeting:** Explained that the RFP for a developer will go out in 2016 and the developer contract would include any stipulations (regarding drill type, etc.). The VFPA confirms that the CEA Agency would not be able to hold the VFPA to this contract. It is explained that the engineering in the EIS contains technology that is already dated, and the VFPA has stated throughout the EIS that the design may be improved. It is assumed that the VFPA will use newer technology where available and feasible, and the RFP process is the best way to implement this.	**Addressed in EIS Section 4.0:** EIS Section 4.0 describes the Project components as designed in the Preliminary Engineering phase and as assessed in this EIS. Final designs and construction methodology will be produced and determined by the chosen Terminal Operator Concessionaire and Infrastructure Developer upon Project approval, and as such may vary slightly from those described in this section. Any design or construction changes will be required to meet any commitments made by [the VFPA], or conditions stipulated during the EA and regulatory review process. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 4.0 Project Description **PCU**
TFN-27.3	Stated that in Section 4.4.1 of the EIS a full description of post- construction clean-up and on-site grounds reclamation is required.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #231)	**30-Sep-2015, Letter from the CEA Agency to Tsawwassen First Nation:** *"The Agency has requested additional information on post-construction clean-up and on-site grounds reclamation in its letter of July 31, 2015 to [the VFPA] (page 9, #17).*	**Addressed in Response to IR-7.31.15-17:** The VFPA's response to IR-7.31.15-17 presents an overview of post-construction clean-up and on-site grounds reclamation. EIS Section 4.4.1.19 identifies the post-construction clean-up required. The Project to a large degree will be constructed using marine-based equipment to develop the new terminal and widened causeway land mass. Once the land mass is completed, the marine-based equipment will move away from the Project site, requiring no further clean-up. Construction infrastructure used in this land development, such as the temporary barge ramps, the ITP, the ITP pipelines, the DAS pipelines, and temporary causeway aggregate storage, will require removal, disposal, re-instatement to pre-existing conditions, surveying, or surface development as the case may be for the individual items stated in EIS Section 4.4.1.19.	**EIS** 4.4.1.19 Decommissioning of Temporary Construction Infrastructure **Information Requests** Response to Information Request #17 (IR-7.31.15-17 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Laydown areas, office trailers and facilities, construction equipment parking, and other construction-related infrastructure are all anticipated to be located on the developed land. This land will have surface operation infrastructure installed and placed into operation in a phased manner from the east to the west side of the terminal. Therefore, there will be ample space for construction infrastructure within the Container Yard area prior to full terminal operation, thus requiring no further clean-up or reclamation when the Project construction is complete, aside from moving any temporary construction trailers, materials, and mobile equipment off from the site, and repairing any disturbed Container Yard areas with the proper pavement material required for the area.	

Table 28: Social and Economic Setting

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-28.1	Stated that the decision to proceed with the Project considers financial and economic costs to the proponent, but not the social and economic costs to the community (i.e., Area E gillnetters), or the costs to the environment. Stated that if the VFPA were to be responsible for all costs associated with development, an alternatives analysis may come to a different determination.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Explained that first economic feasibility is looked at, typically from a constructability aspect, but also from the perspective of the economic cost of doing business, which to some extent includes having to mitigate against economic impacts. Then feasibility is looked at by comparing the effects of alternatives on different VCs (refers to the six bullets on slide 4 of the Alternative Means presentation: marine vegetation, marine invertebrates, marine fish, coastal birds, marine mammals, human health), to minimise environmental impacts. Due to Project location, those are the components that were focused on as it relates to economic impacts. The preferred alternative was chosen partially based on avoidance of potential environmental impacts. So as a result, it is assumed that there's a lesser economic impact, but the Project team didn't go so far as to quantify this impact.	**Additional information provided by response from the VFPA [29-Apr-2015, Letter from the VFPA to the CEA Agency (CEAR Document #187)]:** "The EIS submitted by [the VFPA] to the CEA Agency on March 27, 2015, in response to the original EIS Guidelines issued January 7, 2014, is intended to meet both federal and provincial requirements. Attached is a Table of Concordance indicating where the matters set out in s. 18 of the Updated EIS Guidelines are addressed in the EIS. We confirm that [the VFPA] is of the view that we have adequately addressed provincial socio-economic matters and that additional information in response to s. 18 of the Updated EIS Guidelines is not required." **Additional information provided by the VFPA:** RBT2 plays an important role in being ready to support Canadian businesses shipping goods to and from market, and in ensuring we can keep Canada open for trade with growing economies around the world into the future. The project will create opportunities for Indigenous groups, including training, employment opportunities and project contracting opportunities. Roberts Bank and the surrounding area continue to attract investment in goods movement infrastructure, demonstrating a recognition of the continued growth anticipated for the Roberts Bank gateway. The project would be a significant economic generator for the region. The project will provide for community benefits, and the port authority will work with local governments and residents to help deliver initiatives of importance to them should the project be approved. Through environmental studies, the project has made a significant contribution to scientific knowledge of the Roberts Bank ecosystem and many species of interest. These studies are openly shared with other organisations working toward goals of environmental protection and stewardship.Consistent with the *Updated EIS Guidelines*, adverse environmental and socio-economic effects are considered and assessed as part of the EA of the Project. In addition, ultimately environmental effects are considered in the final investment decision as economic feasibility of the Project depends in part on the costs to mitigate potential adverse effects.	**EIS** 5.0 Alternative Means of Carrying out the Project 5.3.1 Increase Capacity and Efficiency of Existing Container Terminals within VFPA Jurisdiction 7.0 Engagement and Consultation 7.2.1 Aboriginal Groups Engagement and Consultation, Engagement and Consultation Process Overview 18.0 Social and Economic Setting 19.0 Labour Market 20.0 Economic Development 21.0 Marine Commercial Use 22.0 Local Government Finances 23.0 Services and Infrastructure 24.0 Outdoor Recreation 25.0 Visual Resources 26.0 Land and Water Use 27.0 Human Health 28.0 Archaeological and Heritage Resources 34.2 Benefits of the Project
TFN-28.2	Commented on the Tsawwassen First Nation Community and Socio-Economic Assessment Plan and expressed concern that there are no valued components that touch on culture, health and/or spiritual elements in the Tsawwassen First Nation Community and Socio-Economic Assessment Work Plan. Expressed desire for the socio-economic assessment team to work closely with the Traditional Use assessment team to consider findings in both studies.	13-Dec-2013, Email 24-Apr-2014, ITK Meeting with Elders	**21-Jan-2014, Letter from the VFPA:** The VFPA revised the Tsawwassen First Nation Community and Socio-Economic Assessment Work Plan to indicate that the cultural, health and/or spiritual elements will be addressed in the Traditional Land and Resource Use, Heritage and Archaeology, and Human Health components. In addition, Golder provided examples of Valued Components and Topics for the Community Assessment (Section 5.2, Table 1), which are to be confirmed and/or modified by Tsawwassen First Nation based on the community's economic and social interest and concerns with respect to the Project. **24-Apr-2014:** Recorded comment for consideration by Project team.	**Addressed in EIS Section 27.0:** EIS Section 27.0 presents an assessment conducted to determine potential Project-related effects on human health, considered a VC. The results of the human health assessment were considered in the assessments of marine commercial use, outdoor recreation, and Current Use. **Addressed in EIS Section 32.0:** Cultural components are addressed in EIS Section 32.0. **Addressed in response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality. **Additional information provided by the VFPA:** In developing the EIS and the MSA, the VFPA's technical teams were engaged in considerable interdisciplinary collaboration, including between socio-economic teams and Current and Traditional Use experts. This is evidenced by overlapping content throughout the assessment (specifically between sections in EIS Volumes 4 and 5) as well as multiple cross-references throughout. **Further information provided by the VFPA:** Tsawwassen First Nation provided comments on the draft *Existing Socio-Economic Conditions of Tsawwassen First Nation Community* on 09-Jan-2015. The VFPA reviewed Tsawwassen First Nation's comments and requested changes and provided Tsawwassen First Nation with a revised draft on 21-Jan-2015.	**EIS** 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests **Information Requests** Response to Sufficiency Information Request #22 (IR10-22)

Tsawwassen First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			09-Dec-2014, Email: The VFPA provided Tsawwassen First Nation with a draft copy of *Appendix 18-A Existing Socio-Economic Conditions of Tsawwassen First Nation Community* for review and comment.		

Table 29: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-29.1	Asked whether the local study area includes the dredge disposal site, and how changes in elevation are accounted for.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Responded that dredging and disposal of the dredgeate are examined in the EIS. Their study area is different because they will be distributing that sediment in deeper water. **27-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Tsawwassen First Nation and other Indigenous groups related to Dungeness crabs and DAS, and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit.	As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 4.0 Project Description 4.3 Project Schedule **PCU**
TFN-29.2	Asked where dissolved oxygen originates, whether it is naturally occurring, and how it relates to water quality.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Responded that because Roberts Bank is such a dynamic environment, there is wave mixing and oxygen is pounded into the water. Lack of oxygen occurs in stagnant waters, where oxygen consuming organisms deprive the water, and without wind mixing oxygen depletion occurs. Example given of agricultural ditches in Delta that are largely stagnant and reach elevated temperatures in the summer that no longer support salmon because the oxygen levels are too low.	**Addressed in EIS Section 9.7.6:** The characterisation of existing conditions for marine water quality are described in EIS Section 9.7.6 for a range of parameters, including temperature, salinity, dissolved oxygen and pH, total suspended solids and turbidity, nutrients, and contaminants (including trace elements such as metals and metalloids).	**EIS** 9.7 Water Quality 9.7.6 Existing Conditions

Table 30: 2004 TFN-VFPA Roberts Bank Development Memorandum of Agreement (MOA)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-30.1	Stated that TFN does not regard the MOA as discharging the federal and provincial Crowns' duties to consult TFN on the Project as a result of the project as now proposed being substantially different from the project described in the MOA, and because the VFPA delayed long beyond the parties' expectations in proceeding with an application to construct a second terminal.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following information.	Additional information provided by the VFPA: The MOA was signed in 2004. The Deltaport Third Berth project was constructed between 2006 and 2009 with full completion and operation in 2010. In 2011 engagement with the Tsawwassen First Nation on the Roberts Bank Terminal 2 project commenced. The "Terminal 2" project referred to in the MOA is the same Terminal 2 project that is currently proposed. The VFPA's position is that there been no delay in proceeding with an application to construct a second terminal. The Terminal 2 project follows on the development of the Deltaport Third Berth project and there is no timeline or expiry date for Terminal 2 indicated or implied in the MOA. Further, with respect, the current proposal is not significantly different from the project described in the MOA.	**EIS** 7.0 Engagement and Consultation 7.2.1 Engagement and Consultation Process Overview **2004 TFN-VFPA Roberts Bank Development Memorandum of Agreement:** http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Information-Centre/Agreements/TFN_VPA_Memorandum_of_Agreement.pdf
TFN-30.2	Concerned that the proposed design in the EIS has a greater impact on gravid female Dungeness Crabs than that referenced in the 2004 MOA. Requested a quantitative estimate of the difference in crab habitat that may have been impacted by the previous footprint and configuration, as compared to the configuration set out in the EIS.	28-Oct-2016, Letter to Panel (CEAR Document #650)	The VFPA has reviewed this letter and provides the following information **27-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Tsawwassen First Nation and other Indigenous groups related to Dungeness crabs and disposal at sea (DAS), and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit.	**Addressed in EIS Section 12.0:** EIS Section 12.0 presents an effects assessment for marine invertebrates. During construction and operation, the Project is expected to result in a net decrease in marine invertebrate productivity, both before and after mitigation is implemented. Increases in productivity of infaunal and epifaunal invertebrate communities and decreases in productivity for bivalve shellfish, Dungeness crab and orange sea pens are predicted. Short-term productivity losses are due to direct mortality and losses of available habitat within the Project footprint. Productivity decreases can be partially mitigated through the implementation of environmental management plans, including crab salvages and transplanting of orange sea pens, and through the creation of eelgrass, intertidal marsh, mudflat and sandy gravel beach habitats. While the Project is predicted to cause losses of productivity of bivalve shellfish, Dungeness crabs and orange sea pens, the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no significant adverse residual effects from the Project to marine invertebrates. The Project is not expected to result in any incremental adverse cumulative effects to marine invertebrates. Addressed in IR4-23: As noted in the VFPA's response to IR4-23, a number of mitigation measures were proposed to avoid, reduce, or offset the potential effects on gravid female crabs. The key mitigation measure proposed for gravid crabs	**EIS** 12.0 Marine Invertebrates Effects Assessment **Information Requests** Response to Sufficiency Information Request #23 (IR4-23 of CEAR Document #1051) **PCU**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				is adherence to DFO's sensitive timing window that prevents Project construction activities from occurring at depths below -5 m CD (chart datum) from October 15 to March 30, over the brooding season. A crab salvage program is also proposed to minimise potential mortality on crabs, including gravid females. While gravid females tend to fast during the brooding period, Tsawwassen First Nation harvesters report that gravid females are regularly caught in traps in the local assessment area; thus, it is likely that some gravid females can be baited, enabling relocation out of Project footprint areas. In addition, onsite habitat offsetting (e.g., creation of eelgrass as described in EIS Section 12.7.4), while not specific to the gravid life stage, will increase Dungeness crab productivity over the long term. Follow-up monitoring will be undertaken to determine the accuracy of predicted environmental effects on crabs. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	

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Table 31: Traffic / Transportation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-31.1	Stated that with all these road improvements, the traffic will increase. Asked if there will be a four lane x-section for Delta Port Way. Stated that traffic is already congested. Asked if the overpass that is planned is connected to Delta Port Way. Asked if there will be two lanes in either direction. Asked if SFPR (South Fraser Perimeter Road) will help reduce the traffic congestion. Asked how the traffic on Delta Port Way will become less. Asked about the new overpasses that the VFPA identified.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council	**28-Jan-2013, Meeting:** Stated that the VFPA believes it will be four lanes, but will confirm. Stated that trucks will connect to Delta Port Way to SFPR to Hwy 1 to Calgary. The improvements will reduce Hwy 17 congestion. Committed to get back to Tsawwassen First Nation with a response on the configuration when the EIS is prepared. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS for the Project. [EIS Section 4.2.2.2 explains the causeway road additions and improvements.]	**Addressed in EIS Section 4.2.2.2:** The existing Roberts Bank Way North will remain two lanes wide from the Deltaport Terminal, Road and Rail Improvement Project (DTRRIP) overpass to the new RBT2 overpass to allow access to and from the Roberts Bank terminals. It will connect to a new three-lane access road that will lead to the new marine terminal. These proposed road improvements are illustrated in EIS Figure 4-7. The new RBT2 overpass will separate road traffic bound for the Project from traffic bound for Westshore Terminals, or Deltaport Terminal's Gate 2. The RBT2 overpass will be built on the north side of the existing causeway and extend onto the new widened causeway. It will span the North Yard tracks leading to Westshore Terminals and connect Roberts Bank Way North to the RBT2 access road. The three-lane RBT2 access road will follow the rail alignment that connects to the IYs. This access road has been configured with two westbound lanes and one eastbound lane. A gravel emergency access road will be located on the north side of the widened causeway to allow for uninterrupted access to the Roberts Bank terminals in the unlikely event that the main causeway road, Deltaport Way, is blocked (EIS Figure 4-6). Located within a 10-m-wide right-of-way, the 8-m-wide emergency access road will allow for two-way traffic on a gravel surface. This gravel road will tie in to the existing Deltaport Way at the east end of the causeway via emergency at-grade crossings over the rail tracks. This road will also be used for maintenance purposes with restricted access at the at-grade crossings.	**EIS** 4.0 Project Description 4.2.2.2 Causeway Road Additions and Improvements Appendix 4-D Roberts Bank Traffic Data Matrix
TFN-31.2	Asked if there will be places for the trucks to park on Delta Port Way.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council	**28-Jan-2013, Meeting:** Explained that truck staging (parking) is being addressed as part of the design. **01-Apr-2015, Letter from the VFPA:** Provided an advance copy of the EIS. [EIS Section 4.2.2.3 addresses truck staging.]	**Addressed in EIS Section 4.4.2.3:** Inbound trucks may also be staged in existing designated staging lanes along the existing causeway roads, or along the new RBT2 access road's second inbound lane if terminal conditions require this staging.	**EIS** 4.0 Project Description 4.4.2.3 Widened Causeway Operation
TFN-31.3	Asked about the traffic congestion at the tunnel. Concerned about road and rail between Highway 17 (and vicinity in the case of the BC Rail Line) and the proposed terminal. Stated that transportation along that corridor must be within the scope of the environmental assessment for the Proposed Project. Concerned with the impacts of increased rail traffic on the local community and TFN traditional territory. Asked whether this is examined in the EIS.	28-Jan-2013, Meeting with Tsawwassen First Nation Advisory Council 16-Oct-2013, Letter to the CEA Agency 26-Nov-2014, Health & Aboriginal Rights Workshop - Tsawwassen First Nation	**28-Jan-2013, Meeting:** Stated that the VFPA's work and SFPR does not address congestion at the tunnel. **26-Nov-2014, Workshop:** Stated that shipping and rail and truck transport is being assessed in the context of the Project area and the VFPA's jurisdictional area. Noted that the Gateway Transportation Collaboration Forum is a separate initiative the VFPA is involved with to address transportation issues in the region. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included Appendix EIS 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#216):** As defined in the *EIS Guidelines*, the scope of the Project includes marine, road, and rail transportation within the VFPA's jurisdiction. The scope of the assessment is the potential effects of the Project components and activities included within the scope of the Project wherever they occur, including effects that extend beyond the VFPA's jurisdiction. The scope of assessment is different for the various components being assessed, depending on the range of potential effects for each component. The effects of truck and train traffic beyond the Roberts Bank causeway is not within the scope of the EA as defined by the *EIS Guidelines*. However incremental truck traffic travelling outside of VFPA jurisdiction, but within the assessment areas of various VCs, is an activity considered in the assessment of cumulative effects.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Table 8-8 Project and Activity Inclusion List **Gateway Transportation Collaboration Forum** www.vancouvergateway.ca/

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-31.4	Requested that container trucks stop using community roads. Concerned with truck accidents and level of police patrol in the area to deal with trucks coming off Delta Port Way. Suggested that the VFPA to speak with Delta police and RCMP regarding truck accidents.	18-Nov-2013, Community Meeting	**18-Nov-2013, Meeting:** Committed to follow-up with concern. **15-Jan-2014, Letter from the VFPA:** *"Thank you for making us aware of your concern. The VFPA Operations is in regular contact with the trucking community and will remind them to be mindful of their behaviour when exiting Deltaport Way.* *Container trucks may be forced to use alternate roads, as a detour route, in the event of an incident on Deltaport Way or the Causeway.* *Please advise the VFPA in the event that there is a persistent use of community roads via phone: 604-665-9004 or e-mail: community.feedback@portvancouver.com."*		
TFN-31.5	Asked about truck safety inspection facilities, and where one would be located.	27-Nov-2013, Community Meeting	**27-Nov-2013, Meeting:** Committed to follow-up with a response to question. **15-Jan-2014, Letter from the VFPA:** *"Truck inspection areas and/or facilities are the responsibility of the BC Ministry of Transportation and Infrastructure. Any questions regarding current or future plans for truck safety inspection facilities should be directed to them.* *To contact the BC Ministry of Transportation and Infrastructure: http://www.gov.bc.ca/tran/contacts.html.* *This is a BC Ministry of Transportation and Infrastructure Commercial Vehicle Safety and Enforcement (CVSE) issue. In general, a commercial vehicle other than a bus, taxi or logging truck having a licensed gross vehicle weight of more than 8,200 kg, but equal to or less than 17,300 kg requires an inspection every 12 months at Designated Inspection Facilities (DIF) or Preventative Maintenance Facilities (PMP) throughout the province."*		

Table 32: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-32.1	Concerned about adverse effects of underwater noise on biota in the Salish Sea. Asked how underwater noise affects organisms identified by TFN to be of interest (fish, bivalves, etc.). Requested information on mitigation measures. Requested to determine whether sockeye can be characterized in the same way as the other indicator species to provide confidence in the assessment.	16-Oct-2013, Letter to the CEA Agency 07-Oct-2014, Preliminary EIS Workshop #1 08-Oct-2014, Preliminary EIS Workshop #2 28-Oct-2014 Preliminary EIS Workshop #3 19-Jul-2016, Issues Workshop – Musqueam First Nation / Tsawwassen First Nation #1	**07-Oct-2014, Workshop:** Stated that noise will be addressed at tomorrow's presentation. **08-Oct-2014, Workshop:** Stated that unfortunately this presentation doesn't include the list of the proposed mitigations around noise; those will be in other chapters, such as Human Health. A monitoring study is one of the proposed activities, essentially follow up monitoring to measure the noise levels in the future, for comparison with our predictions. If predictions turn out to be inaccurate, the plan would be to work with the responsible parties to see what the sources of noise are, and what can be done to reduce them. The nature of a quantitative cumulative change analysis is speculative, and it is difficult to predict exactly what the noise contribution from other projects and traffic will be. **28-Oct-2014, Workshop:** Responded that the purpose of this presentation is to describe and characterise noise; discussions about potential effects on VCs will be in each of those VC presentations. Confirmed that underwater noise is a potential effect to marine fish, and noted all of the marine fish sub-components are being evaluated in the context of underwater noise. Reviewed proposed mitigation measures for the operation phase, noting there is none proposed because the residual effects are anticipated to be short-term and reversible. Noted however that the Port is initiating a regional program called ECHO, and inviting a number of stakeholders, shippers, vessel traffic operators to take part, to try to address potential cumulative effects of underwater noise on marine mammals. **19-Jul-2016, Workshop:** The VFPA hosted an issues workshop on the effects of noise on marine fish. The VFPA stated: Bullet (b) [slide 5] relates to concerns about increased underwater noise from ships redirecting fish away from Canoe Passage. That pathway of effect was a focal point in the EIS. We concluded that underwater noise from ships wouldn't impact salmon. This is because salmon aren't particularly sound-sensitive (unlike herring or eulachon). We engaged underwater acousticians and did modelling and used two thresholds in the noise assessments. The first threshold considers whether the noise would cause mortality or injury, and the second considers behaviour (i.e. salmon usually behave a certain way, but as a result of noise could there be a response that results in a	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed. **Addressed in response to IR5-26:** The VFPA's response to IR5-26 provides further justification for the use of the 90 dBht standard in the assessment of behavioural effects of underwater noise on juvenile Chinook and chum salmon (the representative species of sockeye). **Additional information provided by the VFPA:** With regard to concerns related to at-risk whales in our region, the port authority developed the ECHO Program which is aimed at better understanding and managing the impact of shipping activities, including underwater noise, on at-risk whales throughout the southern coast of B.C. The long-term goal of the ECHO Program is to develop mitigation measures that will lead to a quantifiable reduction in potential threats to whales as a result of shipping activities.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project **Information Requests** Response to Sufficiency Information Request #26 (IR5-26 of CEAR Document #1153) https://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/echo-program

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			change in that behaviour). Modellers had mapped out Project activities and modelled areas with those thresholds in place. For salmon there's no Project activity that will see the injury or mortality threshold being met. For salmon, the behavioural threshold wasn't exceeded either. We propose to have excellent mitigation measures in place when it comes to noise. The juvenile salmon timing window (enforced by DFO) prevents project works and activities from occurring between March 1 and August 15 to protect juvenile outmigration and rearing. That's been written into the EIS and construction schedule. There is also a noise management plan that would involve monitoring to see what any effects might be, and make adjustments accordingly. Bubble curtains can dampen source levels and the attenuation of noise. With mitigations, noise was deemed not to be a pathway of effect on salmon. In terms of what the VFPA knows about how fish hearing is determined, it has to do with whether their swim bladder is connected to the inner ear, which is something that occurs more with forage fish. Morphologically, salmon don't have that. The VFPA will take this away and look into it more to see if there's anything specific around sockeye.		

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Table 33: Visual Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
TFN-33.1	Concerned about potential adverse effects of light pollution and visual aesthetics of the Proposed Project.	16-Oct-2013, Letter to the CEA Agency	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#123):** The visual resources assessment included both daytime and nighttime components and was based on the *B.C. Visual Landscape Inventory* guidelines. The daytime component was based on the character and extent of visual changes as a result of the Project. The nighttime component focused on changes in light trespass and sky glow. While the prominence of port-related structures is expected to increase from several viewscapes, the Project is not expected to result in a change in the overall quality of daytime visual resources, as the expected changes are consistent with the character of existing views of port facilities. Mitigation related to lighting design and operation, such as directing light only to where it is required, and use of a centralised light control system, is expected to substantially reduce adverse effects on nighttime visual resources. However, the visibility of more light sources at night would not be fully mitigated, and would be a non-significant residual adverse effect for sites in the southern Gulf Islands. In consideration of the minor level of overall change to the viewscape and the similarity of the Project to the existing viewscape, the residual effect of the Project alone on visual resources is considered not significant. **Addressed in EIS Section 9.4:** As noted in EIS Section 9.4.7, a process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. Suggested mitigations for the Project were considered in the effects assessment.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.4 Light

APPENDIX IR10-01-C2

MUSQUEAM FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-1.1	Concerned about ship emissions as they live in a confined area and ship numbers will increase with T2. Concerned with air quality impacts from existing port infrastructure.	14-Nov-2012, Meeting 16-Jul-2013, Meeting 17-Dec-2013, Meeting	**14-Nov-2012, Meeting:** Provided information on new regulations that will regulate fuels that can be burned by ships within a certain proximity to the mainland. **16-Jul-2013, Meeting:** Stated that cumulative effects are part of the EA; includes air quality, noise, light, etc. Stated that [more modern] ships are larger, cleaner, and slower so burn less fuel. **17-Dec-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the Vancouver Fraser Port Authority's (VFPA) response.	**Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Project. The results of the air quality assessment were used in the assessments of human health and Current Use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Coal dust is included in the assessment of air quality in existing conditions, in the future with the Project, and in the cumulative effects assessment. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth ultimately improving air quality. The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits to air quality, such as improvements in fuel, are described in the EIS based on their anticipated level of benefit to future air quality emissions.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.2.5 Air Quality, Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway Appendix H – Westshore Coal Dust Assessment 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Air Quality Existing Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities
MFN-1.2	Concerned with potential impacts of air quality on Musqueam crab fisheries in the immediate area, in particular during construction.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**19-Nov-2014, Workshop:** Shared the concern with the health assessment team for consideration.	**Addressed in EIS Appendix 27-A:** Presents a human health risk assessment (HHRA) for air emissions that evaluates the potential for adverse effects on human health as a result of changes in air quality that are attributable to the Project. Specifically, the HHRA considered chronic exposure of these receptors to multiple media following the deposition of benzo[a]pyrene and formaldehyde from predicted emissions. The multi-media assessment followed guidance from the U.S. EPA and Health Canada and considered exposure to chemicals deposited to soil, plants and sediment. The exposure of livestock, wildlife and shellfish to chemicals deposited to	**EIS** 9.0 Physical Setting 9.2.5 Air Quality, Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory and

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			01-Apr-2015, Letter from the VFPA: Provided a copy of the EIS, which included the HHRA and the Air Quality Technical report.	soil, plants and sediments was also determined. The assessment concludes there is no adverse health effects related to deposition of non-volatile chemicals to soil, sediment and plants.	Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway Appendix H – Westshore Coal Dust Assessment 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Air Quality Existing Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 27-A Air Quality HHRA Technical Report

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-2.1	Requested additional information about the process that led to the decision on the proposed design for the Project, in terms of minimizing adverse effects. Requested additional information from the Proponent to allow for: • Careful consideration of all alternatives that could meet the stated purpose for RBT2; • The likelihood of the demand scenario the Project is predicated on actually coming to fruition; and • The rationale for placing this Project in a location of such high risk to our Aboriginal title interests and our present and future priority Aboriginal rights practices.	12-Sep-2016, Issues Workshop - MFN / TFN #2 03-Nov-2016, Letter to Panel (CEAR Document #776)	**12-Sep-2016, Workshop:** Stated that in 2011, there were six versions of the Project footprint under consideration. The location choices included what is proposed in the EIS as well as locations set back 350m and 500m from that. Noted that the other versions situated the footprint at different depths as well as faced it in different directions. When faced the other way, a channel would need to be dredged for ship access and dendritic channels were a major concern. Noted the proposed location is deeper and sub-tidal (meaning the water is at least 2m deep all the time), and locating it further back on the tidal flats creates interactions with things that are exposed at low tide, meaning the potential for dendritic channel formation and scour goes up. The proposed design was the least impactful in terms of physical changes. In the early 2000s the terminal was being contemplated in those shallower locations, but with a better understanding of the stability of the delta under earthquake scenarios, there is confidence that stability can be achieved for a terminal that is located further out on the front of the delta. The alternative locations or orientations were less desirable than what's proposed across a spectrum of different factors.	**Addressed in EIS Section 5.0:** The W1 (0 m) terminal layout is the preferred configuration for a terminal at Roberts Bank due to fewer direct and indirect environmental effects relative to other alternatives considered. In addition to reducing impacts in the intertidal area, the W1 (0 m) alternative was determined to have the least amount of dredging required. Following selection of Option W1 (0 m) as the preferred alternative, further engineering studies were conducted to optimise the preliminary terminal design, which resulted in rounding the northwest corner to further reduce Project-related effects of bed scour post construction. The optimised configuration incorporated into the preliminary Project design is shown on EIS Figure 5-4. The reduction of Project-related effects as a result of this optimisation is discussed in EIS Section 5.4.1.3. The widened causeway without the lagoon was determined to be the preferred option as it will minimise intertidal habitat loss amongst the alternatives considered, and will have the least amount of indirect habitat change from altered coastal geomorphic processes. The widened causeway was further optimised by varying widths to minimise effects to the known biofilm intertidal habitat at the east end of the causeway. The preferred alternative for the intermodal yard is on the marine terminal. The preferred alternative for the rail tie-in is to have one of the two tracks join the main rail network outside the VFPA's jurisdiction to reduce intertidal habitat loss (by approximately 0.32 ha) with a narrower width at the northeast end of the causeway. The tie-in to the existing road corridor at Roberts Bank Way North via a new overpass and access road to the marine terminal was the only technically feasible alternative considered. The preferred option for the location of the tug basin is to expand the existing tug basin with a configuration adjacent to the existing Deltaport Terminal. If the tug basin was placed on the north shore of Roberts Bank Terminal 2 (RBT2), the footprint would affect higher-valued intertidal habitat than at the existing Roberts Bank tug basin location, and the shoreward tug-basin expansion layout at the existing tug basin would result in a higher potential for alterations in tidal flow and the potential for water ponding between the tug basin and Deltaport Terminal. For construction, no alternatives for dredging, temporary sand storage, or construction of supporting land were considered technically or economically feasible. The caisson wharf structure is the preferred alternative to pile and deck wharf due to the reduced noise effects, public opinion, improved seismic performance, and costs. Disposal of sediments at the Project-specific location is the preferred alternative to reduce transportation-related effects and costs. Lastly, as tug wharves constructed using the fill or pile and deck options would result in greater effects to habitat from a larger footprint, the floating pontoons and piles option is preferred. The preferred alternative for each category is described in detail in EIS Section 4.0. The detailed assessment of the preferred alternative (i.e., the Project) is presented in subsequent sections of the EIS. **Addressed in Response to IR1-06:** For each marine terminal alternative location considered in EIS Section 5.3, Table IR1-06-1 in Appendix IR1-06-A summarises the criteria used to assess technical feasibility and provides the conclusion of the feasibility assessment along with supporting rationale. To be considered technically feasible, potential alternatives to the location of the marine terminal within B.C. needed to first meet all technical criteria (as stated in EIS Section 5.2), which included the following:	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project Description 5.7 Identification of the Preferred Means Table 5-10 Summary of Preferred Alternative Means **Information Requests** Response to Sufficiency Information Request #6 (IR1-06 of CEAR Document #897)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Meeting the long-term container capacity growth by the mid-2020s, through operating efficiencies and a sufficient land base to accommodate growth; • Meeting the requirement for the necessary road and rail connections to efficiently transport containers to and from the market; and • Providing the ability for larger container ships to safely navigate the waterways. Safe navigation includes a minimum berth depth requirement of approximately 18.4 m and the ability to safely turn the vessel around, even in situations of sufficient draught. In addition, consideration was given to terminals with other uses (e.g., serving bulk or break-bulk markets) and if they could retain these capabilities if conversion to container handling was undertaken. The marine terminal location alternatives evaluated (including a combination of these alternatives) were determined not to be technically feasible, and therefore, an evaluation of economic feasibility was not conducted, and an assessment of environmental effects was not required. Based on the analyses of the location alternatives (see Table IR1-06-1), RBT2 was deemed to be the only viable option to meet the anticipated long-term growth and demand of containerised trade on the west coast of Canada, and a full assessment of environmental effects on this preferred alternative was conducted and is described in the EIS. **Additional information provided by the VFPA:** The *2016 Ocean Shipping Consultants forecast* shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of greater than 3% through to 2040, and reinforces the need for planned increases of capacity to ship goods in containers through the existing Deltaport and Centerm terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s. The 2016 report is available: http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf.	
MFN-2.2	Stated that the CEA Agency is requested to require VFPA to engage Musqueam in reconsideration, using multiple accounts evaluation tools, of all of the alternative means of carrying out the Project. Stated that VFPA should be required to show how this consultation was considered in its preferred alternatives, and the role ATK and Aboriginal local knowledge played in project planning around alternative means. Stated that the justification of the preferred alternative is part of the consultation required prior to a Crown decision on a Project that will result in adverse impacts and infringement to our title and rights. Thus, in order to inform Crown decisions, analysis of the alternatives should not include merely the financial and engineering feasibility of various	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241) 03-Nov-2016, Letter to Panel (CEAR Document #776)	**15-Oct-2015, Letter from the Canadian Environmental Assessment (CEA) Agency:** "The Agency did not request additional information for this item since there is already some information on alternative means provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review. Additionally, the EIS Guidelines did not require this analysis."	**Addressed in EIS Section 7.2:** Describes the VFPA's approach to engaging and consulting Indigenous groups on RBT2, including its assessment of alternative means of carrying out the project. **Addressed in EIS Section 5.0:** Presents an assessment of alternative means of carrying out the project. The consideration of alternative design configurations and construction approaches resulted in the preferred Project design presented and assessed in the EIS. The Project design minimises potential Project-related effects while enhancing operational efficiencies. As an example, the proposed location of the marine terminal is almost entirely in subtidal waters at Roberts Bank to avoid impacts to sensitive intertidal habitat. This location would also require substantially less dredging and would allow ships to navigate safely without the need of a turning basin. A number of location, orientation, layout and configuration alternatives were considered and assessed for the marine terminal (including berth pocket and marine approach areas), causeway, rail and road corridors, and the tug basin. Alternative construction approaches considered include: dredging alternatives and methods; temporary sand storage locations; construction methods for the supporting land, marine terminal, associated three-berth wharf and widened causeway; disposal of sediments; and expansion of the existing tug basin. The effects of feasible alternatives were considered based on their potential to directly or indirectly affect natural and human environment components. The anticipated effects were considered key factors when comparing and determining preferred means.	**EIS** 5.0 Alternative Means of Carrying Out the Project 7.0 Engagement and Consultation **Information Requests** Response to Sufficiency Information Request #6 (IR1-06 of CEAR Document #897) Response to Sufficiency Information Request #7 (IR1-07 of CEAR Document #897) Response to Sufficiency Information Request #8 (IR1-08 of CEAR Document #897) Response to Sufficiency Information Request #9 (IR1-09 of CEAR Document #897) Response to Sufficiency Information Request #10 (IR1-10 of CEAR Document #897)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	options, but also First Nations' values and impact minimization perspectives. Requested that the Panel require the Proponent to reconsider and provide additional information on the alternatives examined in Section 2 of the EIS, this time with meaningful engagement and dialogue with affected Aboriginal groups, in the same spirit and intent of collaboration supported by the CEA Agency in its August 31, 2016 letter to the Panel chairperson, regarding Requests for Additional Information recommended to the Review Panel.			**Addressed in Responses to IR1-06, -07, -08, -09, -10, -11:** Additional information concerning project alternatives, the alternative means analysis as well as construction alternative means is provided as part of responses to the Review Panel's request for additional information IR1-06, -07, -08, -09, -10, -11.	Response to Sufficiency Information Request #11 (IR1-11 of CEAR Document #897)
MFN-2.3	Stated that in order for the Panel to properly consider these issues, existing information and expertise deficits in the process need to be filled. This should include, but may not be limited to: a. The Panel requiring the Proponent to update its demand estimates given changes in the market; b. The Panel requiring the Proponent to provide information addressing all current West Coast North America container capacity and reasonably foreseeable increases during the time frame to 2030, to support a more detailed examination of the economic competitiveness of all relevant facilities on the west coast of North America; c. The Panel requiring the Proponent to compare likely container handling costs per million TEU per facility and/or capital cost for expansions currently being developed or proposed in west coast North America, as part of an examination of competitiveness of each facility; d. The Panel requiring the Proponent to consider	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA regularly commissions independent market demand estimates. While the EIS discussed the 2014 Ocean Shipping Consultants (OSC) forecast, the VFPA commissioned a comparable report in 2016. The *2016 Ocean Shipping Consultants forecast* shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of greater than 3% through to 2040, and reinforces the need for planned increases of capacity to ship goods in containers through the existing Deltaport and Centerm terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s. The 2016 report is available: http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf. As part of its analysis, the 2016 OSC report considers: • North American, Pacific West Coast and Pacific North West container demand as part of its forecasts through to horizon year of 2050; • Container stevedoring charges as part of the competition analysis; and • Effects of the Panama Canal expansion. **Addressed in Response to IR1-03:** Table IR1-03-2 Imports and Exports at the Port of Vancouver present twenty-foot equivalent units (TEU) and % container traffic destined to the U.S. from the Port of Vancouver. Forecast percentages in 2020 and 2030 is 23%. **Addressed in EIS Section 5.0:** Presents an assessment of alternative means of carrying out the project. The consideration of alternative design configurations and construction approaches resulted in the preferred Project design presented and assessed in the EIS. The Project design minimises potential Project-related effects while enhancing operational efficiencies. As an example, the proposed location of the marine terminal is almost entirely in subtidal waters at Roberts Bank to avoid impacts to sensitive intertidal habitat. This location would also require substantially less dredging and would allow ships to navigate safely without the need of a turning basin. A number of location, orientation, layout and configuration alternatives were considered and assessed for the marine terminal (including berth pocket and marine approach areas), causeway, rail and road corridors, and the tug basin.	**EIS** 5.0 Alternative Means of Carrying Out the Project **Information Requests** Response to Sufficiency Information Request #3 (IR1-03 of CEAR Document #897) Response to Sufficiency Information Request #6 (IR1-06 of CEAR Document #897) Response to Sufficiency Information Request #7 (IR1-07 of CEAR Document #897) Response to Sufficiency Information Request #8 (IR1-08 of CEAR Document #897) Response to Sufficiency Information Request #10 (IR1-10 of CEAR Document #897) Response to Sufficiency Information Request #11 (IR1-11 of CEAR Document #897)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	potential changes to container traffic projects that may be affected by expansion of the Panama Canal (e.g., the re-routing of containers projected to travel through Vancouver enroute to south-eastern US destinations via intermodal means); e. The Panel convening pre-hearing conferences to discuss the merits of the Proponent's arguments that the Project represents the only technically and economically feasible alternative that can meet the purpose of the Project, in the VFPA, West Coast BC and west coast North America; f. The Panel requiring the Proponent to identify what proportion of its modelled throughput will be trans-border; and g. The Panel requiring the Proponent to clarify whether the proposed Project is anticipated to meet a demonstrable demand, or rather, is speculative in nature. Requested that the Panel retain third-party expert advice on the accuracy of VFPA's demand estimations, capacity increase limitations in Vancouver, in Prince Rupert, and in other North American west coast markets.			Alternative construction approaches considered include: dredging alternatives and methods; temporary sand storage locations; construction methods for the supporting land, marine terminal, associated three-berth wharf and widened causeway; disposal of sediments; and expansion of the existing tug basin. The effects of feasible alternatives were considered based on their potential to directly or indirectly affect natural and human environment components. The anticipated effects were considered key factors when comparing and determining preferred means.	

Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-3.1	Stated that the Project has the possibility of negatively impacting historical fishing areas; as well as access egress to village sites, significant archaeological sites, and resources nearby. Concerned about the loss of archaeological and heritage sites from the construction and physical occupation of the Project.	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41) 15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 28.0:** Presents the results of the assessment of potential effects of the Project on archaeological and heritage resources. The assessment noted the Project may affect archaeological resources, namely fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Following mitigation, residual effects would remain, as there is still the potential for stakes to be exposed or crushed. However, the opportunity for future archaeological study would be protected through mitigation, and the assessment concludes these residual effects are not significant. The Project is not expected to result in significant residual adverse effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. **Additional information provided by the VFPA:** The Construction Environmental Management Plan will include an Archaeological Monitoring and Management Plan, describing the procedures to be followed by the Infrastructure Developer in the event that an archaeological site is discovered during Project construction (also referred to as a 'chance find'). The plan will also describe the role and responsibilities of a professional archaeologist designated by the Infrastructure Developer to conduct archaeological monitoring, as needed. The Plan will be shared with Indigenous groups for review and comment prior to construction. **Addressed in EIS Section 33.2:** To ensure their alignment with all required Project permits, any conditions of approvals, final designs, finalised construction or operation approaches, and site-specific considerations, the Project's EMPs are necessarily developed and finalised nearer to the start of the construction and operation phases. Feedback on applicable Environmental Management Plan sub-plans will be solicited from Indigenous groups potentially affected by the Project. **Addressed in IR10-24:** VFPA's response to IR10-24, as requested by the Review Panel, discusses the proposed chance find procedure and aspects of the Archaeological Monitoring and Management Plan.	**EIS** 28.0 Archaeological and Heritage Resources 32.2 Current Use of Land and Resources for Traditional Purposes Assessment **Information Requests** Response to Sufficiency Information Request #24 (IR10-24)
MFN-3.2	Concerned with the spatial scope of the archaeological study, and the possibility that archaeological indicators are present in areas that are not being studied.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Stated that the possibility of an archaeological indicator being present in an area that is not being investigated isn't zero, but low. This is as a result of the size of the area and the nature of the sediments that have come in over time. Stated that archaeologists have looked at all the areas where there will be physical effects, and focused on the areas that haven't been disturbed in the past. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#155):** Rationale for the spatial boundaries of the assessment of archaeological and heritage resources is included in EIS Section 28.0 and in the Archaeological Overview Assessment (AOA) that was conducted to support the EIS. The draft AOA was provided to Indigenous groups for review.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 28.0 Archaeological and Heritage Resources 28.4 Information Sources Appendix 28-A Roberts Bank Terminal 2 Technical Report: Archaeological Overview Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-3.3	Interested in Archaeological monitoring, including: • Requested more detail on the methodology for the monitoring. • Concerned that archaeological fixtures or elements are unlikely to be detected during mitigation test trench. Requested that an archaeologist be on site during construction.	13-Jan-2014, Letter – Comments on draft AOA 29-Oct-2014, Preliminary EIS Results Workshop #4	**13-Jan-2014:** Recorded comment for consideration by the Project team. **29-Oct-2014, Workshop:** An archaeologist will not be present, but staff who are trained to stop and seek advice when something unusual is encountered would be relied upon. **08-May-2014, Letter from the VFPA:** Excavation work is not expected in the vicinity of the causeway crossing the historic slough. A Chance Finds Procedure for the Project construction and operation phases will be outlined in the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#153):** Mitigation measures, including proposed archaeological monitoring, are described in the EIS. Mitigation for effects on heritage and archaeological resources includes the following measures: • The VFPA will excavate a test trench, or series of trenches, across the eastern end of the causeway expansion area within the area of moderate archaeological potential (historic drainage channel) to enable concurrent inventory (and preservation where possible) of potential fish trap stakes and mitigate future Project-related effects of crushing or degradation of stakes, or reduced access for future study. • The VFPA will ensure annual monitoring, for a period of four years, of predicted erosion of the historic tidal channel (northwest of the terminal, formerly draining Canoe Passage) to mitigate potential exposure of potential fish trap stakes. Any stakes found will be inventoried and preserved where possible. In addition, the Construction Environmental Management Plan will include an Archaeological Monitoring and Management Plan, describing the procedures to be followed by the Infrastructure Developer in the event that an archaeological site is discovered during Project construction (also referred to as a 'chance find'). The plan will also describe the role and responsibilities of a professional archaeologist designated by the Infrastructure Developer to conduct archaeological monitoring, as needed. The Plan will be shared with Indigenous groups for review and comment prior to construction. **Addressed in Response to IR10-24:** The VFPA's response to IR10-24, as requested by the Review Panel, discusses the proposed chance find procedure and aspects of the Archaeological Monitoring and Management Plan.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 28.0 Archaeological and Heritage Resources 28.7.2 Mitigation Measure #2 – Mitigation for Exposure of Potential Fish Trap Stakes 33.0 Environmental Management Program 33.3.4 Archaeological Monitoring and Management Plan **Information Requests** Response to Sufficiency Information Request #24 (IR10-24)
MFN-3.4	Requested an adequate description of Musqueam physical and cultural heritage in the RAA. Requested more detail on how Musqueam was engaged in the identification and investigation of physical and cultural heritage. Stated that the EIS should be culturally rich enough to identify the role this area plays in Musqueam's cultural landscape.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information on cultural heritage in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 13, #29). However, the EIS guidelines do not require the information to be disaggregated. The Agency did not request additional information regarding physical heritage since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."	**Addressed in Response to IR-7.31.15-29:** A noted in IR-7.31.15-29, the EIS, as currently written, contains the requested assessment of the environmental effects of the Project on the cultural heritage of Indigenous peoples. The description of potential Project-related effects on cultural heritage and other cultural considerations, described for each Indigenous group in EIS Section 32.2.4, is contained in EIS Section 32.2.6.4. This section of the document discusses potential changes to sense of place and other changes to Current Use (i.e., risks to safety and security, sensory disturbance from light, noise, and vibration) that could lead to reduced opportunities to practice or transmit cultural values or ways of knowing (i.e., cultural attributes, such as Indigenous traditional knowledge (ITK), including but not limited to language embedded in traditional place names, beliefs relating to transformers) associated with cultural places or landscapes. Further discussion is provided in the IR response. **Addressed in AIMSA – MFN and TWN, Section 7.0:** AIMSA – MFN and TWN Section 7.0 is supplemental to MSA Section 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights of the Marine Shipping Addendum (MSA, CEAR Document #316). AIMSA Section 7.0 specifically considers the Current Use by Musqueam First Nation, including intangible heritage considerations, in the marine shipping area. **Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality**.**	**EIS** 32.2.4 Current Use of Land and Resources for Traditional Purposes, Existing Conditions 32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience **Additional Information to the Marine Shipping Addendum (AIMSA) – Musqueam First Nation and Tsleil-Waututh Nation** 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.8 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights **Information Requests** Response to Information Request #29 (IR-7.31.15-29 of CEAR Document #314) Response to Sufficiency Information Request #22 (IR10-22)

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-4.1	Concerned that Project lighting will attract nearby waterfowl, including those at MFN IR 4, diverting them from their flight pattern and impacting MFN hunting. Concerned about the disruption of waterfowl movement and behaviour from lighting and noise.	16-Jun-2017, Meeting with Administrative Staff 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**16-Jun-2017, Meeting:** Recorded comment for follow consideration by the Project team. Committed to send Musqueam more detailed information on the methodology used for the RBT2 bird studies.	**Addressed in EIS Section 15.7.2.3:** Discusses the Project's potential effects to waterfowl. The section notes no formal above-ground noise disturbance thresholds exist for birds; however, noise levels greater than 85 dBA have been documented to cause coastal waterbirds to flee affected areas (Brown 1990). Noise levels of greater than 85 dBA are anticipated to occur within approximately 60 m to 100 m of the noise source at RBT2. The likelihood of waterfowl encountering impulsive noises greater than 85 dBA is therefore considered infrequent due to the large spatial area and temporal period over which activities will be spread relative to the large size of the local assessment area (LAA). If noise levels are encountered that elicit a response, the resulting effects will likely be negligible due to the large amount of alternate habitat available within the LAA. **Addressed in EIS Appendix 7.2-B (#95):** It is recognised that nocturnal behaviour of birds varies in response to lighting conditions. A review of documented effects of both natural and artificial light on birds is provided in the EIS. The potential effects on coastal birds of changes in artificial light related to the Project are considered in the EIS. A Light Management Plan will be included in the Construction Environment Management Plan and the Operation Environmental Management Plan to reduce artificial light-related effects on coastal birds. **Addressed in Response to IR-7.31.15-25:** The VFPA's response to IR-7.31.15-25, as requested by the CEA Agency, describes the general behaviour of birds to natural and artificial illumination, as documented in existing literature sources. To provide context, it also summarises existing and predicted future illumination levels within the LAA, and provides some common light levels for comparison purposes. For each coastal bird sub-component (including waterfowl), the response provides a characterisation of the way existing artificial light and moon phase affect bird distributions at the Project site and discusses the potential added effects of Project lighting on bird distributions. Based on the review of existing literature and known waterfowl distribution patterns in the LAA and region, anticipated adverse effects to waterfowl from Project-associated lighting are predicted to be minor to negligible. If a species of waterfowl is affected by increased Project-associated illumination, relocation to a less illuminated portion of the LAA would be the most likely effect. Overall, effects to waterfowl productivity are not anticipated. **Addressed in IR9-02:** The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect-Changes in Productivity 15.7.2.3 Productivity of Waterfowl 15.8.3 Mitigation #2 – Measures to Address Productivity Loss due to Changes in Habitat Quality 33.0 Environmental Management Program 33.3.5 Construction Environment Management Plan, Light Management Plan 33.4.3 Operation Environment Management Plan, Light Management Plan **Information Requests** Response to Information Request #25 (IR-7.31.15-25 of CEAR Document #314) Response to Information Request #02 (IR9-02)
MFN-4.2	Concerned about the loss of habitat for waterfowl from the construction and physical occupation of the Project.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 15.7.2.3:** Discusses potential project effects to waterfowl. Changes in the ability of the LAA to support American wigeon, brant, and general waterfowl productive potential are predicted to be minor to negligible. Given the accuracy of the ecosystem model (+/– 5 %), the changes predicted (–8% to +8% changes in biomass) are deemed to be similar to existing conditions. Empirical studies on the percentage of waterfowl foraging habitat directly affected by Project construction support this determination. Additionally, abiotic changes are not anticipated to adversely affect waterfowl, waterfowl productivity, or waterfowl foraging habitat during operation. Due to the importance of eelgrass and marsh habitats to waterfowl and other sub-components, mitigation to offset the direct loss of these habitats and to avoid residual effects is proposed (see EIS Section 11.7 Marine Vegetation, Mitigation Measures). Any decline in waterfowl productive potential will be partially ameliorated since dabbling ducks obtain 50% or more of their overwintering dietary needs from upland habitat near Roberts Bank. Although none of the waterfowl mortalities documented along the causeway have been definitively attributed to vehicle collisions, current indications are that mortality level is low and increases associated with RBT2 operation would have a negligible effect on waterfowl productivity within the LAA. Observations of waterfowl distribution, abundance, and flight patterns at Roberts Bank terminals indicate that waterfowl are likely habituated to existing port activities and associated noise (See EIS Section 15.7.2.1). It is likely that similar habituation to the presence of RBT2 will occur. High levels of anthropogenic activity during construction, both visual and auditory, could disturb waterfowl and exclude them from using suitable habitat within the LAA. Mitigation measures to minimise abrupt noise during construction and other types of disturbance effects are provided in EIS Section 15.8.	**EIS** 11.0 Marine Vegetation 15.7.2.3 Productivity of Waterfowl 15.8 Mitigation Measures

Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-5.1	Concerned about a dead zone with decreased current movement. Stated that DP3 prevents current so back eddy is created so nothing washes out or flows and to build additional structures creates additional dead zones. Stated that the Project area wouldn't allow for continuous water flow and would affect the hydrology, which could potentially create a domino effect for all aquatic resources. Stated that studies were not done on how the additional terminal may impact the shore along the river, as well as the possibility of creating a stagnant area between the terminals and the shore. Stated that this will impact habitat – rearing grounds for all salmon and their feeding area and their migration route; crab and shellfish, migratory and resident bird populations.	16-Jul-2013, Meeting 30-Aug-2013, Meeting 15-Oct-2013, Letter to the CEA Agency (CEAR Document #41)	**16-Jul-2013, Meeting:** Stated that the VFPA's coastal geomorphology group is looking at this. Committed to provide MFN with results pertaining to coastal geomorphology when available. **30-Aug-2013, Meeting:** Committed to providing Musqueam with the studies completed on the Deltaport Third Berth Project (DP3) regarding water flow. **10-Sep-2013, Phone call:** Stated that reports regarding DP3 are available on the B.C.'s Environmental Assessment Office's website. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#50):** Changes in hydrology are predicted to affect salinity and turbidity levels, and increase sediment deposition as a result of the Project, but these changes are anticipated to be minimal relative to existing natural variability. These localised indirect effects of changes in hydrology on habitat are evaluated in the marine biophysical component effects assessments, including marine vegetation, marine invertebrates, marine fish, and coastal birds. **Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre- and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on valued components (VC) are considered in the EIS. **Addressed in EIS Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-5.2	Asked for clarification on findings for tidal flows in the Canoe Passage area. Asked if the BC Ferries and Roberts Bank causeways are responsible for observed change in the Canoe Passage outlet between 1949 and 1971 (as opposed to a storm event, as suggested by VFPA). Concerned that the Project will result in geomorphological changes that will adversely affect navigability in the vicinity of Canoe Passage. Concerned with impacts to eulachon if the mouth/outlet of Canoe Passage were to move.	08-Oct-2014, Preliminary EIS Results Workshop #2 19-Jul-2016, Issues Workshop - MFN / TFN #1 12-Sep-2016, Issues Workshop - MFN / TFN #2	**08-Oct-2014, Workshop:** This is an existing tidal channel. It's a spot where Canoe Passage used to be. In the last seven decades Canoe Passage has moved back and forth. The tidal flows go back and forth in that zone. We don't think the channel will become unstable and start migrating around, but the sediment will just go back and forth. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **19-Jul-2016, Workshop:** The EIS documented areas of depressed wave activity behind the terminal, allowing fine sediments to deposit. Those are the main geomorphic changes. No changes to mouth of River were identified or predicted. Stated that the EIS did consider effects to access, and it did look at results to see where there might be an interaction between changes in geomorphology and navigation and access. However, the VFPA commits to follow up with additional information. **12-Sep-2016, Workshop:** When hydrodynamic modelling is done and the flow on and off is calculated, the effect of the causeway doesn't extend into the Canoe Passage region. It doesn't affect the flow field. It is noted that in the photo the Project and Canoe Passage look close in proximity, but in terms of the hydrodynamics of flow, the Project won't result in changes to Canoe Passage. **12-Sep-2016, Workshop:** The VFPA held a subsequent issues workshop, which included a presentation on coastal geomorphology to specifically address this concern.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre- and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS.	**EIS** 9.5 Coastal Geomorphology Assessment Appendix 9.5-A Roberts Bank Terminal 2 Technical Report, Coastal Geomorphology Study 9.5.6 Existing Conditions 9.5.8 Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint
MFN-5.3	Asked how changes are mitigated if the predictions don't come to pass with respect to predictive effects of coastal geomorphology.	12-Sep-2016, Issues Workshop - MFN / TFN #2	**12-Sep-2016, Workshop:** Responded that no model is 100% reliable, but that the VFPA is confident in the process that went into the design of the study. The VFPA used the best tools, and the results were properly understood. **17-Jul-2017, Meeting:** The VFPA met with Musqueam First Nation to discuss the Follow-up Program. The Program includes an Adaptive Management Strategy, which includes a plan for coastal geomorphology. The VFPA is seeking input from Musqueam First Nation on the Program.	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS;	**EIS** 33.5 Follow-up Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	
MFN-5.4	Noted the need for more information on the breaching of the causeway, and potential impacts to hydrology, flows and habitat. Recalled and requested a study undertaken for DP3 that considered putting a culvert through the causeway.	30-Aug-2012, Meeting 30-Sep-2013, Meeting with Administrative Staff 18-Oct-2013, Meeting 21-Nov-2016, Community Meeting	**30-Aug-2012, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2013, Meeting:** Recorded comment for consideration by the Project team. **18-Oct-2013, Meeting:** Stated that the VFPA is trying to locate the DP3 Report on the culvert that was previously requested by Musqueam. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **29-Nov-2016, Email from the VFPA:** Provided the memo on the potential effects of opening the causeway (2004 NHC Memo): http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf.	**Addressed in EIS Appendix 7.2-B (#3):** The extent of widening along the causeway is determined by road and rail infrastructure requirements for the Project. To minimise the marine footprint, widening will vary from 0m to approximately 140m. Past experience at Roberts Bank has indicated that the tidal flats are sensitive to disturbance. In particular, past development has resulted in localised development and expansion of tidal channels and associated changes in the degree of influence of the Fraser River outflow plume on the inter-causeway area. An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes and hydraulic behaviour in the causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Project Website** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf
MFN-5.5	Interested in the processes that cause the formation of dendritic channels.	12-Sep-2016, Issues Workshop - MFN / TFN #2	**12-Sep-2016, Workshop:** The existing dendritic channels formed in the inter-causeway area (between the Roberts Bank causeway and the BC Ferries Causeway) as a result of dredging activities that extended up on to the tidal flats in the 1980s. There is a sharp (as opposed to gradual) drop to deeper water; the tidal flow erodes the sediment away when it reaches the deeper area. Dendritic channel formation was a major topic as part of the DP3 Project Coastal Geomorphology investigations and a very good understanding was developed of what can cause them to form and a lot of time was spent thinking about whether the activities related to RBT2 could trigger a new channel or cause the existing one to be active. It is not expected that the channel northwest of RBT2 will behave similarly. The only dredging proposed for RBT2 would be out in deep water along the berth face.	**Addressed in EIS Section 9.5:** Presents the results of the coastal geomorphology assessment, which provides further information concerning processes that cause the formation of dendritic channels. Dendritic channels are a type of branching tidal channel produced when a stream receives several tributaries which in turn are fed by smaller tributaries. Branching occurs randomly in all directions and at almost any angle, resembling in plan the branching habit of certain trees. EIS Section 9.5.6.3 discusses tidal channel features and their historical formation in the inter-causeway and north of the Roberts Bank causeway.	**EIS** 9.5 Coastal Geomorphology 9.5.6.3 Morphology of Roberts Bank
MFN-5.6	Interested in additional information and	19-Jul-2016, Issues	**19-Jul-2016, Workshop:**	**Addressed in Response to IR2-08:** As outlined in the response to IR2-08, ongoing geomorphic processes have resulted in changes to the Fraser River delta foreslope (located in deeper water	**Information Requests**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	explanation regarding the coastal geomorphology assessment. Asked about the geomorphological effects of the Project. Concerned about sediment change on the shoreline, effects from scouring, and hydrology effects from moving dredge material.	Workshop - MFN / TFN #1 12-Sep-2016, Issues Workshop - MFN / TFN #2 12-Jun-2017, Roberts Bank Boat Tour #1 16-Jun-2017, Meeting with Administrative Staff 10-Jul-2017, Roberts Bank Boat Tour #2	Undertook to schedule a subsequent workshop with coastal geomorphologist to respond to topic-related questions and concerns. **12-Sep-2016, Workshop:** At a subsequent workshop coastal geomorphology was discussed to address concerns raised. **12-Jun-2017, Boat Tour:** Responded that the effects of the Project on coastal geomorphology are relatively localised to the terminal footprint. The north-eastern tip of the terminal footprint was modified (i.e., rounded) to reduce scour. No changes in geomorphology are anticipated close to the shoreline. **16-Jun-2017, Meeting:** Responded there have since been IR responses written on the topic of coastal geomorphology which can be shared. Suggested holding a follow-up meeting on the topic of coastal geomorphology. **10-Jul-2017, Boat Tour:** Referenced previous meeting and having discussed possibility of holding a workshop on this topic, with the coastal geomorphologist in attendance. Musqueam committed to advise the VFPA of any workshops or focused meetings of interest.	at the outer edge of the tidal flats) in the vicinity of the proposed terminal. Construction of the RBT2 terminal will result in armouring of a 1,700 m long section of the foreslope down to -30 m CD, and will effectively halt any erosion of the foreslope in that area that may be occurring at present. **Addressed in Responses to IR2-07 and IR2-09:** As outlined in the responses to IR2-07 and IR2-09, topographic changes on the tidal flats have been evaluated, including changes to existing tidal channels. These changes are related to ongoing geomorphic processes as well as changes related to previous construction of the causeway and existing terminals. Widening of the causeway and development of the RBT2 terminal is not predicted to change drainage patterns or the morphology of the tidal flats in this area north of the causeway in the future with the Project. **Addressed in Response to IR2-16:** Clarification concerning the assessment of changes to Coastal Geomorphology that may occur in relation to the construction and operation of the proposed Project is provided in the response to IR2-16. The response confirmed that all Project components have been assessed in accordance with the requirements of the *Updated EIS Guidelines* for the local study area, which extends from the BC Ferries Terminal to Canoe Passage. **Addressed in Response to IR2-17:** The response to IR2-17 includes additional clarification concerning the expected extents of changes to Coastal Geomorphology related to the proposed Project. Changes to coastal geomorphology and hydrodynamic conditions in areas on the south side of the existing Roberts Bank causeway, including the inter-causeway area and areas south of the BC Ferries Terminal, that are related to the Project components on the north side of the causeway are not anticipated because areas on the south side are hydrodynamically isolated from the north side of the Roberts Bank causeway by deep water and the presence of the existing causeways. The only Project component expected to influence coastal geomorphology or hydrodynamics in the inter-causeway area is the expanded tug basin, which is expected to result in localised changes to the existing coastal landforms in that area.	Response to Sufficiency Information Request #7 (IR2-07 of CEAR Document #961) Response to Sufficiency Information Request #8 (IR2-08 of CEAR Document #961) Response to Sufficiency Information Request #9 (IR2-09 of CEAR Document #961) Response to Sufficiency Information Request #16 (IR2-16 of CEAR Document #961) Response to Sufficiency Information Request #17 (IR2-17 of CEAR Document #961)
MFN-5.7	Requested a commitment from VFPA that there wouldn't be increased dredging activities in the Fraser River to provide materials for RBT2.	16-Jun-2017, Meeting with Administrative Staff	**16-Jun-2017, Meeting:** Responded there would not be increased dredging as a result of the Project; the proposed plan is to use material from annual maintenance dredging.	**Addressed in EIS Section 4.0:** As described in EIS Section 4.0, the development of land for the marine terminal would use material from Project construction dredging, existing quarries and sand from the annual Fraser River Maintenance Dredging Program. As this is an existing non-Project-related program carried out to maintain the shape and safe depths of Fraser River shipping channels, the annual volume of materials dredged from the Fraser River are unrelated to the RBT2. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project	**EIS** 4.0 Project Description **PCU (CEAR Document #1210)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	

Table 6: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-6.1	Criticised the methodology employed for the cumulative effects assessment in the EIS: "there has been no cumulative effects assessment". Requested consideration of cumulative effects on Current Use for Lands and Resources for Traditional Purposes. Stated that the fact that there was no cumulative effects assessment for either Section 32 of the EIS, or for Section 9.5 of the MSA creates a critical gap in the Marine Shipping Addendum that must be addressed before this assessment can be considered in compliance with the EIS Guidelines and section 19 (1) of CEAA 2012. Stated that Section 32 of EIS omits any assessment of cumulative effects, as required under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) for assessing 5(1)(c) effects. It also fails to provide any "contextual" analysis related to the seriousness of adverse effects on Aboriginal rights or incorporate the Aboriginal perspective, as required under common law. Stated that Musqueam strongly disagrees with characterisation of yet-to-be-defined mitigation as highly effective for addressing stated effects. Stated that the AIMSA lack of a cumulative effects assessment on Musqueam Current Use to be a serious deficiency and inconsistent with required methodology for the assessment of effects on VCs.	22-Jan-2016, Meeting 23-May-2016, Letter & Musqueam Marine Shipping Effects Assessment 15-Sep-2016, Email 03-Nov-2016, Letter to Panel (CEAR Document #776) 10-Nov-2017, Letter to the CEA Agency	**22-Jan-2016, Meeting:** Responded that the VFPA is responding to additional information requests from the CEA Agency, which includes additional cumulative effects assessment information. The VFPA undertook a full Cumulative Effects Assessment in accordance with the Agency's current guidelines. The VFPA is committed to coming back with the appropriate experts to speak to these matters further. **07-Jul-2016, Letter from the VFPA:** With respect to Musqueam's request for a cumulative effects assessment of CULRTP, the VFPA has determined that assessment of cumulative effects associated with past developments (that may interact with the residual effects of the Project) has been completed and can be found in the EIS. Supplemental information can be found in the VFPA's response to IR-7.31.15-13 and AIR-12.04.15-13 from the Agency. The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including effects on local and Indigenous communities, The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0, and these methods are consistent with existing federal guidance. We would be happy to review this with you. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed an excerpt from AIMSA Appendix 2-B showing your September 15, 2016 comments on the final draft AIMSA and the VFPA's response to those comments. "Consistent with the methods applied in the assessments of potential effects on VCs, the Current Use assessment did not undertake a cumulative effects assessment because the Current Use assessment predicts that there will be no measurable residual effects on Current Use as a result of marine shipping	**Addressed in EIS Appendix 7.2-B (#34):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. The environmental assessment (EA) for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012*, Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an intermediate component (IC) were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. **Additional information provided by the VFPA:** As described in the EIS, a cumulative effects assessment was conducted for the following socio-economic VCs: Marine Commercial Use, Visual Resources, Land and Water Use, Human Health, and Archaeological and Heritage Resources. A cumulative effects assessment was not conducted on Labour Market, Economic Development, Local Government Finances, Services and Infrastructure, Outdoor Recreation as no measurable adverse residual effects were predicted on these VCs. This was also the case for Current Use Section 32.2.9); however, Indigenous perspectives on cumulative effects to date are summarised for each Indigenous group in Section 32.2.4. **Addressed in Response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present and future projects is provided in AIR-12.04.15-13. Specifically, Schedule 13-3 describes effects of past projects and activities on fish and fish habitat. For a broader perspective, the coastal marine environment (i.e., coastal geomorphology, marine sediment, marine water quality, tidal flat morphology, biosedimentological zones) is discussed in Appendix AIR13-A.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 8.1.9 Cumulative Effects Assessment 21.11 Cumulative Effects Assessment 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.9 Cumulative Effects Assessment **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.4 Suggested Mitigation Measures 7.6 Cumulative Effects Assessment **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			associated with the Project after the implementation of suggested mitigation measures. The VFPA is confident in the effectiveness of the suggested mitigation measures described in the AIMSA, but has noted Musqueam's views on these suggested measures in Section 7.4. These measures are the same as those described in the MSA. By way of this comment, the VFPA notifies the CEA Agency and the Review Panel of Musqueam First Nation's views on the suggested mitigation measures and the concern raised regarding the lack of a cumulative effects assessment on Musqueam Current Use."		
MFN-6.2	Requested that the EIS be amended to identify whether and how ATK and inputs from affected First Nations was considered by the Proponent in developing these conceptual level plans, and describe the Proponent's commitments to engage affected First Nations in further plan development.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information regarding Aboriginal Traditional Knowledge in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8). The Panel will determine whether it requires additional information or clarification with respect to the consideration of ATK to inform its sufficiency review."	**Addressed in Response to IR-7.31.15-08:** Response to IR-7.31.15-08, provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. Response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA. **Addressed in Response to IR10-11:** The VFPA's response to IR10-11 describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 Follow-up Program. Such involvement is intended to ensure the provision and use of traditional knowledge in the ongoing RBT2 Follow-up Program.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #2 (IR10-02) Response to Sufficiency Information Request #11 (IR10-11)
MFN-6.3	Requested consideration of project-specific and cumulative effects on VC subcomponent species requested by Musqueam.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since Port Metro Vancouver [the VFPA] provided a rationale for its selection of VCs in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."	**Addressed in Response to IR5-15:** In its response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to: • Fraser River Eulachon, both larvae and adults; • White Sturgeon (Lower Fraser Population); • Green Sturgeon; • Cultus Lake Sockeye; • Interior Fraser Coho Salmon; and • Steelhead Trout. The response information on the biology, migration behaviour, habitat utilisation in the LAA and regional assessment area (RAA), a biological effects assessment of the proposed Project, as well as management practices, and ongoing recovery activities of the above species. As noted in that IR response, assessment conclusions and mitigation measures for representative species also apply to eulachon remain unchanged.	**Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
MFN-6.4	Asked whether cumulative effects assessment includes marine shipping and impacts to Aboriginal fisheries.	07-Oct-2014, Preliminary	**07-Oct-2014, Workshop:**	**Addressed in EIS Appendix 7.2-B (#35):** Reasonably foreseeable projects and activities related to marine shipping, including incremental marine vessel traffic associated with RBT2, is	**EIS**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
		EIS Results Workshop #1	Responded that yes, the VFPA undertook a cumulative effects assessment for marine shipping and fish. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Provided a copy of the AIMSA, which includes Section 7.3.5 on potential effects on current use.	considered in the cumulative effects assessment. The potential cumulative effects of the Project in combination with other projects and activities that have been and will be carried out, including existing and future shipping, on Indigenous fisheries are discussed in the EIS Sections 16.0, 21.0, and 32.2. **Addressed in AIMSA – MFN and TWN Section 7.3.5:** The potential effects of marine shipping associated with the Project within the marine shipping area on the Current Use, including intangible cultural heritage, of Musqueam First Nation and Tsleil-Waututh Nation may be summarised as follows: Negligible with respect to: • Change in access to preferred Current Use locations as a result of Project-associated ship wake; • Change in availability of preferred Current Use resources; • Change in quality of preferred Current Use resources; and • Change in quality of Current Use experience (except as specified below); and Minor with respect to: • Change in access to preferred Current Use locations as a result of Project-associated increases in ship pass-bys; and • Change in quality of Current Use experience associated with the Project-associated increases in ship pass-bys. Two suggested measures are identified in MSA Section 9.5.6 for consideration by appropriate regulatory authorities (i.e., those with jurisdiction over marine shipping outside of the VFPA's boundaries) to mitigate the potentially minor incremental effect on Current Use access and associated quality of Current Use experience that may result from potential increases in overlap between Current Use activities and Project-associated ship pass-bys in the marine shipping area. These suggested measures are both consultative in nature: • Consultation on the development of a potential marine shipping activities communication plan that would provide affected Indigenous groups with real-time information regarding the movement of Project-associated shipping traffic through the marine shipping area; and • Consultation with the affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. As the implementation of mitigation measures referred to above are expected to effectively address potential incremental effects to Current Use by Musqueam First Nation and Tsleil-Waututh Nation as a result of Project-associated vessel transit activities within the marine shipping area, residual effects from those activities on Current Use are expected to be negligible for both groups.	Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Table 8-8 Project and Activity Inclusion List 8.1.9 Effects Assessment Methods, Environmental Assessment Methods, Cumulative Effects Assessment 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes **AIMSA – MFN and TWN** 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.2.1 Musqueam First Nation, Existing Conditions 7.3.5 Summary of Potential Effects on Current Use
MFN-6.5	Requested Cumulative Effects – The Consideration of Past and Existing Projects: The Proponent must provide a clear understanding of not only how a VC is affected by future projects, but also by past and existing projects and activities.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 8.1.9:** EIS Section 8.1.9 provides a detailed explanation of the cumulative effects assessment methodology. **Addressed in Response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present and future projects is	**EIS** 8.1.9 Cumulative Effects Assessment **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Requested that the Panel require the Proponent to follow the recommendation of the Canadian Environmental Assessment Agency's ("CEAA") July 31, 2015, Additional Information Requirement #13, in which it was stated that "Consideration of past effects could be done by describing qualitatively known trends in the condition of the valued component using available Indigenous traditional knowledge, historic data or any other sources and describing how past activities have affected the conditions of the valued component."			provided in AIR-12.04.15-13, including in that response's Schedules focused on applicable VCs. Taken together, these schedules build on the information provided in the EIS and provide new, more explicit and clear descriptions of how the residual effects of the Project will combine cumulatively with the effects of past and current projects and activities, and with the effects of certain and reasonably foreseeable future projects.	Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
MFN-6.6	Concerned with cumulative effects from the major industrial projects planned in Musqueam territory, including but not limited to the • George Massey Tunnel replacement project; • WesPac Marine Jetty project; • Kinder Morgan Trans-mountain Pipeline Expansion project; and • the VFPA Vancouver Airport Fuel Delivery project. Requested that effects be understood in the context of adverse effects from other sources (past, present, and likely future). Requested a deeper consideration of cumulative alienation from traditional harvesting grounds due to avoidance related to perceived risk related to marine shipping, currently associated with BC Ferries and Delta Port terminals, as well as the proposed RBT2 Project. Requested Cumulative Effects – Missing Foreseeable Future Projects: In order to address cumulative effects, the Proponent should be asked to provide a supplementary submission on reasonably foreseeable (if not certain) projects that are currently undergoing provincial environmental assessments, but not considered in the EIS: • George Massey Tunnel Replacement Project, • WesPac Tilbury Marine Jetty Project, and	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 15-Sep-2016, Email 03-Nov-2016, Letter to Panel (CEAR Document #776)	**30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed an excerpt from AIMSA Appendix 2-B showing your September 15, 2016 comments on the final draft AIMSA and the VFPA's response to those comments. "The [Musqueam Marine Shipping Effects Assessment] MMSEA provided to the VFPA was thoroughly reviewed, and Musqueam views regarding existing impacts were included throughout Section 7.2.1 in relation to existing conditions within and outside the Marine Shipping Area, and summarised in Section 7.3.1 through Section 7.3.4 in relation to potential incremental effects of marine shipping associated with the Project in the Marine Shipping Area (i.e., the scope of the assessment for the AIMSA). The VFPA notes that this concern is specific to marine shipping at Roberts Bank, which was assessed as part of the EIS. The AIMSA considers effects from marine shipping occurring in a separate area, the marine shipping area as defined in Figure 1-1 of the MSA."	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#6):** The assessment of potential effects of marine shipping associated with the Project incorporates the existing vessel traffic within the marine shipping area (defined in MSA Section 4.0), including vessel traffic from projects in Musqueam territory. The list of certain and reasonably foreseeable projects and activities considered in the cumulative effects assessment for the MSA is included in MSA Appendix 6-A. [The list includes the Kinder Morgan Pipeline Expansion Project as well as the Vancouver Airport Fuel Delivery Project.] **Addressed in Response to IR4-09:** In responding to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). As part of this update, Wespac Tilbury Marine Jetty Project vessel projections are updated. **Addressed in EIS Table 8-8:** As noted in EIS Table 8-8 Project and Activity Inclusion List, the George Massey Tunnel Replacement Project and Pattullo Bridge Replacement Project are considered in the EIS' cumulative effects assessments.	**MSA** 2.0 Geographic Setting 4.0 Activity Description 4.1.1.1 Existing Marine Traffic Activity, Table 4-2 6.0 Effects Assessment Approach Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments 32.2 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.2.1 Musqueam First Nation, Existing Conditions 7.3.1 Access to Preferred Current Use Locations 7.3.4 Quality of Current Use Experience **Information Requests** Response to Sufficiency Information Request #9 (IR4-09 of CEAR Document #1051)

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	• Pattullo Bridge Replacement Project.				
MFN-6.7	Stated that the current use assessment neglects to consider how port development has already taken away Musqueam's ability to exercise rights in the area, due to construction of the existing causeway as well as industrial and environmental contamination. Asked how the assessment considered past and current projects in the cumulative effects assessment. Concerned that there are no cumulative effects predicted on Musqueam's current use of lands and resources for traditional purposes, and with how cumulative effects were done in general. Expressed the need to account for the potential effects of the Project in the context of, in interaction with, and in addition to past, present, and likely future projects.	03-Jul-2014, VCs Workshop #2 18-Jun-2014, Meeting 07-Oct-2014, Preliminary EIS Results Workshop #1 12-Sep-2016, Issues Workshop - MFN / TFN #2 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**03-Jul-2014, Workshop:** Responded that while the EIS will contains some information on historical use and changes that have occurred, the focus of the assessment is impacts on current use. Stated that the EIS does consider Indigenous marine use in a broader context, which includes an historical piece. The commercial fisheries assessment is using historical data to the extent possible. The assessment also looks at potential changes to fish, crab, and other marine resources. **18-Jun-2014, Meeting:** Noted that the VFPA is looking to gather further information on current use ahead of receiving Musqueam's traditional use study. Reviewed current sources of ITK related to Musqueam for use in the EIS. **07-Oct-2014, Workshop:** Stated that when we look at the existing conditions, which is part of our assessment, we are taking into account the effects of projects that have happened previously. Noted that it's not the intent of a specific project like RBT2 to mitigate for all past effects and developments. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-Sep-2016, Workshop:** Responded that the methodology for cumulative effects includes existing conditions which reflect past and current projects. The cumulative effects assessment is written in two sections of the EIS. Stated that AIR #13 provided an overarching summary of the cumulative effects methodology for the Project. As part of that methodology, if there's a residual effect, then that is assessed in combination with other reasonable foreseeable projects. Secondly, there's a schedule and appendices for each VC with a residual effect, which shows past, present and future effects in one place.	**Addressed in EIS Appendix 7.2-B (#36):** The description of existing conditions for each VC considers the conditions of the VC as they have been affected by other projects and activities to date. **Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0 Effects Assessment Methods. These methods are consistent with existing federal guidance. The effects of other projects and activities that have been carried out are reflected in the existing (and expected) conditions of the ICs and VCs, and in EIS Section 32.0. By assessing potential Project-related effects against those conditions, the cumulative effects of the Project and other past projects and activities are inherently considered. The EIS also includes historical data, where available and applicable, to assist interested parties to understand the potential effects, including cumulative effects, of the Project. The EIS does not include an assessment of historical infringements on the ability of Indigenous groups to exercise rights or impacts to traditional use. **Addressed in IR-7.31.15-13 and AIR-12.04.15-13:** In addition to the cumulative effects summaries presented in the EIS and MSA, responses to IR-7.31.15-13 and AIR-12.04.15-13, provide further consideration of how VCs (that may be affected by residual adverse effects of the Project) has been affected by past, present and future projects and activities.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

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MFN-6.8	Requested that VFPA provide in the EIS Section 3.3.1 (Valued Components) areas of concern that have been provided by Musqueam to date, as per the requirement of the EISG.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already information provided in the EIS. Additionally, the EIS guidelines do not require the information to be disaggregated. However, in #30, page 14, the Agency has requested: 'Provide a rationale for the conclusions of the effects assessment for the current use of lands and resources for traditional purposes by Aboriginal peoples where the conclusions are reported as "no effect" or "negligible". Presenting the effects assessment on a per group basis may help clarify the various conclusions.'"	**Addressed in Response to IR-7.31.15-30:** Responses to IR-7.31.15-30 and AIR-12.04.15-30 provide rationale for the conclusions of the effects assessment for Current Use by Indigenous peoples.	**Information Requests** Response to Information Request #30 (IR-7.31.15-30 of CEAR Document #314) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)
MFN-6.9	Requested that the Proponent provide written documentation indicating when and how it engaged Musqueam in the identification of Valued Components, sub-components and measurable parameters, and what sort of capacity funding it provided to allow Musqueam to engage in this time consuming type of exercise in a meaningful way. Stated that the time scale going back toward a less damaged baseline (a less industrialized marine and terrestrial environment in Musqueam territory) – the "appropriate time scale" for assessment of cumulative change to date – is not established for all VCs in the EIS, nor is the backcast generally temporally deep enough to establish change over time in both the biophysical environment (substantially altered over the past century plus) or related Aboriginal rights infringements.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "Information on Port Metro Vancouver's [the VFPA] interactions with Musqueam is available in the EIS in Appendix 7.2-A: Consultation Activities by Aboriginal Group. The Panel will determine whether it requires additional information or clarification with respect to the adequacy of this information to inform its sufficiency review. Musqueam is encouraged to describe its concerns on VCs, baseline, worldview and so on to the Panel once it has been appointed. The Agency's request for additional information from Port Metro Vancouver [the VFPA] in #8 and #13 (Aboriginal Traditional Knowledge and Cumulative Effects Assessment) may assist in obtaining additional input on these items."	**Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in Response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present and future projects is provided in AIR-12.04.15-13, including in that response's Schedules focused on applicable VCs. Taken together, these schedules build on the information provided in the EIS and provide new, more explicit and clear descriptions of how the residual effects of the Project will combine cumulatively with the effects of past and current projects and activities, and with the effects of certain and reasonably foreseeable future projects. **Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality**.** **Additional information provided by the VFPA:** Appendix 7.2-A of the EIS provides written documentation indicating when and how it engaged Musqueam in the identification of Valued Components, sub-components and measurable parameters, and what sort of capacity funding it provided to allow Musqueam to engage in this exercise in a meaningful way.	**EIS** Appendix 7.2-A Consultation Activities by Aboriginal Group **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Response to Sufficiency Information Request #2 (IR10-02)
MFN-6.10	Requested more temporal backcasting to establish change over time for important marine species, including but not limited to Dungeness crab and all salmon species which travel through our waters. Stated that multi-season Dungeness crab surveys in the Project footprint	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information on this item in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (pages 4 and 7, #9 and 13)."	**Addressed in Response to IR-7.31.15-09:** Provides summaries of information that characterise baseline conditions (referred to as existing conditions in the EIS) in LAAs and RAAs for fish and birds, respectively. **Addressed in Responses to IR-7.31.15-13 and AIR-12.04.15-13:** Provides a further discussion of how VCs (that may be affected by residual adverse effects of the Project) has been affected by past projects and activities.	**Information Requests** Response to Information Request #9 (IR-7.31.15-09 of CEAR Document #314) Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314)

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	and LAA must be completed in order to establish an adequate baseline of current conditions for Dungeness crab.				Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
MFN-6.11	Requested: 1. Please provide a summary of Musqueam comments on VCs, VC-sub- components, process and interactions, disaggregated from those of other First Nations. 2. Where the Proponent has screened out candidate VCs and VC-subcomponent species identified by Musqueam, please provide how the Proponent and the Crown intends to otherwise address project-specific and cumulative effects on such VC and VC- subcomponent species. Stated that the Proponent has screened out substantial contributions from Musqueam regarding candidate VCs and sub-VCs. Requested a summary of Musqueam requests for VCs, process and interactions, disaggregated from those of other First Nations. The Proponent's "determination" noted at left must be put to the test by the Agency and Musqueam with all information transparently displayed. Requested disaggregated information that provides basis of Musqueam concerns, separate from those of other First Nations.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to Musqueam comments on VCs, VC-sub-components, process and interactions as well as project-specific and cumulative effects on such VC and VC- subcomponent species. Additionally, the EIS guidelines do not require the information to be disaggregated. However, in #30, page 14, the Agency has requested: "Provide a rationale for the conclusions of the effects assessment for the current use of lands and resources for traditional purposes by Aboriginal peoples where the conclusions are reported as "no effect" or "negligible". Presenting the effects assessment on a per group basis may help clarify the various conclusions."	**Addressed in Response to IR-7.31.15-30:** Responses to IR-7.31.15-30 and AIR-12.04.15-30, as requested by the CEA Agency, provide further rationale for the conclusions of the effects assessment for Current Use by Indigenous peoples. **Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	**Information Requests** Response to Information Request #30 (IR-7.31.15-30 of CEAR Document #314) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Response to Sufficiency Information Request #2 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)
MFN-6.12	Requested a (disaggregated) clear listing of all Musqueam concerns with the EA process and the Project to date. If such information is not available due to aggregated meetings and insufficient information collection by the Proponent, the CEA Agency should require the Proponent to undertake additional one-to-one meetings with Musqueam prior to the acceptance of the EIS as complete by the CEA Agency staff and Review Panel.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The EIS guidelines do not require the information to be disaggregated. Information on Musqueam concerns has been provided in the EIS, however it appears that Musqueam disagrees with what has been provided by Port Metro Vancouver [the VFPA]. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."		
MFN-6.13	Stated that the Proponent should clarify on the Access Agreements (use, management, and protection)	15-Jun-2015, Letter to the CEA Agency (CEAR	**15-Oct-2015, Letter from the CEA Agency:** "Should Musqueam have any concerns with their Aboriginal Traditional Knowledge, please discuss with the Panel Secretariat prior to	**Additional information provided by the VFPA:** The VFPA has handled Musqueam ITK in accordance with appropriate applicable agreements between Musqueam and the VFPA.	

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	of Musqueam ATK during and after the EA to ensure confidentiality. Please confirm the Access Agreement between Proponent and Musqueam.	Document #241)	submitting Aboriginal Traditional Knowledge information to the review panel process. The Agency expects that any information provided to the Agency or Panel by Port Metro Vancouver [the VFPA] regarding Musqueam Aboriginal Traditional Knowledge is done so in accordance with appropriate agreements between Musqueam and Port Metro Vancouver [the VFPA]."		
MFN-6.14	Stated that the Proponent should be required to ground truth its initial findings on ecosystem zonation in the RAA with ATK holders prior to the EIS being considered complete. Requested that the Proponent include more information on Aboriginal traditional knowledge and perspectives regarding ecosystem health and integrity; this is currently lacking in the draft EIS. Requested that the Proponent indicate sections of the EIS where the Proponent indicates how Musqueam traditional and local knowledge has been used to reach significance determination or, if such information is not present, revise the EIS accordingly.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information on Aboriginal Traditional Knowledge in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8)."	**Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in Response to MSA IR-02.24.16-4:** Discusses the application of ITK in the MSA. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #2 (IR10-02)
MFN-6.15	Requested either a justification of why observed change by First Nations for factors associated with ecosystem health and integrity is not included in the EIS, or (much preferred) reconsideration by the Proponent of inclusion of these qualitative, context rich ATK materials into a revised EIS, is required.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information regarding Aboriginal Traditional Knowledge in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8)."	**Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Sufficiency Information Request #2 (IR10-02)
MFN-6.16	Requested information regarding how the definition of spatial boundaries have incorporated Musqueam traditional knowledge, traditional and contemporary use information as well as Musqueam ecological, technical and social and cultural considerations.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information on this item in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8). Depending on the response from Port Metro Vancouver [the VFPA] to #8 this could be an issue to identify through the Panel's sufficiency review."	**Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs (including their spatial boundaries), baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. Response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #2 (IR10-02)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-6.17	Requested information showing how Musqueam ATK has factored into decision on temporal boundaries, and also provide rationale where Musqueam advice on temporal boundaries have been received but not incorporated into the EA.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information on this item in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8). Depending on the response from Port Metro Vancouver [the VFPA] to #8 this could be an issue to identify through the Panel's sufficiency review."	**Addressed in EIS Section 8.1.3.2:** Notes that temporal boundaries defined for the assessment encompass the periods during which the Project is expected to interact with ICs and VCs via effects pathways. These boundaries were determined based on the Project's temporal limits (i.e., timing and duration), including the major phases of construction (including decommissioning of temporary construction-related facilities) and operation (including maintenance activities). Important temporal characteristics are described in the existing conditions section for each VC. Where relevant, community knowledge and ITK factored into the descriptions of these temporal boundaries. **Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs (including their temporal aspects where applicable), baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. Response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**EIS** 8.1.3.2 Temporal Boundaries **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #2 (IR10-02)
MFN-6.18	Stated that spatial boundary for project-specific and cumulative effects on key VCs such as marine resources and CULRTP should account for need for an adequate spatial boundary to consider the effects of linear project components, both marine and terrestrial, (marine shipping, rail and road traffic), as well as the project- specific and cumulative effects (including noise and vibration effects which are not limited to the LAA) on mobile marine species (e.g. fish, migratory birds).	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information on Aboriginal Traditional Knowledge in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8). Depending on the response from Port Metro Vancouver [the VFPA] to #8 this could be an issue to identify through the Panel's sufficiency review. Additionally, the Agency is expecting to receive the Marine Shipping addendum from Port Metro Vancouver [the VFPA] which may address some of MFN's concerns on marine shipping. The Marine Shipping addendum will be made available for comment on completeness. Information may be available in this addendum to address other concerns such as mobile marine species."	**Addressed in EIS Section 8.1.3.1:** Spatial boundary selection is discussed in EIS Section 8.1.3.1. Spatial assessment boundaries were identified for each VC based on the spatial characteristics of the Project and the VC (e.g., location, distribution, range), and the areas within which Project-VC interactions and effects are expected to occur. When determining the spatial boundary, the Project team also considered, as applicable, available community knowledge and ITK, information on current land and resource use by Indigenous groups, and other pertinent ecological, technical, social, and cultural considerations, as well as input from government, Indigenous groups, and the public. When the RAA differs from the area in which the residual effects of the Project on the VC are likely to combine with the effects of other projects and activities to result in a cumulative effect on the VC, a fourth type of spatial boundary, the cumulative effects assessment area, is defined. The rationale for selection of the spatial boundaries for the LAA, RAA, and, where applicable, the cumulative effects assessment area, is provided for each VC in the effects assessment sections. **Addressed in MSA Section 6.2.1:** In the MSA, the spatial boundaries of the assessment are discussed in MSA Section 6.2.1. The spatial boundary for the activities associated with marine shipping, referred to as the marine shipping area, is described in MSA Section 4.1 Marine Shipping Area. The effects assessment considers the potential effects of marine shipping associated with the Project on the environment in the context of defined spatial boundaries. Spatial boundaries vary by component and potential interactions of shipping activities with that component, and reflect the following: • Natural distribution of a component or sub-component; • Area in which a component or sub-component functions and within which an effect may be experienced; and	**EIS** 8.1.3.1 Spatial Boundaries **MSA** 6.2.1 Spatial Boundaries **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314)

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				• Area directly affected by marine shipping activities. The spatial boundaries of the assessment consider the VC-specific LAA or the RAA. The LAA represents the area where the component and associated sub-components are likely to be affected by marine shipping associated with the Project. This is generally represented by a zone or corridor centred on the marine shipping lanes. The RAA provides the regional context for the assessment and, in most cases, also represents the area extending beyond the LAA boundary where the direct and indirect influence of other projects and activities could interact with specific effects of marine shipping associated with the Project, and cause cumulative effects. The extent of, and rationale for, each spatial boundary is provided in each assessment section. **Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects.	
MFN-6.19	Stated that due to the failure of the Proponent to collect detailed baseline information from Musqueam, the EIS lacks: • Musqueam-specific information related to preferred harvest timing, methods and locations of Musqueam harvesters/fishers; • Musqueam harvesters'/fishers' views on potential interactions between exercise of rights-based activities and the Project; Musqueam harvesters'/ fishers' views on potential impacts on exercise of rights not currently practiced due to conservation or safety closures but that Musqueam would seek to exercise in the future. Stated that there has been no meaningful research or data collection (of Musqueam Traditional Knowledge or Musqueam views) to serve as basis for correct characterization of "current conditions" baseline information, e.g. • how many vessel hours per year Musqueam are on the water for harvesting purposes; • community-based aspirational harvest quotas, i.e., "sufficiency of resource" to meet Musqueam's food/social/ceremonial requirements; • Musqueam experience of historical and current alienation	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions. **Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. Response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Additional information provided by the VFPA:** On December 18, 2013, the VFPA and Musqueam signed a funding agreement to support Musqueam's completion of a RBT2-specific use study. On August 19, 2014, Musqueam provided the VFPA with a report titled Draft Contemporary Musqueam Use of the Southern Fraser Delta (Woolman 2014); and on October 7, 2014, Musqueam provided the VFPA with a report titled Traditional Musqueam Use of the Southern Fraser Delta (Ham 2014). The VFPA met with Musqueam on November 19, 2014 to provide information regarding the assessment of potential Project effects and cumulative effects on Current Use; and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Musqueam, and preliminary conclusions of the assessment. On December 9, 2014, the VFPA provided Musqueam with advance drafts of the existing conditions sections for chapters of the EIS: "Potential or Established Aboriginal and Treaty Rights and Related Interests, and including current use of lands and resources for traditional purposes" and "Aboriginal Commercial Fishing and Seafood Harvesting." The VFPA requested that Musqueam confirm the accuracy of the information	**Information Requests** Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #13 (IR10-13) Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)

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	from areas of Roberts Bank due to industrialization; Musqueam ITK regarding effects of existing causeway terminal on fishery, i.e., reference to lack of tidal flows and increasing sedimentation in both of these areas as primary reason for less productive conditions in these areas, and resultant alienation from fishing grounds.			presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections were received from Musqueam on January 15, 2015 and January 23, 2015 respectively, and changes made to the sections as appropriate. The "Aboriginal Commercial Fishing and Seafood Harvesting" section was provided again to Musqueam to confirm the substantial changes made to the section based on Musqueam's comments, and further comments from Musqueam were integrated into the final EIS. On March 26, 2015, the VFPA provided Musqueam with a table outlining all Musqueam's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS. In response to a request from Musqueam, on March 15, 2016, the VFPA signed a funding agreement to support Musqueam's completion of a marine shipping-specific use study. On May 24, 2016, Musqueam provided the VFPA a study titled Musqueam Marine Shipping Effects Assessment report (Firelight 2016). On June 9, 2016, the VFPA provided Musqueam with the draft existing conditions sections for components considered in the AIMSA (i.e., Human Health, Marine Commercial Use, Outdoor Recreation, Archaeological and Heritage Resources, and Current Use), and requested Musqueam confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final AIMSA. Musqueam provided comments on the documents on July 15, 2016 which were integrated into the draft chapters of the AIMSA as appropriate. On June 20, 2016 the VFPA and Musqueam met to discuss the Musqueam Marine Shipping Effects Assessment report, and the process for integrating this report into the final AIMSA. On August 3, 2016, the VFPA provided the full draft AIMSA for Musqueam's review and comment, including the existing conditions sections shared earlier and all effects assessment chapters, and Musqueam responded with comments on September 15, 2016. Musqueam's comments were integrated into the final AIMSA as appropriate. On September 30, 2016, the VFPA provided Musqueam with a table including all Musqueam's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections.	
MFN-6.20	Stated that Section 32 of the EIS does not integrate the ITK of Musqueam fishers, despite their profoundly deep knowledge of the Fraser River Estuary, into the assessment of Project effects.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information. **05-Dec-2014, Letter from the VFPA:** Committed to providing Musqueam with advance drafts of EIS sections for Musqueam review: • Existing conditions for Current Use for Musqueam; • Existing conditions for proven and asserted Aboriginal rights for Musqueam; and • Existing Socio-Economic conditions for Musqueam (already provided). **09-Dec-2014, Letter from the VFPA:** Shared the draft existing conditions sections.	**Addressed in EIS Section 32.2.4.2 and Response to IR10-06:** The ITK provided to the VFPA by the Musqueam First Nation by the time of EIS submission is summarised in Section 32.2.4.2. Musqueam First Nation representatives reviewed this summary before EIS submission, and their comments were incorporated. **Addressed in Response to IR-7.31.15-08:** Provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Sufficiency Information Request #2 (IR10-02) Response to Sufficiency Information Request #6 (IR10-06)

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			Noted that the draft has incorporated information contained in the two RBT2-related studies (Woolman 2014, Ham 2014) that were provided to the VFPA pursuant to the Traditional Use Study Funding Agreement signed 17-Dec-2013. • Musqueam Current Use; • Musqueam [existing conditions] for proven and asserted Aboriginal rights; and • Indigenous Commercial Fishing and Seafood Harvesting. Stated that it is the VFPA' intention to confirm with Musqueam First Nation that the information contained in this draft is accurately presented and whether any revisions, additions or deletions are required in advance of finalizing and submitting the EIS to the CEA Agency. Stated that in addition to errors and/or omissions, should there be any specific information or reference that should be removed due to sensitivity of content, the VFPA requests that Musqueam inform us of this upon your review to ensure it is excluded from the final EIS. **15-Jan-2015, Email from Musqueam:** Provided comments on EIS Section 32.0, Current Use. **23-Jan-2015, Email from Musqueam:** Provided comments on EIS Appendix 18-B Existing Socio-Economic Conditions of Musqueam First Nation Community. **01-Feb-2015, Email from the VFPA:** Attached the final Existing Conditions of the Musqueam First Nation Community report. Stated that this report has incorporated the changes requested by Musqueam. As previous discussed, now with Musqueam's consent, the attached document will be included in the EIS. **25-Mar-2015, Letter from the VFPA:** Thanked Musqueam for the comments they provided on the draft EIS sections, and provided a tracking table that listed the comments provided by Musqueam, the response provided by [the VFPA], and a description of any subsequent changes made to these documents.		
MFN-6.21	Requested a list of all VCs that were requested by Musqueam and	15-Jun-2015, Letter to the CEA Agency	**15-Oct-2015, Letter from the CEA Agency:** "The EIS guidelines do not require the information to be disaggregated. As such an	**Addressed in EIS Section 8.0:** During the Project's EIS preparation stage, comment tracking tables were developed that summarise key comments provided by regulatory	**EIS**

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	assessment of each in a fulsome manner in a revised draft EIS.	(CEAR Document #241)	Information Request was not requested by the Agency for this item since there is already information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to VCs to inform its sufficiency review."	agencies (see EIS Section 7.1.1), Indigenous groups (see EIS Section 7.2.2), and public and local government (see EIS Section 7.3.2). These comment tracking tables include specific references to potential VCs, related processes and interactions, and the nature and sensitivity of the Roberts Bank area during the Project's Pre-EIS submission stage. The comment tracking tables identify the VFPA's response to VC-related comments and provide explanations for those situations in which a particular issue is not addressed by a selected VC or has not been considered in the assessment.	7.1.1 Pre-Environmental Impact Statement Submission Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process 7.3.2 Pre-EIS Submission Engagement and Consultation Activities 8.1.1 Issues Scoping 8.1.2 Selection of Valued Components
MFN-6.22	Requested a tabulated set of responses to Musqueam for VCs and related Key Indicators (KI) that includes responses that are specific to Musqueam concerns. Stated that the intention of this exercise will be – prior to the determination of whether the EIS is complete or not – to assess the credibility of the rationale for exclusion of what may be critical VCs. Where the explanations are not credible, Musqueam will call upon the Agency to withhold a finding of completeness until additional VCs can be adopted and fulsomely integrated into a revised EIS.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to Musqueam comments on VCs, VC-sub-components and related Key Indicators to inform its sufficiency review. A discussion of is more appropriately considered through the Panel's sufficiency review. Additionally, the EIS guidelines do not require the information to be disaggregated."	**Addressed in EIS Section 8.0:** During the Project's EIS preparation stage, comment tracking tables were developed that summarise key comments provided by regulatory agencies (see EIS Section 7.1.1), Indigenous groups (see EIS Section 7.2.2), and public and local government (see EIS Section 7.3.2). These comment tracking tables include specific references to potential VCs, related processes and interactions, and the nature and sensitivity of the Roberts Bank area during the Project's Pre-EIS submission stage. The comment tracking tables identify the VFPA's response to VC-related comments and provide explanations for those situations in which a particular issue is not addressed by a selected VC or has not been considered in the assessment. Issues identified through the scoping process described above informed the selection of appropriate VCs for the Project's effects assessment. The selection of VCs followed a three-step process, which is summarised in EIS Figure 8-1 and described below. Process outcomes, including the rationale for inclusion or exclusion of each candidate VC, is summarised in EIS Appendix 8-A Valued Component Selection Rationale. In addition, each VC effects assessment section provides an account of the VC-specific selection process (see EIS Sections 11.0 to 16.0 for biophysical effects assessments, and EIS Sections 19.0 to 28.0 for the social and economic effects assessments. Although not identified as a VC, the effects of the Project on Current Use were assessed (see EIS Section 32.2).	**EIS** 7.1.1 Pre-Environmental Impact Statement Submission Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process 7.3.2 Pre-EIS Submission Engagement and Consultation Activities 8.1.1 Issues Scoping 8.1.2 Selection of Valued Components
MFN-6.23	Requested clarification on 1. How VFPA assumed that CULRTP would not be considered a VC in face of Musqueam concerns; and 2. Implications for the assessment of CULRTP given that this EA has not treated CULRTP as a VC. Musqueam calls for the Agency to require a re- assessment of effects with CULRTP as a VC; if the Agency is not predisposed to this requirement, we call for direct consultation with the Agency so that Musqueam can properly illustrate the need for adoption of CULRTP as a VC, and outline the implications for the defensibility of the EA if this is	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "This appears to be an item better addressed to Port Metro Vancouver [the VFPA] given that they have chosen how to determine and characterize valued components. However, since information has been provided on the topic this is more of a sufficiency issue for the Panel to consider and not a completeness issue. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review. As such, no additional information was asked of VFPA."	**Additional information provided by the VFPA:** The identification of a component as a "Valued Component" (VC) is based on the definition of environmental effects in Section 5 of *CEAA, 2012*, not on whether a component is valued. Section 5 of *CEAA, 2012* identifies factors for which environmental effects must be assessed under that statute, including under subsection 5(1)(c), which relates to the effects of a change to the environment on Indigenous people. If residual effects to these factors are identified, the significance of these residual effects must be determined, and cumulative effects assessed, per Section 19(1) of *CEAA, 2012*. The *EIS Guidelines* identified how Section 5 environmental effects were to be assessed in sections 10.1, 11.1, 12.1, and 13.1. The requirements for the assessment of Section 5 environmental effects do not apply to the assessment of rights. Rather, the requirements for the assessment of potential impacts to the exercise of rights stems from common law requirements relating to the Crown's duty to consult and accommodate. The *EIS Guidelines* lays out the requirements for the rights assessment in sections 9.2, 10.2, 11.2, 12.2 of the Guidelines,	

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	not a requirement put forward to the Proponent.			which are different from those relating to Section 5 factors (as above, sections 9.1, 10.1, 11.1, 12.1, 13.1). The determination of significance and assessment of cumulative effects, while required for Section 5 factors per Section 19(1) of *CEAA, 2012*, are not required for rights (other than indirectly through the assessment of effects on VCs that are linked to the exercise of rights). Current Use is a Section 5 *CEAA, 2012* factor (under subsection 5(1)(c)), and was accordingly assessed using the VC methodology to meet the requirements of the *EIS Guidelines*. In addition, as per *the EIS Guidelines*, the VC methodology was not applied to the rights assessment. Because the Current Use and rights assessments were embedded within the same EIS chapter, but subject to different assessment methods, the chapter was not referred to as a "VC" assessment. This is true even though a portion of the EIS Chapter assessing Current Use used the VC methodology, and the results were applied to the rights assessment.	
MFN-6.24	Stated that there was a lack of incorporation of VC-subcomponent species of high importance to Musqueam cultural, social and right-based activities into the assessment. Stated that the list of VCs, sub-VCs and sub-VC species provided in the EIS does not accurately reflect Musqueam requests for white sturgeon and eulachon to be treated as a sub-VC species of study, as well as several other VCs of concern. Stated that during the scoping phase of the EA, Musqueam placed numerous requests on the record for white sturgeon and eulachon to be directly assessed as standalone VC-subcomponent species. Stated that these two culturally significant species were not directly assessed by the Proponent in the EIS.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 13.0:** Potential Project-related effects on eulachon have been assessed through the use of representative forage fish species (see EIS Sections 13.6.2.1 and 13.6.3.3). Potential Project-related effects on white sturgeon have been assessed in the EIS through the use of representative Pacific salmon species (see EIS Sections 13.6.2.1, 13.6.2.2, and 13.6.3.1). **Addressed in Response to AIR 12.04.15-09:** AIR 12.04.15-09 outlines in detail the selection process for VCs, Sub-components, and representative species and rationale for selection. Discussion of how sturgeon and eulachon were captured in the assessment (i.e., by proxy) is provided. **Addressed in Response to IR5-15:** In its response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to eulachon and describes the status and management practices associated with the species. Rationale as to how eulachon were assessed via use of Pacific herring and surf smelt as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect eulachon, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09 of CEAR Document #388, including Appendix AIR9-A Table 2; and in IR5-15 response (CEAR Document #1078). Potential effects on eulachon (as represented by Pacific herring and surf smelt) are assessed as minor, based on the low potential of eulachon to interact with the Project during terminal construction (adult eulachon presence in the LAA has not been confirmed, and eulachon larvae rear in the Strait of Georgia outside LAA boundaries). With implementation of mitigation measures (including adherence to the crab fisheries sensitive window and implementation of Construction Environmental Management Plans), no loss in eulachon productivity is anticipated. **Addressed in Response to IR5-15:** In its response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to sturgeon and describes the status and management practices associated with the species. Rationale as to how sturgeon were	**EIS** 13.0 Marine Fish **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

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				assessed through the use of Chinook and chum salmon as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sturgeon, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09 of CEAR Document #388, including Appendix AIR9-A Table 2; and in IR5-15 response. Effects on Pacific salmon associated with changes in water quality and changes in biotic interactions are considered negligible.	
MFN-6.25	Stated that there was inappropriate use of high-level preliminary overview documents as substitute for proper baseline information. • To date, VFPA has insisted on treating Musqueam's preliminary, partial, and spatially- and scope-constrained reports on contemporary use as the full and final extent of Musqueam input into the Proponent's assessment of Project effects on our Aboriginal rights and current use for traditional purposes. From the beginning, Musqueam has informed the Proponent that these preliminary drafts were intended to provide VFPA with background information to form a starting point for consultations. These preliminary drafts were never intended to be relied upon as a source for assessing impacts to our rights, as VFPA has done in the EIS	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.0:** A full list of information sources used to prepare the EIS Section 32.2 existing conditions is presented in EIS Section 32.2.3, including but not limited to Project-specific information provided to the VFPA from Indigenous groups in direct consultation with the VFPA, and review of ITK and studies of Current Use, and traditional use.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes
MFN-6.26	Stated that Section 32 of the EIS does not meet federal information requirements, as set out in the EIS Guidelines and related federal EA guidance documents, to assess project-specific and cumulative effects on Musqueam Aboriginal rights and associated CULRTP. Concerned around the methodology used for assessing Musqueam's current use of lands and resources for traditional purposes. Concerned about the methodology used to identify mitigation activities and the incorrect analysis on post-mitigation residual effects of the Project. Stated that the immitigable nature of full displacement of MFN's ability to	03-Nov-2016, Letter to Panel (CEAR Document #776) 15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.1:** Describes how EIS Section 32.0 as a whole analyses potential effects to Current Use and potential adverse impacts to the ability to exercise asserted or established rights in a way that is responsive to both common law requirements regarding asserted and established Aboriginal and treaty rights in Canada, pursuant to Section 35 of the *Constitution Act*, 1982, and the statutory requirements of subsection 5(1) (c) of the *Canadian Environmental Assessment Act (CEAA), 2012*. These common law and statutory requirements are reflected in the *EIS Guidelines* and were addressed by the VFPA in Section 32.2 (statutory requirements for Current Use) and Section 32.3 (common law requirements for rights). Refer to the response to MFN-6.23 in this table. **Addressed in EIS Section 32.2 and responses to IR10-06 through IR10-12:** The VFPA is of the view that potential Project-related effects on Musqueam First Nation's Current Use can be mitigated to a negligible level. A significance determination was only required on measurable residual effects. A cumulative effects assessment was only carried out	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.1 Component Overview and Regulatory Setting 32.2 Current Use of Land and Resources for Traditional Purposes Assessment 32.3 Assessment of Potential Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights **Information Requests** Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #07 (IR10-07)

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	exercise the rights-based practice/traditional use, is ignored. Stated that the Proponent has effectively "skipped over" the implications of immitigable residual effects of the Project on Musqueam CULRTP, and has consequently failed to adequately fulfil the EIS Guidelines requirements for: • a cumulative effects assessment on Musqueam CULTRTP; • a significance determination on total Project-specific and cumulative effects on Musqueam CULTRTP; and • a proper consideration of the seriousness of adverse project-specific and • cumulative effects on Musqueam Aboriginal rights and title. Concerned that the EIS' assessment in Section 32, *Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes* ("Section 32"), of Musqueam rights and current use of lands and resources for traditional purposes are inadequate and flawed. Concerned that the EIS assessment fails to provide any "contextual" analysis related to the seriousness of adverse effects on Aboriginal rights or incorporate the Aboriginal perspective, as required under common law. Expressed that marine shipping effects, facility-specific effects, and other cumulative effects causing agents must be considered in combination to understand the net effects on Musqueam rights and current use of lands and resources for traditional purposes ("CULRTP").			when a residual adverse effect of the Project (regardless of significance) was predicted and the residual adverse effect was considered likely to interact cumulatively with the effects of other projects and activities that have been or will be carried out. Refer to the response to MFN-6.1 in this table. **Addressed in EIS Section 32.3:** The EIS specifically acknowledges, in Section 32.3.2.2, a potential impact to the Musqueam First Nation's ability to exercise the asserted Aboriginal right to harvest crab for food, social, or ceremonial purposes based on potential changes in access to a primary crab harvesting location. This impact is expected to be accommodated by the measures identified in Sections 32.3.2.2 and 32.3.3 to avoid, reduce or otherwise address predicted impacts on the exercise of rights.	Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #09 (IR10-09) Response to Sufficiency Information Request #10 (IR10-10) Response to Sufficiency Information Request #11 (IR10-11) Response to Sufficiency Information Request #12 (IR10-12)
MFN-6.27	Requested that the following be documented collaboratively with the Indigenous group: a. Potential Project-specific and cumulative impacts on Musqueam lifestyle, culture, governance and quality of life of Indigenous people, including elements of cultural or spiritual importance	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the Panel. The VFPA has no further information to provide.	

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	regarding Indigenous groups' connections to water and land, transfer of knowledge, and customs, traditions or practices; b. Potential Project-specific and cumulative impacts on the ability of Musqueam to practice rights at preferred locations and in their preferred manner, including, for example, how the predicted increase in traffic and ship calls at the Roberts Bank Terminal may change the ability of Indigenous groups access to areas like the Tsawwassen foreshore, Canoe Pass and the Fraser River for the exercise of rights; c. an updated analysis of the potential impacts on the exercise of rights that are not currently practiced by Indigenous groups, such as the harvesting of shellfish, which cannot be harvested due to sanitary closures, or the harvesting of any species which is not currently harvested due to conservation concerns. d. the views of each Indigenous group on the conclusions made by the Proponent with respect to: i. potential impacts of the Project and marine shipping associated with the Project on rights; and ii. the seriousness of such potential impacts to rights.				
MFN-6.28	Requested a description of the extent to which existing and reasonably foreseeable future development is affecting each Indigenous group's ability to practice their rights within the proposed Project and marine shipping area(s).	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.0 and AIMSA – MFN and TWN Section 7.0:** Descriptions of Musqueam First Nation's perspectives on existing impacts to Musqueam's ability to exercise asserted or established rights from existing projects and activities is captured in EIS Section 32.2.4.2 and AIMSA Section 7.2.1. The Project is expected to impact Musqueam First Nation's ability to exercise the asserted Aboriginal right to harvest crab for food, social, or ceremonial purposes. This impact is expected to be accommodated by the measures identified in Section 32.3.3 to avoid, reduce or otherwise address predicted impacts on the exercise of rights. Marine shipping associated with the Project is expected to result in a negligible-to-minor impact on Musqueam's access to locations within the marine shipping area for the exercise of asserted rights (AIMSA Section	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.3 Assessment of Potential Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights **AIMSA – MFN and TWN** 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				7.8.2). This impact is expected to be accommodated by the measures suggested by the VFPA in AIMSA Section 7.8.3.	7.2.1 Musqueam First Nation, Existing Conditions 7.8.2 Results of the Rights Assessment 7.8.3 Suggested Mitigation Measures
MFN-6.29	Musqueam submitted a copy of the *Musqueam Knowledge and Use Study of the Roberts Bank Terminal 2 Project* to the Review Panel for consideration in the evaluation of the Project's potential impacts on Musqueam rights and current use of lands and resources for traditional purposes ("CULRTP"). The Study concluded that the Project is likely to result in residual adverse effects to Musqueam lands and waters, use of lands and waters, practice of Aboriginal rights (including culture), and Musqueam well-being.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** This study referred to by Musqueam in the comment was funded by the VFPA after the submission of the EIS, and specifically to provide baseline information for Musqueam in relation to marine shipping associated with the Project (i.e., for the AIMSA). Most of the information presented in the study pertained to the Project and less to marine shipping associated with the Project. Moreover, the information pertaining to the Project was, in the VFPA's view, largely consistent with the content presented for Musqueam in EIS Section 32.2.4.2, which was based on an earlier Project-specific study completed by Musqueam. These points of consistency are identified in the existing conditions summary for Musqueam in AIMSA Section 7.2.1. The VFPA recognises and respects that Musqueam First Nation may not agree with the VFPA's predictions of negligible residual effects on Current Use (and the exercise of asserted or established Musqueam rights).	**EIS** 32.2 Current Use of Land and Resources for Traditional Purposes **AIMSA – MFN and TWN** 7.2.1 Musqueam First Nation, Existing Conditions
MFN-6.30	Requested that the Panel issue a formal Information Request to VFPA to assess cumulative effects related to Musqueam's CULRTP, and that this request be required to be fully addressed by the Proponent prior to proceeding to public hearings.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.0:** Presents assessment required by the *Updated EIS Guidelines* related to Aboriginal rights and Current Use. Refer to the response to MFN-6.23 in this table regarding the different methods used to assess Current Use and rights. **Addressed in the Responses to IR10-06 through IR10-12:** A cumulative effects assessment was only carried out when a residual adverse effect of the Project (regardless of significance) was predicted and the residual adverse effect was considered likely to interact cumulatively with the effects of other projects and activities that have been or will be carried out. Refer to the response to MFN-6.1 in this table for the methods applied VC assessments, which were also applied to Current Use.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #07 (IR10-07) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #09 (IR10-09) Response to Sufficiency Information Request #10 (IR10-10) Response to Sufficiency Information Request #11 (IR10-11) Response to Sufficiency Information Request #12 (IR10-12)

Table 7: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-7.1	Concerned with the time requirements for consultation with VFPA on RBT2, and criticism of short CEA Agency timelines. Requested more information related to the timing of the EA process and Review Panel.	18-Oct-2013, Meeting 21-Apr-2017, Phone call	**18-Oct-2013, Meeting:** Stated that the VFPA does not have control over CEA Agency timeframes, but does have control over VFPA-led consultation and can work with Musqueam to develop a process that is mindful of such concerns. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **21-Apr-2017, Phone call:** Undertook to see if more information is available. **24-Apr-2017, Email from the VFPA:** Stating the Project team does not have the information requested and suggested contacting the Review Panel Manager, for whom contact information was provided.	**Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in this appendix. Some questions, comments and requests were addressed at the workshops or through follow up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. The VFPA continues to be open to hear concerns and will notify Indigenous groups when the EIS is submitted. **Additional information provided by the VFPA:** Timelines associated with the Federal EA process are set in the *CEAA, 2012*. The CEA Agency has met separately with Musqueam to allow for an opportunity to discuss and raise concerns about the process.	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
MFN-7.2	Concerned that VFPA's commitment to build a relationship with Musqueam has not progressed to date and is not adequate. Requested that this message be taken to VFPA.	18-Oct-2013, Meeting	**18-Oct-2013, Meeting:** Acknowledged that building relationships take time. The VFPA is committed to a relationship with Musqueam, noting that discussions relating to the broader relationship extend beyond the timeframe of this EA process. The VFPA is involved with projects in the Port's jurisdiction, and would like to do so in a way that is the best for the Musqueam community.	**Additional information provided by the VFPA:** The VFPA remains committed to working with Musqueam to build a productive and positive working relationship and welcomes further discussion with Musqueam with respect to this matter. On 04-Sep-2018, the VFPA and Musqueam signed a RBT2 Negotiation Protocol Agreement. The VFPA and Musqueam agree to work together to negotiate in good faith a Mutual Benefits Agreement for the Project.	
MFN-7.3	Stated that what is said in the meeting is preliminary and is not to be used in the EIS unless reviewed and approved by Musqueam.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**19-Nov-2014, Workshop:** Agreed to share the record from this meeting with Musqueam for review. Requested that Musqueam review the record to advise of items that should not be included.	**Additional information provided by the VFPA:** The VFPA's records of questions raised in the workshops were provided to Musqueam on November 3, 2014. A full record of questions and answers from the workshop was sent to Musqueam on April 19, 2016. The VFPA did not use any information provided by Musqueam unless they approved. Musqueam was provided with a draft of their current use profile for review and comment before submittal of the EIS. The VFPA also discussed issues and	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				concerns attributed to Musqueam in the EIS with Musqueam prior to submittal of the EIS. Further to Musqueam's request for review of draft statements proposed for inclusion in the EIS regarding Musqueam and/its Aboriginal rights, and in follow up to the VFPA's December 5th letter, the VFPA provided Musqueam with an advance draft of the sections "Potential or Established Aboriginal and Treaty Rights and Related Interests, and including current use of lands and resources for traditional purposes" (with accompanying map) and "Aboriginal Commercial Fishing and Seafood Harvesting" for review and comment. At Musqueam's request, an extension was provided to ensure Musqueam was able to review the content. Musqueam provided comments on January 15, 2015.	
MFN-7.4	Stated that the pace of information is quick given that not all participants attended previous meetings and workshops. Concerned that the format isn't meaningful and that presenters are not able to answer all questions.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**19-Nov-2014, Workshop:** Acknowledged that the presenters may not have answers to all the questions posed, but will answer to the best of their ability at the workshop. For those questions not answered in person, the VFPA will provide written answers after the workshop. The VFPA is open to receiving questions and feedback in whatever format Musqueam prefers including after the workshop.	**Additional information provided by the VFPA:** Presentations were continuously modified based on feedback received during meetings and workshops. Areas where there were more questions or concerns, additional workshops were scheduled. The VFPA provided a workshop on crabs and the proposed crab closure on August 22, 2016 and February 23, 2017. The VFPA held issues workshops with Musqueam on July 19, 2016 and September 12, 2016 regarding topics of interest to Musqueam, including coastal geomorphology, eulachon, crab, salmon, fisheries, and human health. Technical experts were available at these workshops to respond to questions.	
MFN-7.5	Requested that consultation continue even if agreement on an Impact Benefit Agreement "IBA" is not reached.	29-Jun-2015, Meeting	**29-Jun-2015, Meeting:** Stated that ongoing consultation will occur with or without an IBA, through the review process, permitting and approvals process and with regard to mitigation.		
MFN-7.6	Requested that TC, DFO, and the CEA Agency attend consultation meetings with Musqueam.	22-Jan-2016, Meeting	**22-Jan-2016, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The VFPA advised the CEA Agency of Musqueam's request at a meeting in Ottawa on 26-Jan-2016.	
MFN-7.7	Concerned that Musqueam is lumped in the EIS with other First Nations. Concerned with the approach taken by VFPA on consultation with such a large number of groups. Criticised the workshop format and requested for one-on-one meetings. Requested that future workshop be held with Musqueam representatives only.	08-Jan-2015, Meeting 29-Jun-2015, Meeting 22-Jan-2016, Meeting 15-May-2017, Phone call	**08-Jan-2015, Meeting:** Noted that since Musqueam raised this issue last, it has only met with Musqueam one-on-one. **29-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **22-Jan-2016, Meeting:** Recorded comment for consideration by the Project team. **15-May-2017, Phone call:** Undertook to schedule the subsequent workshop with Musqueam only.	**Addressed in EIS Section 7.2:** The CEA Agency identified the Indigenous groups that may potentially be affected by the Project and listed them in the *EIS Guidelines*. The CEA Agency also determined the depth of the duty to consult with each Indigenous group, and Musqueam was consulted as part of this process. The CEA Agency identified Musqueam as requiring a "high" depth of consultation. As described in EIS Section 7.2 and EIS Appendix 7.2-A, the VFPA has consulted with Musqueam in the same fashion as Tsawwassen First Nation, which was also identified by the CEA Agency as requiring high consultation.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation 7.2.1.2 Identification of Aboriginal Groups Appendix 7.2-A Consultation Activities by Aboriginal Group

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			12-Jun-2017, Phone call: The VFPA and Musqueam confirmed details for the workshop scheduled for 16-Jun-2017. **16-Jun-2017, Workshop:** The VFPA held a workshop with Musqueam representatives only that provided a Project update and included the topics of crab mitigation and habitat offsetting or on-site mitigation.		
MFN-7.8	Requested to review the draft EIS sections of importance to Aboriginal groups, prior to submission of the EIS.	17-Nov-2014, Meeting 19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**05-Dec-2014, Letter from the VFPA:** Committed to providing Musqueam with advance drafts of EIS sections for Musqueam review: • Existing conditions for Current Use for Musqueam; • Existing conditions for proven and asserted Aboriginal rights for Musqueam; and • Existing Socio-Economic conditions for Musqueam (already provided). **09-Dec-2014, Letter from the VFPA:** Shared the draft existing conditions sections: • Musqueam Current Use; • Musqueam [existing conditions] for proven and asserted Aboriginal rights; and • Indigenous Commercial Fishing and Seafood Harvesting. **15-Jan-2015, Email from Musqueam:** Provided comments on EIS Section 32.0, Current Use. **23-Jan-2015, Email from Musqueam:** Provided comments on EIS Appendix 18-B Existing Socio-Economic Conditions of Musqueam First Nation Community. **01-Feb-2015, Email from the VFPA:** Attached the final Existing Conditions of the Musqueam First Nation Community report. Stated that this report has incorporated the changes requested by Musqueam. As previous discussed, now with Musqueam's consent, the attached document will be included in the EIS. **25-Mar-2015, Letter from the VFPA:** Thanked Musqueam for the comments they provided on the draft EIS sections, and provided a tracking table that listed the comments provided by Musqueam, the response provided by [the VFPA], and a description of any subsequent changes made to these documents.		
MFN-7.10	Stated that Musqueam does not view today's meeting or any past meetings about the RBT2 Project as consultation. Rather, they are information sharing, exchanging and gathering sessions only. Expressed disconnect between the consultation Musqueam feels it is having	07-Oct-2014, Preliminary EIS Results Workshop #1 29-Oct-2014, Preliminary EIS	**07-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **17-Nov-2014, Meeting:**	**Additional information provided by the VFPA:** This concern has been noted in the EIS. Musqueam was involved in pre-consultation for the Project as described in EIS Section 7.2.2. The VFPA has consulted with Musqueam in individual and group settings, and Musqueam has been provided with the opportunity to consult according to their preference. The	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	to date with the CEA Agency's assessment of Musqueam to be on the deep end.	Results Workshop #4 17-Nov-2014, Meeting 19-Nov-2014, Health & Aboriginal Rights Workshop – MFN	Stated that the VFPA believes consultation has occurred and asks how Musqueam would like consultation to proceed. **05-Dec-2014, Letter from the VFPA:** Meetings as "Consultation" or information sharing as discussed above, PMV's [the VFPA] primary objective in engagement with Musqueam is to build a successful, long-term relationship based on mutual trust and understanding. A secondary objective, in PMV's [the VFPA] role as the Proponent of the Project, is undertaking engagements with Indigenous peoples and to gather information to inform the EA process. This latter engagement is undertaken at the direction of the CEA Agency and in the context of the regulatory process to which PMV [the VFPA] and the Project are subject. For example, section 9.2 of the *EIS Guidelines* states: "For the purposes of developing the EIS, the proponent will engage with Aboriginal groups whose potential or established Aboriginal or Treaty Rights and related interests may be affected by the project. In preparing the EIS, the proponent will ensure that Aboriginal groups have access to timely and relevant information that they require in respect of the project and how the project may adversely impact them." **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	VFPA will continue to engage with Musqueam regarding a potential Terms of Reference with regards to consultation. **Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in this appendix. Some questions, comments and requests were addressed at the workshops or through follow up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. The VFPA continues to be open to hear concerns and will notify Indigenous groups when the EIS is submitted.	Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
MFN-7.11	Requested funding to participate in consultation activities. Requested funding to complete the draft TUS prepared for the EIS. Stated that it is Musqueam view that the previous report is preliminary, and not comprehensive of Musqueam use. Stated that initial funding and timing were insufficient. Stated that MFN can't keep up with technical team without resources to support their review. Requested a core funding/ Protocol Agreement with VFPA to cover RBT2 and all other projects and funding for a staff position responsible for handling all VFPA referrals. Requested overarching Protocol Agreement with VFPA to include capacity funding to cover the next three years. Requested capacity funding to cover EA technical support, an Aboriginal Rights,	14-Nov-2012, Meeting 30-Aug-2013, Meeting 18-Oct-2013, Meeting 24-Mar-2014, Letter 19-Nov-2014, Health & Aboriginal Rights Workshop – MFN 13-Oct-2015, Letter 22-Jan-2016, Meeting 28-Jan-2016, Letter 29-Feb-2016, Letter 08-Mar-2016, Letter	**14-Nov-2012, Meeting:** Recorded comment for consideration by the Project team. **30-Aug-2013, Meeting:** Recorded comment for consideration by the Project team. **18-Oct-2013, Meeting:** Committed to taking these concerns back to the Port. With respect to the projects related to CCIP, the VFPA initiated discussions in 2011 and that Musqueam are fully engaged and aware of all things happening with RBT2, Habitat Banking, Trade Areas projects and DTRRIP. Asked if there was something it could offer today that could support activities in the interim, before a larger agreement is worked out. **22-Jan-2016, Meeting:** Responded the VFPA could not offer that amount of funding. Requested more information about the level of effort and support required to undertake a marine shipping study. Asked for more information on what rights are being impacted and what current use activities Musqueam has in the marine shipping area. With this information the VFPA	**Additional information provided by the VFPA:** In 2013, the VFPA provided funding for a TUS and additional funding for Musqueam's participation. The VFPA and Musqueam signed an agreement on 17-Dec-2013, in which the VFPA agreed to provide Musqueam funding for a final Musqueam TUS. Musqueam provided the VFPA with Traditional Musqueam Use of the Southern Fraser Delta (Leonard Ham 2014) on 07-Oct-2014 and Contemporary Musqueam Use of the South Fraser Delta (Jason Woolman 2014) on 19-Aug-2014. On 31-Jul-2014, the VFPA responded to Musqueam letter of 24-Mar-2014 and offered funding for RBT2 for the period 01-Aug-2014 to 31-Mar-2015. On 22-Aug-2014, Musqueam requested additional funds; the VFPA agreed to the amount requested by Musqueam but Musqueam did not accept the terms of the agreement. Discussions around an overarching Protocol Agreement between Musqueam and the VFPA stalled in 2014 and did not resume. On 11-May-2015, the VFPA offered Musqueam participation funding for RBT2, which was accepted and provided. In response to Musqueam's request of 13-Oct-2015 for funding, at a meeting on 16-Oct-2015 and in a letter on 25-Nov-2015, the VFPA offered funding to support Musqueam's ongoing	**Musqueam Knowledge Studies** Contemporary Musqueam Use of the South Fraser Delta Preliminary Draft (Woolman, J., 2014) Traditional Musqueam Use of the Southern Fraser Delta (Ham, L., 2014) Musqueam First Nation Marine Shipping Effects Assessment Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project (Tam, J. and R. Olson, 2016) **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request (AIR-12.04.15-13 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Interests and Use Study, and Marine Shipping. Requested capacity funding to include a cumulative effects assessment and marine shipping study. Requested funding for RBT2 EA participation and engagement funding. Rejected offer of funding for marine shipping study de-coupled from other funding requests. Accepted offer of funding for marine shipping effects assessment noting requirement of additional funding to facilitate engagement on the Project. Requested a facility-specific Aboriginal Rights, Interests and Use Study (ARIUS). Stated that it is Musqueam's understanding the Agency has also noted this gap and has requested that a proper assessment (including proper characterizing of baseline and effects) be conducted of effects on Musqueam CULRTP. Requested additional funding; funding provided to date is inadequate for a group identified on the "high" end of the consultation spectrum. Requested that an Aboriginal Rights, Interests, and Use Study (ARIUS) that addresses both Project-specific and cumulative effects on Musqueam Aboriginal rights and associated CULRTP. Reiterated need for ARIUS and consideration of cumulative effects on MFN current use of lands and resources for traditional purposes and Aboriginal rights and interests. Requested funding to cover costs associated with hosting upcoming workshops. Requested that the Proponent be required to fund and initiate collaborative work with Musqueam as soon as possible, with the objective of providing this information as a supplemental filing to the Panel by a mutually determined deadline. Stated the funding offered to date has been allocated already and requested VFPA fund upcoming meetings and workshops and consider providing additional funding for review of	15-Mar-2016, Letter 23-May-2016, Letter & Musqueam Marine Shipping Effects Assessment 14-Jun-2016, Letter 20-Jun-2016, E-mail 29-Jun-2016, E-mail 10-Aug-2016, Meeting with Administrative Staff 16-Oct-2016, Meeting 03-Nov-2016, Letter to Panel (CEAR Document #776) 25-Jan-2017, Phone call 27-Jun-2017, Meeting with Administrative Staff 04-Jul-2017, Phone call 06-Jul-2017, Phone call 10-Jul-2017, E-mail 07-Jul-2017, Meeting 18-July-2017, Meeting	can undertake an addendum assessment on those activities. Committed to formally responding to a written request. Stated that the VFPA has no concern with Musqueam completing the traditional use report. No draft reports from any Indigenous groups were made public. The assumption is that Musqueam does not want the final report put on the registry. Requested a final report in accordance with the agreement with Musqueam. **08-Apr-2016, Letter from the VFPA:** The VFPA does not view the proposed Project-specific work to be warranted, as Musqueam previously provided two reports to the VFPA related to Musqueam contemporary and traditional use ln the Project area (Woolman 2014 and Ham 2014). Information from these reports was included in the EIS, which was submitted to the CEA Agency in March 2015. The VFPA is in discussions with Musqueam regarding the provision of additional participation and study funding, and has agreed to pay [amount redacted] to Musqueam for a marine shipping study. **07-Jul-2016, Letter from the VFPA:** Reiterated its view that an ARIUS is not warranted given the two reports previously submitted by Musqueam for the Project, and its determination that assessment of cumulative effects has been completed and can be found in the EIS. Noted supplemental information on cumulative effects may be found in VFPA responses to IR-7.31.15-13 and AIR-12.04.15-13. **21-Jun-2016, Email from the VFPA:** Requested estimate of cost of hosting workshop for consideration. **05-Jul-2016, Email from the VFPA:** Agreed to cost estimate for hosting upcoming workshop. **10-Aug-2016, Meeting:** Undertook to share the request for funding. **25-Jan-2017, Phone call:** Responded funding has been provided to support Musqueam review of draft consultation plan. **04-Jul-2017, Phone call:** Undertook to further discuss impending Musqueam request for additional funding upon receipt of request in writing. **10-Jul-2017, Email from the VFPA:** Responded it would be helpful to discuss the request for funding and requested to meet. **18-Jul-2017, Meeting:**	involvement in the consultation process for RBT2. The funding was not accepted. At a meeting on 22-Jan-2016, Musqueam indicated that they would require additional participation funding, and on 28-Jan-2016, Musqueam followed up with a written proposal requesting funding for Musqueam leadership and staff costs, funding for internal community meetings, funding for EA and consultation technical support, funding for Musqueam marine shipping effects assessment, and funding for Aboriginal Rights, Interests and Use Study (ARIUS). On 12-Feb-2016, the VFPA responded and offered Musqueam funding for a marine shipping study (as requested), and indicated the VFPA is considering the remainder of the proposal. Musqueam rejected the offer on 29-Feb-2016. On 02-Mar-2016 responded to Musqueam letter of 29-Feb-2016 asking Musqueam to reconsider its rejection of the VFPA's funding offer for marine shipping effects assessment. On 08-Mar-2016 Musqueam accepted the VFPA offer of funding for marine shipping effects assessment. Accordingly, on 11-Mar-2016 the VFPA sent a funding agreement which was signed by Musqueam on 15-Mar-2016. On 08-Apr-2016 responded to the remainder of Musqueam's funding requests of 28-Jan-2016 (leadership and staff costs, internal community meetings, EA and consultation technical support and ARIUS) with an offer of funding for leadership and staff costs. On 23-May-2016 Musqueam reiterated the need for ARIUS and consideration of cumulative effects on Musqueam Current Use. On 14-Jun-2016 Musqueam accepted the funding offer for leadership and staff costs as an interim measure for additional resources. Leading up to the Issues Workshops of 19-Jul-2016 and 12-Sep-2016, and RBT2 Community Open House of 21-Nov-2016, the VFPA agreed to cover Musqueam costs of hosting the events, to be payable upon receipt of invoice. Subsequently invoices were issued by Musqueam and paid by the VFPA. On 07-Jul-2016 responded to Musqueam letters of 23-May-2016 and 14-Jun-2016 reiterating its view that an ARIUS is not warranted given the two reports previously submitted by Musqueam for the Project, and its determination that assessment of cumulative effects has been completed and can be found in the EIS. Noted supplemental information on cumulative effects may be found in VFPA responses to IR-7.31.15-13 and AIR-12.04.15-13. Enclosed funding agreement. Musqueam signed the funding agreement on 15-Jul-2016. Met on 17-Jul-2017 and discussed Musqueam request for additional capacity funding sent 10-Jul-2017. The VFPA asked how Musqueam had utilised previous funding, noting the amount agreed to that is inclusive of items proposed in the recent request. The VFPA and Musqueam discussed agreed to activities per the consultation plan. The VFPA requested a separate item linked to deliverables and for scope to be provided for the requested studies; Musqueam to make revisions and send to the VFPA. **Addressed in EIS Section 32.0:**	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	documents such as the draft consultation plan. Expressed funding provided to date is inadequate based on what MFN has determined their needs to be and that the EA process has taken longer than expected; consultation activities are more numerous than expected. Requested funding for technical meetings, boat tours, legacy benefits discussions and comments, engagement and information sharing meetings, review of permits and information requests, ARIUS, cumulative impacts study. Indicated they would not be providing comments/input in writing until the 10-Jul-2017 request for additional capacity funding had been sorted out.		Requested Musqueam provide something to the VFPA showing how the amount agreed to in July 2016 had been spent to-date given the funding was intended to cover costs of consultation activities outlined in the recent request. Musqueam undertook to do so.	Presents assessment required by the *Updated EIS Guidelines* related to Aboriginal rights and Current Use. **Further information provided by the VFPA:** Refer to the response to MFN-6.23 in the table above regarding the different methods used to assess Current Use and rights.	
MFN-7.12	Requested a boat tour of the Project area. Stated that the boat tour is intended to show VFPA some areas of importance that have been traditionally and are currently used by Musqueam; purpose is information collecting, and to provide another way in which Musqueam can raise concerns regarding the Project. Information and concerns raised by Musqueam at the boat tour are not exhaustive; site visit is not intended for Musqueam to provide an impact statement or to suggest mitigation measures. Requested electronic copies of the materials provided in hard copy at boat tour. Requested second boat tour of the Project area for other representatives.	21-Apr-2017, Phone call 12-Jun-2017, Letter 13-Jun-2017, Phone call 16-Jun-2017, Meeting with Administrative Staff	**21-Apr-2017, Phone call:** Undertook to coordinate a boat tour of the Project area. **26-Apr-2017, Email from the VFPA:** Followed up on the recent phone call and request. Asked Musqueam to provide some options for preferred date/time and advise of the number of attendees expected. **15-May-2017, Email from the VFPA:** Discussed scheduling the boat tour for the week of 12-Jun-2017 with Musqueam. **28-May-2017, Email from the VFPA:** Requested a call to discuss and confirm plans for the boat tour planned for 12-Jun-2017. **07-Jun-2017, Email from the VFPA:** Requested Musqueam confirm attendees for the boat tour. **09-Jun-2017, Email from the VFPA:** Summarised logistics for the boat tour and provided a map showing pick-up and drop-off locations. **12-Jun-2017, Boat Tour:** Attended a boat tour of Roberts Bank with Musqueam. **13-Jun-2017, Email from the VFPA:** Provided electronic copies of materials from the boat tour and committed to help coordinate a second boat tour of the Project area. **20-Jun-2017, Phone call:** Confirmed plans for the second boat tour scheduled for 10-Jul-2017. **06-Jul-2017, Email from the VFPA:** Summarised logistics for the second boat tour and provided a map showing pick-up and drop-off locations.		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			10-Jul-2017, Boat Tour: Attended second boat tour of Roberts Bank with Musqueam.		
MFN-7.13	Requested a lunch and learn with staff on the topic of the Project.	21-Apr-2017, Phone call	**21-Apr-2017, Phone call:** Undertook to coordinate a lunch and learn on the Project. **26-Apr-2017, Email from the VFPA:** Followed up on the recent phone call and request. Asked Musqueam to provide some options for preferred date or time and suggested additional discussion to determine lunch and learn topics of interest to Musqueam. **08-May-2017, Email from the VFPA:** Discussed potential topics of interest (fish and fish habitat and mitigation such as eelgrass site) and scheduling the event in early June. Agreed to have the lunch catered by a Musqueam member, to be paid for by the VFPA. **13-Jun-2017, Email from the VFPA:** Stated that the Lunch and Learn is tentatively scheduled for 10-Jul-2017 and requested confirmation. **26-Jun-2017, Phone Call:** Discussed RBT2 consultation activities. Musqueam indicated preference to postpone the Lunch and Learn until September 2017; agreed to do so. **27-Jun-2017 Meeting:** Met with Musqueam and confirmed VFPA understanding of Musqueam preference to postpone the Lunch and Learn to September 2017. [Musqueam will inform the VFPA of when they would like to hold a Lunch and Learn].		
MFN-7.14	Stated that it is unreasonable, and at odds with meaningful consultation, to fire off information demand letters in regards to marine shipping. Stated that VFPA knows that Musqueam is constrained for capacity. Concerned with limitations associated with the timeline and budget for the Musqueam Marine Shipping Effects Assessment.	11-Dec-2015, Letter 20-Jun-2016, Meeting	**11-Dec-2015:** Recorded comment for consideration by the Project team. **20-Jun-2016, Meeting:** Acknowledged the timeline challenges. Stated that it's the VFPA's intention is to share the effects assessment, and incorporate Musqueam's comments into the document submitted. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	**Addressed in AIMSA – MFN and TWN, Appendix 2-B (#3):** The VFPA acknowledges the challenges associated with preparing additional information for the marine shipping effects assessment, and has extended timelines, in line with Musqueam's request, for opportunities to provide information or comments. The VFPA provided the Musqueam with the funding amount requested.	**AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests
MFN-7.15	Stated that Musqueam should be consulted on the high level not moderate level. Stated that the consultation approach sent to Musqueam must be revisited. Referenced case law along with Sparrow and stated that no other First Nation	11-Feb-2014, Letter to the CEA Agency (CEAR Document #155)	**05-Dec-2014, Letter from the VFPA:** Thanked Musqueam for meeting with the VFPA on 19-No-2014. Stated that the VFPA is writing to provide further responses to some of the requests you have made and the questions or concerns you have raised.	**Addressed in EIS Section 7.2:** The CEA Agency identified the Indigenous groups that may potentially be affected by the Project and listed them in the *EIS Guidelines*. The CEA Agency also determined the depth of the duty to consult with each Indigenous group, and Musqueam was consulted as part of this process. The CEA Agency identified Musqueam as requiring a "high" depth of consultation. As	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	should be assessed high other than Tsawwassen First Nation.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	[The VFPA] fully acknowledges and respects the critically important decision of the Supreme Court of Canada in Sparrow. We have read and absorbed the findings of the Court. We recognise the importance of this decision to Musqueam and we further recognise the importance placed by Musqueam on its fishing rights. [The VFPA] is also aware of and respects the many and various court decisions that have subsequently applied and expanded on the seminal decision in Sparrow. [The VFPA] wishes to meaningfully engage with Musqueam in order to fully understand Musqueam's perspective and views regarding (i) its Aboriginal rights, including title, (ii) potential impacts on those rights arising from the Project and (iii) potential means by which such adverse effects may be avoided, mitigated, or otherwise accommodated. In doing so, we are cognizant and respectful of the findings of the Supreme Court in the Sparrow decision. At the same time, [the VFPA] does not believe that engaging in extensive legal debate is conducive to a productive engagement process and/or healthy relationship-building. [The VFPA] does not control or dictate the requirements of the CEA Agency's process. To the contrary, [the VFPA] is subject to the regulatory requirements imposed on it by the CEA Agency and other regulators. However, [the VFPA] views the regulatory standards imposed on it as only the minimum requirements which must be met. There is no restriction on [the VFPA] and Musqueam agreeing to go above and beyond the minimum regulatory requirements. This is another reason that we would like to move beyond the legal debate and instead focus on a more substantive and concrete discussion around the Project, its potential impacts, and potential means to avoid, mitigate, or otherwise accommodate any potential impacts. We hope that you share our objective in this regard.	described in EIS Section 7.2 and EIS Appendix 7.2-A, the VFPA has consulted with Musqueam in the same fashion as Tsawwassen First Nation, which was also identified by the CEA Agency as requiring high consultation.	7.2.1.2 Identification of Aboriginal Groups Appendix 7.2-A Consultation Activities by Aboriginal Group

Table 8: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-8.1	Requested specific consideration to Sparrow as part of section 2.1i of the TOR.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The environmental assessment process is required to consider any potential project-related impacts to the exercise of your right to fish for food and for ceremonial purposes, and the Review Panel will accept information related to traditional knowledge. The Canadian Environmental Assessment Agency has guidance on the use and incorporation of Aboriginal traditional knowledge into the environmental assessment (EA) process available at: http://www.ceaaacee.gc.ca/default.asp?Lang=en&n=C3C7EOD3-1 &offset=&toc=hide"	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.2	Requested that section 3.2b of the TOR be edited to include that the Review Panel will ensure that the information that it uses when conducting the environmental assessment is made available to the public as well as to the Musqueam First Nation regarding the Sparrow accommodation measures.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The hearing process will be open to all interested parties, including the Musqueam. As part of the hearings process, the Musqueam are welcome to submit information to the Review Panel related to potential or established Aboriginal or Treaty rights and may suggest accommodation measures that may address potential impacts. The specific procedures for the hearings will be established by the Review Panel and will be made available in advance."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.3	Requested that section 3.2dii of the TOR be edited to include that the Review Panel will prepare a report with respect to the environmental assessment that sets out the accommodation measures regarding Sparrow (i.e. justification).	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "If the Musqueam choose to submit information to the Review Panel on suggested accommodation measures related to potential impacts to the established Aboriginal right to fish for food or for ceremonial purposes (Sparrow), the Review Panel will consider that information in their Review Panel Report as required under section 3.1 0 of the Terms of Reference."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.4	Asked who sets out parameters for Crown consultation and justification if the CEA Agency is not overseeing the Panel.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The Review Panel is a group of independent experts appointed by the Minister of the Environment to conduct the Environmental Assessment. Additional wording around the Review Panel's role in relation to Aboriginal consultation has been added to the Terms of Reference. Section 3.7, as follows: 'Through these Terms of Reference, the Review Panel is given the mandate to collect information on behalf of the Crown as outlined in Section 3.9 to 3. 11. The federal government maintains the duty to consult throughout the environmental assessment process and will be responsible for the items detailed in section 3.8, where necessary.' The Agency has the role of federal Crown Consultation Coordinator throughout the Review Panel process. Additional information on the specifics of the steps related to this review panel can be found in the "Roberts Bank Tenninal2 Process Steps Handout". gc.ca/050/documents/p80054/1 00182E.pdf	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			and the "Review Panel and Aboriginal Consultation Process Diagrams Handout" http://www.ceaaacee.gc.ca/050/documents/p80054/1 00179E.pdf. Please see the letter the Agency sent to the Musqueam on January 23, 2015, for the Crown's view on justification in the context of the EA process.		
MFN-8.5	Requested that "knowledge of Aboriginal and treaty rights regarding section 35 of the constitution and subsequent case law" be added to section 4.1 of the TOR.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "Musqueam are welcome to submit potential panel candidates to the Agency. Panel Members must be unbiased and free from conflict of interest relative to the Project, and have knowledge or experience relevant to its potential environmental effects. Please provide suggested names and CVs to Debra Myles or contact Candace Anderson for further information.	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.6	Requested that "and determine if the proponent has completed due diligence regarding section 35" be added to the TOR.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The purpose of the Agency's completeness review is not to determine if the proponent has completed the requirements for consultation at this point in the process. The completeness review is to confirm that the information identified in the Environmental Impact Statement (EIS) guidelines (available here: http://www.ceaa-acee.qc.ca/050/documents/p80054/97463E.pdf) has been provided by the Proponent in the EIS. The EIS Guidelines require the proponent to include information related to potential impacts on Aboriginal rights. The Agency will make the EIS available for a review and comment period.	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.7	Requested that section 4.0 of the TOR include adequate time to review and comment on the EIS.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The Review Panel will conduct the EIS sufficiency review, which will include a comment period, following its appointment.	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.8	Requested that section 4.12 be added to include "and if indicated or requested conduct a First Nations hearing." Stated that the review panel will allow additional time for First Nations to respond to the EIS where necessary.	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The Review Panel will determine and issues its procedures for the sufficiency review and the public hearing. The Review Panel shall, where practicable, hold the public hearing sessions in the area(s) closest to the Project, including Aboriginal communities, to provide convenient access for potentially affected Aboriginal groups and local communities. The timeframes set out for comment periods by the Review Panel are at their discretion. The Review Panel must provide a fair and equitable process for all parties.	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.9	Requested that section 4.19 also include "including section 35 consultation requirements regarding First Nations rights."	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The Review Panel may request the services of independent non-government experts to provide advice on any issue within its Terms of Reference, including issues that relate to Aboriginal rights."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.10	Requested that section 4.21 also include "if requested and	19-Sep-2014, Letter to the	**24-Apr-2015, Letter from the CEA Agency:**	**Additional information provided by the VFPA:**	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	where necessary a First Nation can submit information."	CEA Agency (CEAR Document #129)	"The Review Panel is expected to conduct the environmental assessment in a fair manner. The Review Panel may provide an opportunity for all participants to review and comment on the information that is requested by the Review Panel or is otherwise submitted."	The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.11	Requested that section 4.22 and 4.23 also include "public and First Nations hearings."	19-Sep-2014, Letter to the CEA Agency (CEAR Document #129)	**24-Apr-2015, Letter from the CEA Agency:** "The Review Panel will determine and issue its procedures for the sufficiency review and the public hearing. The Review Panel shall, where practicable, hold the public hearing sessions in the area(s) closest to the Project, including Aboriginal communities, to provide convenient access for potentially affected Aboriginal groups and local communities."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-8.12	Stated that the Proponent should refer and consult the updated guidance on the use of Aboriginal Traditional Knowledge in *CEAA 2012.* Stated that the Proponent refers to the 2013 archived version. Proponent should refer and consult the updated guidance on assessing physical and cultural heritage or on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance. In the EIS, the Proponent refers to the 2014- archived version. Requested details on Proponent's use of the consultation to the following documents: 1. "Reference Guide Considering Aboriginal Traditional Knowledge in Environmental Assessments Conducted under the *Canadian Environmental Assessment Act, 2012*" (March 2015) 2. Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archaeological, Paleontological or Architectural Significance under the *Canadian*	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item as it is more appropriately considered through the Panel's sufficiency review. However, the Agency did provide some additional direction to VFPA in its cover letter to IRs on July 31, 2015. The following wording is found on page 2: "As the process proceeds, Port Metro Vancouver [the VFPA] is required to consult updated or new policy and guidance from the Agency and federal or other authorities on topics to be addressed, and to apply these directives, as appropriate, into the environmental assessment. For example, the following Agency guidance documents were updated in March 2015: • Operational Policy Statement - Assessing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, 2012 • Operational Policy Statement - Addressing "Purpose of" and "Alternative Means" under the *Canadian Environmental Assessment Act, 2012* • Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archaeological, Paleontological or Architectural Significance under the *Canadian Environmental Assessment Act, 2012* • Reference Guide Considering Aboriginal Traditional Knowledge in Environmental Assessments Conducted under the *Canadian Environmental Assessment Act, 2012*."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Environmental Assessment Act, 2012 (March 2015)				
MFN-8.13	Stated that in section 6.2 of EIS, another section should be added 'other regulatory considerations' that refers to R. vs Sparrow (1990) as well as related fishery agreements between Musqueam and DFO. (e.g., Comprehensive Fisheries Agreement between DFO and Musqueam First Nation).	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item as it is more appropriately considered through the Panel's sufficiency review. The Crown is open to hearing about potential impacts to all potential or established rights from Musqueam including any opportunities to minimize or avoid any potential impacts from the proposed project. Musqueam is encouraged to ensure the Panel is aware of your concerns in this regard."		
MFN-8.14	Requested that the Panel now take concrete steps to issue the information requests and direct the Proponent to provide the missing information and analysis referenced in this submission.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following information.	**Additional information provided by the VFPA:** The independent review panel for the Project began issuing information requests to the VFPA on September 28, 2016 with the issuances of Information Request Package 1 (CEAR Document #557). As of August 1, 2018, the VFPA has received 13 information request packages from the Review Panel which total 349 individual information requests. These information requests seek additional information or clarification on information presented in the EIS and MSA.	
MFN-8.15	Recommended that the Panel build upon the Crown's August 31, 2016 requests for additional information that…represent a step beyond what the Proponent to date has been willing to undertake in terms of an appropriate assessment of Project interactions with, and Project-specific and cumulative effects on, Musqueam's rights-based practices.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA understands that this comment is directed to the Panel.		
MFN-8.16	Urged the Panel to require that this supplemental information and analysis be filed by the Proponent prior to finding the EIS sufficient to initiate the panel hearing phase of this EA.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA understands that this comment is directed to the Panel.		
MFN-8.17	Asked for updates on the review process and timelines for the Project.	12-Jun-2017, Roberts Bank Boat Tour #1	**12-Jun-2017, Boat Tour:** Responded with an update on the IR process, upcoming IR packages that are expected and the expectation of a public comment period before the panel hearings.	**Additional information provided by the VFPA:** Additional information concerning the environmental review of the project, including timelines and public comment periods, are updated on the CEA Agency-maintained project Registry: http://www.ceaa-acee.gc.ca/050/evaluations/proj/80054.	

Table 9: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-9.1	Interested in the effectiveness of the Deltaport Third Berth project (DP3) mitigations, and information generated as part of the adaptive management strategy. Asked whether caisson fish refugia was used for DP3 and if so, whether it was effective.	30-Sep-2013, Meeting with Administrative Staff 07-Oct-2014, Preliminary EIS Results Workshop #1	**30-Sep-2013, Meeting:** Recorded comment for consideration by the Project team. **18-Oct-2013, Meeting with Musqueam:** Provided Musqueam with the Adaptive Management Strategy annual reports for DP3 on a USB stick. **07-Oct-2014, Workshop:** Responded that fish refugia were created for DP3 and in the caisson structures of some of the inner harbour terminals as well. Explained that as potential mitigation measures are identified for RBT2, the VFPA will have to determine their efficacy. It was noted that fish refugia has been used before, and is particularly good for some species, and less so for others. Past projects have used adaptive management and monitoring programs to determine efficacy. At this point, fish refugia is one of a few preliminary concepts, and as the Project moves forward the VFPA will consider which ones best meet the offsetting requirements of the Project. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **17-Jul-2017, Meeting:** The VFPA met with Musqueam First Nation to discuss the proposed Follow-up Program for RBT2 and lessons learned from DP3.	**Additional information provided by the VFPA:** Caisson refugia were installed at Deltaport to improve habitat complexity and enhance fish migration and feeding behaviour. Post construction monitoring is being conducted and results are reported in the Adaptive Management Annual Reports. **Addressed in EIS Appendix 7.2-B (#32):** Onsite habitat selection considered lessons learned from previous habitat creation programs (e.g., DP3). The effectiveness monitoring reports for DP3 increased the understanding of the successes and challenges of previous habitat projects. The VFPA publishes annual reports on the Adaptive Management Strategy for DP3, which are available on VFPA's website: https://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/. An adaptive management approach will be taken as indicated in EIS Section 33.5 RBT2 Follow-up Program. **Addressed in IR10-11:** The VFPA's response to Information Requirements #IR10-11 as requested by the Review Panel describes how Indigenous groups will be involved in the development, implementation and management of the RBT2 follow-up program.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
MFN-9.2	Requested a detailed description of contractor contingency plans to address accidents and malfunctions. Requested a rationale for why Aboriginal groups are excluded from consultation in all but two of the proposed Construction Environmental Management Plan sub-plans, or reconsider. Stated that Musqueam expects that Section 33 of the final EIS will include more detail on proposed Construction Environmental Management Plans.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review. However, the Agency notes, in its cover letter to Port Metro Vancouver [the VFPA] on July 31, 2015, that the "assessment of the potential environmental effects of the Project and the measures to mitigate those adverse effects will develop as the environmental assessment proceeds." As such, Musqueam is encouraged to express these concerns to the panel during its sufficiency review for further discussion."	**Addressed in EIS Section 33.2:** To ensure their alignment with all required Project permits, any conditions of approvals, final designs, finalised construction or operation approaches, and site-specific considerations, the Project's EMPs are necessarily developed and finalised nearer to the start of the construction and operation phases. Feedback on applicable Environmental Management Plan sub-plans will be solicited from Indigenous groups potentially affected by the Project. **Addressed in Response to IR10-12:** The VFPA's response to IR10-12, as requested by the Review Panel, further discusses how potential environmental effects during construction and operation on current use, cultural heritage, health and safety of Indigenous peoples are addressed.	**EIS** 33.2 Environmental Management Plans **Information Requests** Response to Sufficiency Information Request #12 (IR10-12)
MFN-9.3	Stated that more details on a Proponent-proposed follow-up plan ("the RBT2	15-Jun-2015, Letter to the CEA Agency (CEAR	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a	**EIS** 33.5 Follow-Up Program **Information Requests**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Follow-up Program document") is required. Stated that the current document provided in place of a Follow-up Program is a very preliminary, high-level document, "Proposed Draft Follow-up Program Elements" that falls short of a clearly detailed follow-up plan or program document. Stated that this document must include the role of Musqueam in development and implementation of follow-up measures. Interested in the Adaptive Management Program proposed for RBT2 and its methodology.	Document #241) 16-Jun-2017, Meeting with Administrative Staff	determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review. However, the Agency did provide some additional direction to VFPA in its cover letter to on July 31, 2015. The following wording is found on page 3: "A follow-up program is designed to verify the accuracy of the effects assessment and to determine the effectiveness of the measures implemented to mitigate the adverse effects of the project. The assessment of the potential environmental effects of the Project and the measures to mitigate those adverse effects will develop as the environmental assessment proceeds. Port Metro Vancouver [The VFPA] is advised to apply the applicable requirements of section 11.4 of the EIS Guidelines to each adverse environmental effect prediction to verify its accuracy and evaluate each mitigation measure to determine its effectiveness. These components of the follow-up program are then to be carried forward as commitments of the proponent." **16-Jun-2017, Meeting:** Recorded comment for consideration by the Project team. **17-Jul-2017, Meeting:** The VFPA met with Musqueam First Nation to discuss the Follow-up Program. The Program includes an Adaptive Management Strategy. The VFPA is seeking input from Musqueam First Nation on the Follow-up Program.	Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Addressed in IR10-11:** The VFPA's response to Information Requirements #IR10-11 as requested by the Review Panel describes how Indigenous groups will be involved in the development, implementation and management of the RBT2 follow-up program.	Response to Sufficiency Information Request #11 (IR10-11)
MFN-9.4	Requested a clear description of other technically and economical feasible mitigation measures and why they were rejected.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information regarding mitigation measures in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 6, #12)."	**Addressed in Response to IR-7.31.15-12:** Provides a discussion of mitigation measures considered by the VFPA, including those considered and rejected.	**Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314)
MFN-9.5	Stated that the two forms of mitigation proposed in the MSA have been left undefined as little more than a plan to consult on developing a plan: • "Consultation on the development of a potential marine shipping activities communication plan"	23-May-2016, Letter 15-Sep-2016, Email	**07-Jul-2016, Letter from the VFPA:** With respect to the Musqueam conclusions noted in the Implications of MMSEA to the MSA to the EIS (MSA) section of your letter, we welcome further discussion with respect to your concerns related to the understanding of current context of CULRTP, and the evaluation of efficacy of proposed mitigations. We would be happy to discuss Musqueam's perspectives and ideas in relation to the marine shipping activities communication plan and measures that would be aimed at reducing the impact of the international shipping lanes to fishing by Indigenous groups. We value Musqueam's input and are of the view	**Addressed in Response to IR-7.31.15-12:** Explains how the mitigation measures proposed in the EIS are meant to reduce significance, and discusses the anticipated effectiveness of the proposed mitigation measures. As noted in that response, combined with other mitigation measures proposed for the potential effect, this mitigation is anticipated to be effective.	**AIMSA – MFN and TWN** 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.4 Suggested Mitigation Measures **Information Requests** Response to Information Request #12 (IR-7.31.15-

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	• "Consultation with the affected Aboriginal groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Aboriginal groups" Stated that a "plan to consult to make a plan" is not proper mitigation as the potential efficacy of such undefined measures are impossible to determine. Stated that Musqueam avoidance of large vessel traffic areas, and/or evasive manoeuvres to avoid collisions with large vessels or associated wake from large vessels is not just a form of mitigation to avoid accidents and collisions, but also a residual adverse effect of diminishment of harvesting opportunities. Disagreed with characterization of yet-to-be-defined mitigation as highly effective for addressing stated residual effects, i.e. Stated that the proposed mitigation of 'safety communications' cannot constitute a form of effective mitigation against the diminishment of opportunity on the behalf of Musqueam fishers to exercise their right to fish as a result of increased shipping traffic in harvesting areas.		that by working together in the development of mitigation measures, the process and the mitigation itself is enhanced. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed an excerpt from the AIMSA (Appendix 2-B Aboriginal Issues and Interests) showing your September 15, 2016 comments on the final draft AIMSA and the VFPA's response to those comments. "The VFPA is confident in the effectiveness of the suggested mitigation measures described in the AIMSA, but has noted Musqueam's views on these suggested measures in Section 7.4. These measures are the same as those described in the MSA. By way of this comment, the VFPA notifies the CEA Agency and the Review Panel of Musqueam First Nation's views on the suggested mitigation measures."		12 of CEAR Document #314)
MFN-9.6	Stated inappropriate use of "future discussions" as full successful mitigation for adverse displacement	23-May-2016, Letter & Musqueam Marine	**23-Nov-2016:** Recorded comment for consideration by the Project team.	**Addressed in Response to IR-7.31.15-12:** Explains how the mitigation measures proposed in the EIS are meant to reduce significance, and discusses the anticipated effectiveness of the proposed mitigation measures. As noted in that response, combined with	**Information Requests** Response to Information Request #12 (IR-7.31.15-

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	effects of the Project on Musqueam Current Use of Lands and Resources for Traditional Purposes (i.e., crab harvesting): • Using a methodologically unsound practice, the Proponent has treated its own yet-to-be determined or defined proposal for "future discussions" related to accommodation/compensation measures, as a form of mitigation that the Proponent suggests would, sight unseen, offset all adverse residual effects on Musqueam CULRTP (and related rights-based practices. This is an unacceptable approach to both the conduct of an EA and the assessment of adverse impacts of the Project on Musqueam rights and title, and therefore constitutes a serious gap in the EIS.	Shipping Effects Assessment 03-Nov-2016, Letter to Panel (CEAR Document #776)		other mitigation measures proposed for the potential effect, this mitigation is anticipated to be effective.	12 of CEAR Document #314)
MFN-9.7	Suggested a smartphone app be developed to allow activities, such as hauling the traps, to take place when the area is not being used by ships at the Terminal and would not cause a navigation hazard; noted could also be used to police and monitor the activities going on to reduce violations currently happening. Suggested a light-notification system at the top of the Terminal	23-Feb-2017, Meeting with Community Members / Commercial Crabber and MFN Staff re: crabbing	**23-Feb-2017, Meeting:** Recorded comment for consideration by the Project team. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review.	**Additional information provided by the VFPA:** Beyond the mitigation measures suggested in the EIS and MSA, the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area. **Addressed in Response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation.	**Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	similar to the new ferry terminal at Baines Sound on Denman Island as a way of signally when a ship is at the Terminal.		Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation.	
MFN-9.8	Requested that the following be documented collaboratively with the Indigenous Group: a. any mitigation or accommodation measures identified by Musqueam to address any potential impacts to the exercise of rights identified by Musqueam; b. Musqueam views on the potential effectiveness of a marine shipping communications plan to address Musqueam's concerns relating to its members' navigation in and through shipping lanes for fishing and access to use sites c. Musqueam views on the economic effects of any potential impacts to the Musqueam's exercise of rights.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 7.0:** The VFPA has engaged with the Indigenous groups listed in the *Updated EIS Guidelines* to obtain their views with respect to the Project, potential effects associated with the Project, and measures to mitigate potential effects associated with the Project. Consultation and engagement activities are described in EIS Section 7.0. **Addressed in Response to IR7-31:** The VFPA's forthcoming response to IR7-31, as requested by the Review Panel, provides a summary of the views of Indigenous groups in relation to the proposed mitigation measures that were considered in the preparation of the EIS for each biophysical valued component, including views about offsetting.	**EIS** 7.0 Engagement and Consultation **Information Requests** Response to Sufficiency Information Request #31 (IR7-31)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-9.9	Requested Report on Effectiveness of Existing Mitigations: The Proponent must submit a supplementary document that collates and presents an analysis of the most recent monitoring data regarding the effectiveness of existing mitigation measures to address adverse effects of previous phases of the Roberts Bank/Delta Port terminal complex. Requested the annual and final reports for the DP3 AMS program.	03-Nov-2016, Letter to Panel (CEAR Document #776) 17-Jul-2017, Follow-up Program Workshop – MFN	The VFPA has reviewed this letter and provides the following additional information. **18-Oct-2013, Meeting:** Provided Musqueam with the Adaptive Management Strategy annual reports for DP3 on a USB stick. **17-Jul-2017, Meeting:** The VFPA met with Musqueam First Nation to discuss the proposed Follow-up Program for RBT2 and lessons learned from DP3. **18-Jul-2017, Letter from the VFPA:** The VFPA sent a USB to Musqueam containing electronic versions of DP3 AMS Annual Reports, SAC Responses to DP3 AMS Annual Reports, and DP3 AMS Final Report.	**Addressed in Response to IR-7.31.15-12:** Explains how the mitigation measures proposed in the EIS are meant to reduce significance, and discusses the anticipated effectiveness of the proposed mitigation measures. The VFPA has published annual monitoring reports on the Adaptive Management Strategy for DP3, which are available on VFPA's website: http://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/. **Addressed in Response to IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, discusses the effectiveness of the DP3 AMS and how lessons learned from the experience may inform the RBT2 Follow-Up Program.	**Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314) Response to Sufficiency Information Request #11 (IR10-11)
MFN-9.10	Concerned that ongoing or follow-up monitoring would be undertaken by VFPA, evaluating its own project which would be a conflict. Requested third party involvement so it would be unbiased.	17-Jul-2017, Follow-up Program Workshop – MFN	**17-Jul-2017, Workshop:** Responded that DP3 provides a good example; an independent Scientific Advisory Committee (SAC) was established, over which the VFPA had no influence. Its purpose was to determine if the Adaptive Management Strategy (AMS) met the requirements of its terms of reference. Responded that Dr. Sutherland was one of the SAC members and undertook to follow-up with the names of the other members. Responded that members of the SAC were selected by DFO and government.	**Additional information provided by the VFPA:** A Scientific Advisory Committee (SAC) was established by the VFPA and Environment Canada in the spring of 2007 as a means to provide independent scientific and technical advice to the VFPA, and upon request to Environmental Canada, in relation to the implementation of the Adaptive Management Strategy (AMS). The SAC met several times per year to review quarterly reports, discuss annual reports with consultants, and carry out field excursions to observe the ecosystem first-hand. The SAC reviewed the monitoring data presented in the annual reports to determine if any emerging trends were taking place in the inter-causeway ecosystem in relation to DP3 construction. On occasion, a member of SAC met with various public bodies interested in the development of DP3. Part of SAC's mandate was to help steer the 'adaptive' part of the AMS process. Modifications to the AMS along with corresponding rationales were provided in the annual reports. (source: https://www.portvancouver.com/wp-content/uploads/2015/10/Final-SAC-letter-2014-Annual-Report-Nov-3.pdf) **Addressed in Response to IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation and management of the RBT2 follow-up program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)

Table 10: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-10.1	Stated that adverse health outcomes due to changes in food security and food sources is of significant concern, which is not reflected by the determination of significance in the presentation.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**19-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#127):** An assessment was conducted to determine potential Project-related effects on human health. The assessment was carried out using both a quantitative human health risk assessment and a qualitative health impact assessment and considered: • Exposure to air emissions; • Exposure to noise and vibration; • Exposure to shellfish contamination; • Stress and annoyance; • Employment and income; • Food security, including potential changes in availability of traditional food; and • Health inequity, referring to the distribution of Project-related risks and benefits. The sub-component of health inequity assessed potential effects related to unequal distribution of Project-related benefits and Project-related adverse effects. The sub-components of stress and annoyance and employment and income assessed factors related to mental wellbeing. The rationale for selection of VC subcomponents and indicators is provided in the EIS. The human health assessment concludes that: • The Project is not expected to result in any significant adverse effects on human health. Incremental adverse cumulative effects to human health are expected to be negligible. • Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of environmental management plans and additional mitigation measures. • The Project would result in measurable residual effects for exposure to air emissions during construction and exposure to noise during construction and operation. • Mitigation is expected to reduce all other residual effects to a negligible (i.e., not measurable) level. **Addressed in IR13-14:** The VFPA's forthcoming response to IR13-14 will further discuss the assessment of food security.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Information Requests** Response to Sufficiency Information Request #14 (IR13-14)
MFN-10.2	Concerned that employment opportunities do not equate to an improved effect from the Project because the subsistence ability (to fish, to gather) is reduced.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**19-Nov-2014, Workshop:** Stated that there will be employment opportunities created as part of the Project and some people will directly benefit from the creation of jobs. There will also be those people that live close to the Project area that may experience adverse effects (i.e., noise). In the EIS, it is predicted that there will be a small increase in health inequity. Several studies have shown a relationship between income, employment and health. People who have good jobs, higher income, and work under better conditions are likely to experience improved health outcomes. People with low income or with no job or who have very unsafe jobs typically experience poorer health outcomes. Any additional information you could provide with regard to cultural context would be appreciated.	**Addressed in EIS Appendix 7.2-B (#130):** As discussed throughout EIS Section 27.0, the Project is expected to result in both positive effects (such as economic benefits) and adverse health effects (such as potential effects on cultural activities such as subsistence food harvesting), and the distribution of these effects may vary across population groups. This raises the concept of health inequity: the extent to which the distribution of positive and adverse health effects is fair and equitable. Concerns related to health inequity are addressed in the human health effects assessment; however, the assessment of potential effects on health inequity does not rank the relative importance of the various determinants of health (e.g., purchasing power and cultural activities). Cultural aspects related to subsistence gathering are considered in EIS Section 32.2 Current Use of Land and Resources for Traditional Purposes.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health 27.6.5 Potential Effect #4 – Adverse Health Outcomes due to Changes in Health Inequity 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			01-Apr-2015, Letter from the VFPA: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in IR13-15:** The VFPA's forthcoming response to IR13-15 will further discuss the assessment of health inequity within the human health assessment.	32.2 Current Use of Land and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #15 (IR13-15)
MFN-10.3	Requested a health effects assessment in a disaggregated fashion, separating out effects on Aboriginal and non- Aboriginal sub-populations and considering effects on each affected First Nation.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested that Port Metro Vancouver [the VFPA] provide an "assessment of effects of the Project on human health in a manner that differentiates between Aboriginal and non-Aboriginal people" in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 13, #28)."	**Addressed in EIS Sections 27.0 and 32.2:** EIS Sections 27.0 and 32.2 address potential effects of the Project related to human health. Within the human health section, information is presented separately for both Indigenous and non-Indigenous populations, for both existing conditions and for effects of the Project on human health, except where those distinctions are not practical. Within the Current Use section, all information is pertaining to Indigenous populations. **Addressed in Response to IR-7.31.15-28:** Provides further summary information in Table IR28-1 Summary of Health Effects Assessment for Indigenous and non-Indigenous people and summarises how the relevant EIS sections address differential conditions and effects between the Indigenous and non-Indigenous populations, and provides a rationale for why aspects may be presented together for those instances in which a distinction is not made.	**EIS** 27.0 Human Health 32.2 Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314)
MFN-10.4	Concerned over the human health consequences of consuming seafood from the Fraser River and the Salish Sea as levels of pollution have mounted.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 27.0:** Human health risks associated with the gathering and consumption of edible shellfish from the Roberts Bank area were formally evaluated using a quantitative HHRA approach. Overall, it is concluded that there is negligible potential for human health effects from the construction or operation of RBT2 based on toxicological risks associated with marine shellfish consumption.	**EIS** 27.0 Human Health Appendix 27-C Shellfish Harvesting Potential and Contaminant-Related Consumption Risks at Roberts Bank

Table 11: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-11.1	Stated that habitat changes could reduce ability to harvest aquatic resources.	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.0:** Considers the results of effects assessments of potential Project and cumulative effects on marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, marine commercial use, outdoor recreation, visual resources, land and water use, human health and archaeology and heritage resources, the ongoing productivity of commercial, recreational and Indigenous fisheries, as well the assessment of potential changes to air quality, noise and vibration, light and the assessment of potential accidents or malfunctions. The current use effects assessment considered potential effects on: • Access to preferred current use locations; • Availability of preferred current use resources; • Quality of preferred current use resources; and • Quality of current use experience Following implementation of the mitigation summarised in the EIS Section 32.2.7, adverse residual Project-related effects are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.7 Mitigation Measures
MFN-11.2	Requested information regarding restricted fishing areas within the Deltaport area.	06-Aug-2014, Meeting	**06-Aug-2014, Email from the VFPA:** The VFPA provided a map, "Roberts Bank Navigational Closure." This map showed the navigation closure area where no commercial crab fishing is permitted. **22-Aug-2014, Meeting:** The VFPA also met with Musqueam staff and a Musqueam crabber on 22-Aug-2014 and provided a map showing the current navigational closure for commercial crab harvesting, the current navigational closure for recreational crab harvesting, and the proposed navigational closure expansion for crab harvesting during construction and operation.	**Additional information provided by the VFPA:** EIS Section 21.0 discusses commercial seafood harvesting in the Project area. Figure 21-6 Commercial Crab Harvesting Activity Areas and Navigational Closure Area and Figure 21-8 Proposed Navigational Closure Expansion.	**EIS** 21.0 Marine Commercial Use Figure 21-6 Commercial Crab Harvesting Activity Areas and Navigational Closure Area Figure 21-8 Proposed Navigational Closure Expansion
MFN-11.3	Asked how a residual effect can be determined not to be significant when the Project will displace 19 licensed crab harvesters.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Responded that there are 19 licence holders in that particular area that could be displaced. Stated that if there is a need to relocate just outside of a closed area, it will be a relatively small amount of licence holders that would have to be relocated to another harvesting area. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders.	**Addressed in EIS Appendix 7.2-B (#120):** In the Marine Commercial Use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine-based activity or potential; • The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect (related to the displaced crab harvesters) is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	Use are expected to be negligible (EIS Section 32.2.8). Detailed assessment in EIS Section 12.0. **Addressed in Response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation.	24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Current Use of Land and Resources for Traditional Purposes, Future Conditions with the Project – Potential Project-related Effects 32.2.7 Current Use of Land and Resources for Traditional Purposes, Mitigation Measures Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context **Information Requests** Response to Information Request #34 (IR7-34 of CEAR Document #1172)
MFN-11.4	Asked whose responsibility it is to propose and implement mitigation measures for crab harvesting.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Stated that measures would involve the VFPA in collaboration with the commercial crab harvesting sector, and commercial crab license holders. A number of management plans will be developed. Stated that there will be more detail as the assessment progresses and the Project moves forward. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS, and • Additional crab harvesting related mitigation measure suggestions under review.	**Addressed in EIS Section 21.0:** Mitigation measures proposed by the VFPA to address biophysical effects on marine invertebrates are outlined in EIS Section 12.0 Marine Invertebrates, and include timing of dredging activities to minimise direct mortality and physical injury effects of construction activities, salvaging Dungeness crabs where possible prior to dredging, infilling containment dykes, and storing sand at the intermediate transfer pit (ITP), as described in the Marine Species Salvage Plan (EIS Section 33.3.12 Environmental Management Program, Marine Species Salvage Plan). In addition, as part of the Construction Environmental Management Plan (EMP), VPFA will inform marine commercial operators about the nature, location, status, and progress of construction work through a communications plan (EIS Section 33.3.16 Communications Plan). In addition to mitigation measures specified in the above EIS sections, PMV [the VFPA] will work with DFO to ensure that consultation with commercial crab harvesters and Indigenous groups is undertaken to: • Communicate timing and spatial area of proposed navigational closure expansion for commercial crab harvesting; • Communicate access restrictions and procedures for maintenance of safety for commercial crab harvesting activity; and • Provide a process for commercial crab harvesters and Indigenous groups to ask questions and submit concerns about the proposed navigational closure expansion and associated displacement of commercial crab harvesting.	**EIS** 12.7 Marine Invertebrates 21.0 Marine Commercial Use 33.0 Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	Where identified and agreed upon through this consultation process, VPFA will work with DFO and commercial crab harvesters and Indigenous groups to implement additional mitigation measures to address effects from displacement of commercial crab harvesting associated with the proposed navigational closure expansion during construction and operation.	
MFN-11.5	Concerned that the environmental assessment does not properly capture commercial fisheries, communal FSC fisheries in the assessment. Noted that protection of FSC resources is a priority for Musqueam. Requested that the commercial fishery and an economic opportunity under an Aboriginal Fishing Strategy (AFS) agreement be separated in the EIS. Stressed that it is not a commercial fishery if it's an AFS economic opportunity. Noted that economic opportunity is an FSC license where you're allowed to sell, so the context is flawed if economic opportunity numbers are included with commercial numbers as the primary data. It is explained that even though the license may be economic opportunity, sometimes the fish is just being taken home to eat (not to sell).	03-Jul-2014, VCs Workshop #2 29-Oct-2014, Preliminary EIS Results Workshop #4 19-Jul-2016, Issues Workshop - MFN / TFN #1	**03-Jul-2014, Workshop:** Recorded comment for consideration by Project team. **29-Oct-2014, Workshop:** Stated that data was gathered on individual communal licence holders. It is understood to be an economic opportunity. This discussion focuses mainly on commercial fisheries. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **19-Jul-2016, Workshop:** In the context of the EIS, the VFPA took FSC to mean a communal license, including regular FSC licenses, limited participation licenses, and licenses with allowance for sale (economic opportunity licenses). The VFPA used "FSC" to mean these three types of licenses. Responded that the data gathered in the effects analysis and Marine Commercial Use assessment was focused on the commercial fisheries. Data on the FSC side were considered in more detail in the current use assessment for the EIS. Effort was made to separate out the analyses to make sure any contrasts between commercial and FSC fisheries were reflected. It was explained that the VFPA took FSC to mean a communal license, including regular FSC licenses, limited participation licenses, and licences with allowance for sale ("EO" licenses); the VFPA used "FSC" to mean these three types of licenses. The VFPA acknowledged in the EIS that, for Tsawwassen First Nation, "domestic" is the equivalent terminology to FSC. Domestic and FSC harvesting were considered in the current use section.	**Addressed in EIS Appendix 7.2-B (#118):** The Marine Commercial Use effects assessment includes commercial marine fish and seafood harvesting, including activities under communal commercial licenses held by Indigenous groups. Fish and seafood harvesting for food, social, ceremonial and domestic purposes (as per the AFS) by Indigenous groups are considered in EIS Section 32.0. **Addressed in EIS Appendix 7.2-B (#186):** It is the VFPA's understanding that Musqueam First Nation has an established right to fish for food, social, and ceremonial (FSC) purposes in Canoe Passage pursuant to R. v. Sparrow [1990], 1 S.C.R. 1075 and it is included as an information source with respect to Musqueam rights and interests. The VFPA further understands that Musqueam also assert an Aboriginal right to fish for FSC purposes over a broader area than Canoe Passage. Potential impacts of the Project on Musqueam's established Aboriginal right to fish for food, social and ceremonial purposes (pursuant to Sparrow) are addressed in the EIS, specifically within EIS Section 32.0, separately from potential effects to other Indigenous groups. **Addressed in Responses to IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 21.0 Marine Commercial Use 21.5.2 Aboriginal Commercial Fishing and Seafood Harvesting 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-Related Effects **Information Requests** Response to Sufficiency Information Request #6 (IR10-06) Response to Sufficiency Information Request #13 (IR10-13)
MFN-11.6	Concerned that data utilized for the marine commercial fishery section is not accurate, as commercial and sport fishers never report catch properly and DFO does not properly enforce reporting requirements.	30-Jan-2015, Meeting	**30-Jan-2015, Workshop:** Responded that this feedback would be included in the EIS Appendix 7.2-B. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#103):** The assessment of ongoing productivity of commercial, recreational, and Indigenous fisheries focuses on Project-related effects on the productivity of species and habitats that support these fisheries. Results of this assessment were considered in the assessments of marine commercial use, outdoor recreation, human health, and Current Use. Further detail on the rationale for the scope, methods and information sources used in the CRA Fisheries assessment is provided in the EIS. **Addressed in EIS Appendix 7.2-B (#109):**	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2 Selection of Ongoing Productivity of Commercial,

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				Regulation and management of these fisheries occurs through the *Fisheries Act*, and is enforced by DFO. **Addressed in EIS Section 21.3.3:** Limitations to DFO's recreational and commercial fish and seafood harvesting data are described in EIS Sections 21.3.3 and 24.3.3. To supplement DFO data and further support these assessments, information on recreational and commercial fish and seafood harvesting was obtained through other secondary sources and through interviews with representatives from the commercial fish and seafood harvesting sector, DFO, B.C. Coastal Pilots, and Indigenous groups.	Recreational, and Aboriginal Fisheries Valued Component 16.4 Information Sources 16.5 Existing Conditions 16.6 Future Conditions with the Project 21.0 Marine Commercial Use 21.3.3 Administrative Boundaries 24.0 Outdoor Recreation 24.3.3 Administrative Boundaries

Table 12: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-12.1	Concerned about Project impacts to Musqueam access and rights to fish within the area. Requested information on the construction, staging and storage facilities, including a diagram of the shipping routes for construction materials, expressing concern that they could impede further into the fishing area.	16-Jul-2013, Meeting 30-Aug-2013, Meeting 19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**16-Jul-2013, Meeting:** Recorded comment for consideration by the Project team. **30-Aug-2013, Meeting:** Recorded comment for consideration by the Project team. **19-Nov-2014, Meeting:** Committed to providing a response at a later date, to the extent that information becomes available. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **19-Jul-2016, Issues Workshop - MFN / TFN #1:** Discussed concerns regarding marine fish (salmon, eulachon) and sought to better understand concerns.	**Addressed in EIS Appendix 7.2-B (#77):** Existing infrastructure at Roberts Bank, including the existing Roberts Bank terminals, are described in the EIS. The contribution of this infrastructure to existing conditions is considered, as appropriate, for each VC, including marine fish. The following are highlights of the marine fish assessment: • Overall, marine fish are expected to experience a minor decrease in productivity with the Project. • Minor decreases in productivity resulting from direct mortality and disturbance from underwater noise during Project construction, and permanent loss of subtidal sand habitat associated with the terminal footprint, can be partially mitigated through the implementation of environmental management plans and the creation of habitat. • Residual effects are anticipated for flatfish and forage fish as a result of subtidal sand habitat loss and underwater noise. Residual effects for reef fish are not anticipated. • The Project is not expected to result in any significant adverse residual effects to marine fish. • The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. The results of the marine fish assessment were considered in the assessments of marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Indigenous fisheries, marine commercial use, outdoor recreation, human health, and Current Use. **Addressed in EIS Section 32.0:** Considers the results of effects assessments of potential Project and cumulative effects on marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, marine commercial use, outdoor recreation, visual resources, land and water use, human health and archaeology and heritage resources, the ongoing productivity of commercial, recreational and Indigenous fisheries, as well the assessment of potential changes to air quality, noise and vibration, light and the assessment of potential accidents or malfunctions. The current use effects assessment considered potential effects on: • Access to preferred current use locations; • Availability of preferred current use resources; • Quality of preferred current use resources; and • Quality of current use experience Following implementation of the mitigation summarised in the EIS Section 32.2.7, adverse residual Project-related effects are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects. **Addressed in Response to IR4-35:** The VFPA's response to IR4-35 Staging of Construction Materials provides location map and table summarising all lay down areas and stockpile areas to be used to stage materials for Project	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 21.0 Marine Commercial Use 32.2.7 Current Use of Land and Resources for Traditional Purposes, Mitigation Measures 32.2.8 Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context **Information Requests** Response to Sufficiency Information Request #35 (IR4-35 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				construction including the ones identified in the Preliminary design 60287593-MA-221 (Causeway preload) and 602875-MA- 214 and 211 (Containment dyke). Specific staging areas and stockpile laydown areas will be determined by the Infrastructure Developer during detail design and construction planning phases for the Project. All staging and laydown areas can be accommodated within the Project footprint. Depending on the sequencing or phasing of construction activities undertaken by the Infrastructure Developer, several areas of the Project footprint will be available for temporary staging or stockpiling of construction materials; therefore, staging or storage areas outside the Project footprint to support construction activities are not required.	
MFN-12.2	Requested that groundfish be included as a species of traditional use.	19-Nov-2014, Health & Aboriginal Rights Workshop – MFN	**19-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#103):** The assessment of ongoing productivity of commercial, recreational, and Indigenous fisheries focuses on Project-related effects on the productivity of species and habitats that support these fisheries. Results of this assessment were considered in the assessments of marine commercial use, outdoor recreation, human health, and Current Use. The assessment of marine fish focused on five sub-components: • Pacific salmon, represented by Chinook and chum species; • Groundfish, represented by lingcod and rockfish; • Forage fish, represented by Pacific herring and surf smelt; and • Crab, represented by Dungeness crab. Numerous literature and data sources, in addition to DFO, were consulted for information on commercial, recreational, and Aboriginal (CRA) fisheries, as described in the EIS, in addition to consultation with Indigenous groups and publicly available Indigenous traditional marine use or harvest data reports. Further detail on the rationale for the scope, methods and information sources used in the CRA Fisheries assessment is provided in the EIS. **Additional information provided by the VFPA:** Musqueam provided the VFPA with Traditional Musqueam Use of the Southern Fraser Delta (Leonard Ham 2014) and Contemporary Musqueam Use of the South Fraser Delta (Jason Woolman 2014), and information from these reports was incorporated into the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2 Selection of Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries Valued Component 16.4 Information Sources 16.5.2 Existing Conditions, Recreational Fisheries
MFN-12.3	Stated that there is very little information on the eulachon and sturgeon populations in the river – unsure as to what the degree of impacts of their habitats would be – as there are no specific studies done on either of these species. Sturgeon are on the species at risk at and eulachon is very close to being placed on that list. Stated that outflow would be drawn into Canoe Pass and sensitive sturgeon and eulachon areas, as they are bottom feeders. Eulachon must also swim past the terminal and would be exposed to any pollution in the	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41) 08-Jul-2014, Contemporary Musqueam Use of the South Fraser Delta Report	**08-Jul-2014:** Recorded comment for consideration by the Project team. **15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested Information Requests on these items in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (pages 4 and 7, #9 and 13)."	**Addressed in EIS Section 13.0:** Discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Addressed in Response to AIR-12.04.15-09:** AIR-12.04.15-09 outlines in detail the selection process for VCs, sub-components, and representative species and rationale for selection. Discussion of how sockeye, sturgeon, and eulachon were captured in the assessment (i.e., by proxy) is provided. **Addressed in Response to IR5-15:** In its response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses	**EIS** 13.0 Marine Fish **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-09 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	area. This would affect not only the eulachon but also the sturgeon that feed on them. Requested information on the declining trajectory of change on sturgeon and eulachon, and the effects of further project development on the recovery of these two species of high concern to Musqueam. Stated that the assessment of past, current and future projects and activities on these species is of critical concern.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)		existing conditions related to eulachon and describes the status and management practices associated with the species. Rationale as to how eulachon were assessed via use of Pacific herring and surf smelt as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect eulachon, as well as effectiveness of mitigation, are presented in AIR 12.04.15-09 of CEAR Document #388, including Appendix AIR9-A Table 2; and in IR5-15 response. Potential effects on eulachon (as represented by Pacific herring and surf smelt) are assessed as minor, based on the low potential of eulachon to interact with the Project during terminal construction (adult eulachon presence in the LAA has not been confirmed, and eulachon larvae rear in the Strait of Georgia outside LAA boundaries). With implementation of mitigation measures (including adherence to the crab fisheries sensitive window and implementation of Construction Environmental Management Plans), no loss in eulachon productivity is anticipated. **Addressed in Response to IR5-15:** In its response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to sturgeon and describes the status and management practices associated with the species. Rationale as to how sturgeon were assessed through the use of Chinook and chum salmon as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sturgeon, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09 of CEAR Document #388, including Appendix AIR9-A Table 2; and in IR5-15 response. Effects on Pacific salmon associated with changes in water quality and changes in biotic interactions are considered negligible.	
MFN-12.4	Noted salmon schooling on the banks prior to entering the river system would be exposed to any pollution build up in those areas. Stated that concern for salmon stocks was paramount.	08-Jul-2014, Contemporary Musqueam Use of the South Fraser Delta Report	**08-Jul-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 13.0 Marine Fish.	**Addressed in EIS Section 13.0:** As outlined in EIS Section 9.6.8, while contaminants are present at Roberts Bank, they are closely associated with fine sediment and have therefore accumulated in locations outside those that will be disturbed by Project activities, such as the upper intertidal zones north of the causeway. No appreciable sediment contamination was observed in Project areas. Because sediments that will be re-suspended and deposited as a result of construction phase activities are not contaminated, changes in contaminant concentrations bioavailable to the food chain are not anticipated. Therefore, no effect on the productivity of marine fish is anticipated through this mechanism.	**EIS** 9.6.8 Surficial Geology and Marine Sediment, Future Conditions with the Project 13.0 Marine Fish
MFN-12.5	Stated that a 20 year study time is needed for salmon, as sockeye run on 4 year cycles.	30-Jan-2015, Meeting	**30-Jan-2015, Meeting:** Responded that feedback would be taken and included in EIS Appendix 7.2-B. **01-Apr-2015, Letter from the VFPA:**	**Addressed in EIS Appendix 7.2-B (#78):** A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting

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			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank.	9.5.8 Coastal Geomorphology, Future Conditions with the Project 9.7.8 Marine Water Quality, Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity
MFN-12.6	Expressed concern about eulachon and stated that they were trying to get the species back on track. Concerned with the use of representative/proxy species to assess potential effects to eulachon given its importance in terms of cultural significance, its relationship with other species and timing windows (seals, sturgeon, eagles), its endangered status and the efforts Musqueam have made to get DFO to put eulachon onto the appropriate Species at Risk lists. Stated that eulachon should be assessed as a species at risk. Asked how other species were used to represent eulachon. Stated that eulachon do not behave like herring. Stated that Eulachon transit the Project area. Requested that a targeted study be done on eulachon. Interested in providing feedback on potential additional studies and/or mitigation measures specific to eulachon.	16-Jul-2013, Meeting 19-Jul-2016, Issues Workshop - MFN / TFN #1 12-Sep-2016, Issues Workshop - MFN / TFN #2 03-Nov-2016, Letter to Panel (CEAR Document #776) 12-Jun-2017, Roberts Bank Boat Tour #1 12-Jun-2017, Meeting with Administrative Staff 16-Jun-2017, Meeting with Administrative Staff	**16-Jul-2013, Meeting:** Recorded comment for consideration by the Project team. **30-Aug-2013, Meeting:** Asked if Musqueam would be interested in participating in a specific study for a species such as eulachon. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **19-Jul-2016, Workshop:** Stated that the assessment doesn't end at the EIS and if there are suggestions related to concerns or to monitoring and mitigation, the VFPA would welcome the feedback. **12-Sep-2016, Workshop:** Stated that in the case of eulachon, there is insufficient data to accurately capture potential pathways of effect. Given the life history of eulachon and the locations in which they are thought to spend their time as juveniles and adults before returning and transiting through the estuary, it was determined that other forage fish would be more suitable for capturing potential Project interactions. This is the rationale for not selecting eulachon as a focal	**Addressed in EIS Appendix 7.2-B (#80):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. **Addressed in EIS Section 13.2.1:** Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon within the marine fish LAA. While eulachon are known to occur in Fraser River estuary waters (i.e., as adults during spawning migrations and as larvae flushed from Fraser River spawning sites), surveys at Roberts Bank and Sturgeon Bank in past years have not yielded high catches of eulachon. During the 2012 to 2013 fish surveying for the Project, no eulachon were caught. While few ichthyoplankton studies have targeted eulachon in estuarine or coastal waters of the Strait of Georgia, surveys describing the distribution of Pacific herring larvae (in April and May) found virtually no eulachon larvae in these areas; larvae are thought to be advected and dispersed southward toward the southern Gulf Island and San Juan Islands relatively quickly (i.e., within several days). **Addressed in Response to IR5-15:** The VFPA specifically discusses existing conditions related to eulachon and describes the status and management practices associated with the species. Rationale as to how eulachon were assessed via use of Pacific herring and surf smelt as	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish **Information Requests** Response to Additional Information Request #09 (AIR 12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078) Response to Information Request #08 (IR-7.31.15-08 of CEAR Document #314) Response to Sufficiency Information Request #2 (IR10-02) Gustafson, R. G., L. Weitkamp, Y.-W. Lee, E. Ward, K. Somers, V. Tuttle, and

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Suggested that VFPA look at an eulachon egg larval survey funded by DFO that Musqueam and TFN were involved in. Noted there appears to be an increase in eulachon numbers this year [2017], though there is uncertainty as to why this is. Concerned about the eulachon run timing as it relates to construction activities and schedule. Requested construction schedules and mitigation plans specific to eulachon (spawning time, nature and timing of work in water, etc.) Noted Canoe Passage is a key holding area. Concerned that eulachon migration occurs outside of the DFO timing windows. Stated March through the end of June is a block of concern where eulachon come and sturgeon are still in the area. Stated that attrition and abundance are the eulachon's key to survival and if they can't get from point A to point B they are susceptible to predation. Noted connection between availability of and access to holding areas and the success of the species. Noted concern with the ability of holding areas to form and connection to coastal geomorphological influence and the training of rivers with dikes; noted connection to upriver removal of gravel beds used for spawning. Referred to old maps showing trenches at Roberts Bank that were used to get out of Canoe Passage, which are now all filled in. Explained the historic migratory patterns of eulachon: they moved from one sand bed to the next but they keep training the [Fraser] river and taking sand beds away. Roberts Bank is one of the last places with that morphology. That area is good for teaching about what it would have been like. Asked how the Project would affect the recovery potential of eulachon. Stated that given that recent population size [of eulachon] is two orders of magnitude less than the average abundance, asked how likely might it have been to encounter eulachon in the study area at an average abundance level of 1000 t.		species. In making the decision to exclude eulachon, the VFPA was conservative, by considering a species that was more likely to interact with the Project. Eulachon were considered in the ecosystem model. Their biomass was accounted for, but they were not selected as a representative species. Stated that fish studies were undertaken seasonally over two years to determine presence of species; no eulachon was caught. That led the VFPA to look at studies done over a decade on larval infection out of the Fraser. The VFPA recognises eulachon as a species of cultural importance and are funding a study with Tsawwassen First Nation and the Pacific Salmon Foundation on habitat use and the use of PIT tags. The VFPA is open to hearing suggestions for studies, mitigation and follow-up monitoring. Stated that the VFPA built an ecosystem model using EwE (Ecopath with Ecosim) in partnership with UBC and ESSA Technologies Ltd, and part of what it does is track food web interactions. In this way it's possible to take Pacific Sand Lance for example (Pacific Sand Lance and eulachon are at similar trophic levels), and use the model as a barometer to assess how there might be food web impacts to eulachon as a result of the Project. It wasn't overlooked, but was considered to have the same conclusion as its proxy species. Stated that herring is the main proxy species for eulachon, they have similar traits. They're both forage fish and are considered to be fairly similar. The main pathway of effect of herring was acoustic in nature, that is, behavioural changes from underwater noise. Eulachon have similar hearing ranges as herring. For fish, hearing is an emerging science, there is limited information. Of the fish species, herring was fairly well studied. The VFPA's conclusions around herring indicated a residual impact for noise, which would be applicable to eulachon as well. Asked what it could do to increase Musqueam's confidence or comfort with the assessment, and what sort of studies Musqueam would like to see (for e.g. larval eulachon, tracking of abundance and movements). **12-Jun-2017, Meeting:** Asked about past work undertaken with other proponents. Noted a lot of thought is being put into mitigation and Musqueam's input is valuable.	representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect eulachon, as well as effectiveness of mitigation, are presented in AIR 12.04.15-09 of CEAR Document #388, including Appendix AIR9-A Table 2; and in IR5-15 response. As noted in that IR response, assessment conclusions and mitigation measures for representative species also apply to eulachon remain unchanged. As reported in the IR, the recovery potential for the Fraser River eulachon population was evaluated using a Bayesian stock reduction model (Gustafson et al. 2016). The analysis indicates that stock levels for 2009 to 2011 are at only about 3% to 11% of the original (1900s) unfished stock size (McAllister 2012). The population should rebuild to 33% to 49% of the unfished abundance over a period of 16 years to 18 years, under conditions of average historical productivity, no increase in bycatch mortality from shrimp trawling effort, and no direct exploitation. The analysis suggests that the population is relatively unproductive and can sustain a maximum fishing mortality rate of only 0.10 of the unfished population. A directed catch of 30 metric tonne would reduce stock rebuilding up to 30% of the unfished population (Gustafson et al. 2016). **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA. **Additional information provided by the VPFA:** The VFPA acknowledges the importance of eulachon to Indigenous groups and has worked to support eulachon habitat through its Habitat Enhancement Program (HEP). In 2014, HEP provided funding to Pacific Salmon Foundation to support a Fraser River Eulachon Habitat Utilization Survey. This survey involved capturing and tagging 300 eulachon to better understand habitat use as eulachon undergo physical changes prior to river entry and spawning and to gather information to support habitat rehabilitation and abundance recovery. In 2017, HEP provided funding to the Lower Fraser Fisheries Alliance to support an assessment and recovery project for eulachon in the Fraser River.	J. Jannot. 2016. Status Review Update of Eulachon (*Thaleichthys pacificus*) Listed under the *Endangered Species Act*: Southern Distinct Population Segment. National Marine Fisheries Service, Northwest Fisheries Science Center, Seattle, WA. McAllister, M. 2012. Appendix 3 – Stock Assessment of Fraser River Eulachon (*Thaleichthys pacificus*). Pages 75-112 *in* J. Schweigert, C. Wood, D. Hay, M. McAllister, J. Boldt, B. McCarter, T. W. Therriault, and H. Brekke. Recovery Potential Assessment of Eulachon (*Thaleichthys pacificus*) in Canada. Canadian Science Advisory Secretariat, Research Document 2012/098. Fisheries and Oceans Canada, Pacific Region.

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	Requested that the Proponent provide estimates of the abundance of eulachon larvae as well as adult eulachon around the Project area when the Fraser spawning biomass index was in the 1000 tonne range or greater. Requested that the Proponent provide a supplementary submission that combines both historical data and Musqueam traditional knowledge (and other ITK). Requested a supplementary submission on the potential effects of the Project on eulachon, specifically taking into consideration Musqueam ITK indicating that the Project Footprint is directly in the path of migrating eulachon traversing the Salish Sea to Roberts Bank and into Fraser River South Arm. Requested additional field work survey data as required to corroborate ITK findings and assess potential adverse effects.		Responded that construction is proposed to follow DFO timing windows and there would be no in-water works during restricted times. Responded that the RBT2 team would like to know if it has not properly understood or identified timing windows. **16-Jun-2017, Meeting:** Responded any information Musqueam could share related to spawning habitat would be helpful. Noted an intensive eelgrass project is planned as part of the Project and it would be possible to discuss looking at enhancing eulachon habitat in other areas.		
MFN-12.7	Concerned that the Project area is used as a fish holding area before they begin their migration up the Fraser River.	19-Jul-2016, Issues Workshop - MFN / TFN #1	**19-Jul-2016, Workshop:** The VFPA concluded that there are no additional effects beyond what's documented in the EIS. The effects pathways that would affect holding sockeye (light, noise), those pathways are adequately captured in the EIS. The VFPA's understanding of holding areas is that the holding area is quite large and includes Point Roberts, Gibsons, and the Gulf Islands. The fish are holding in that area. Roberts Bank comprises a small portion of this larger area. From that perspective there is limited potential in overlap in space for that to occur. If Musqueam has more information that can be shared about salmon holding in specific areas, please share it with the VFPA.	**Addressed in Response to IR5-15:** In its response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The IR response also further assesses potential effects of the project on Sockeye directly. Regarding salmon holding: • Studies examining sockeye holding in relation to RBT2 were not conducted; hence, no evidence exists to deny or substantiate the claims made by Indigenous groups. • This issue was briefly discussed in EIS Section 13.2.1, p. 13-7, with the conclusion that there is no scientific evidence that waters at or near Roberts Bank represent holding areas for adult sockeye. As described in the response to IR5-15, based on existing literature, there is no formally defined holding area within the Fraser River estuary for returning adult sockeye. It appears that the brackish layer or plume within which adult sockeye may hold can extend as far north as Gibsons Landing, as far west and south as the Gulf Islands (from Gabriola Island near Nanaimo to Saturna Island at Boundary Passage), and as far east at Point Roberts area. However, since 1995, sockeye holding behaviour appears to have ceased.	**Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
MFN-12.8	Concerned that Project-related marine shipping will lead to altered predation patterns and increased mortality of Musqueam fish harvesting resources.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment	**24-May-2016:** Recorded comment for consideration by the Project team. **20-Jun-2016, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#11):** The assessment of marine fish and fish habitat in the MSA assessed potential direct effects on the productivity of marine fish from vessel wake and underwater noise.	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.5.5 Marine Fish 8.1.6 Potential Interactions and Effects 8.2 Marine Mammals

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		20-Jun-2016, Meeting	**30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	**Addressed in MSA Section 8.1:** Discusses potential effect to marine fish related to marine shipping associated with the Project. An assessment was undertaken to evaluate the potential effects of Project-associated marine shipping on marine fish and fish habitat (including marine vegetation and marine invertebrates) within the marine shipping area and located within the Salish Sea. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	8.2.6 Potential Interactions and Effects **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interest 7.0 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 7.3.2 Availability of Preferred Current Use Resources 8.0 Potential Accidents or Malfunctions 8.5 Potential Effects of Accidents or Malfunctions on Current Use and Rights
MFN-12.9	Requested additional time to more fulsomely examine whether the EIS includes adequate data on the resilience and vulnerability of marine and inter-tidal species, comparing "Volume 3" and its appendices to Musqueam's rich ATK and fisheries technical team's access to technical information that has been collected over time. Stated that to facilitate this review, we request the Agency require the Proponent to clarify for each species of interest where exactly in Volume 3 of the EIS the information related to the assessment of resilience and vulnerability – and changes over time in the abundance, distribution and population health of the species – is available for review and comment.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency notes that there is time to review the available information prior to the Panel initiating its sufficiency review particularly given that a panel is not yet in place. Musqueam is encouraged use this time to review the EIS and begin its sufficiency review. With respect to funding, the Agency notes that Musqueam has applied for and received funding for each funding opportunity available through the Agency's Participant Funding Program."	**Addressed in EIS Sections 11.0, 12.0, 13.0 and 14.0:** As part of each biophysical VC section in the EIS (Volume 3), the existing conditions section discusses resilience and vulnerability of sub-components and representative species within each sub-component.	**EIS** 11.0 Marine Vegetation 12.0 Marine Invertebrates 13.0 Marine Fish 14.0 Marine Mammals
MFN-12.10	Requested that the EIS be revised to include a fulsome consideration of the findings of the Cohen Commission Final Report.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."	**Addressed in EIS Section 13.0:** Information in the Cohen Commission Final Report was an information source for this section of the EIS. Where applicable, the Report's information is used and referenced.	**EIS** 13.0 Marine Fish
MFN-12.11	Stated that in order to properly assess fish habitat distribution, the Proponent must provide a link to where in the draft EIS the required information actually is, or generate	15-Jun-2015, Letter to the CEA Agency (CEAR	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information regarding Aboriginal Traditional	**Addressed in EIS Section 13.4.1:** In 2012, the VFPA initiated field, desktop, and modelling environmental studies on marine fish to support Project planning and EA. Building on available information and drawing on local	**EIS** 13.4.1 Desktop and Field Studies

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	it if it is not available in the draft EIS. In addition, all ATK related to the underline EISG requirement at left must be clearly included in the revised draft EIS Stated that Musqueam has critical fish and fish habitat knowledge to share but has been inadequately funded and engaged to date to provide this information.	Document #241)	Knowledge in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8). With respect to funding, the Agency notes that Musqueam has applied for and received funding for each funding opportunity available through the Agency's Participant Funding Program."	expertise, these studies were designed using the best available scientific methods to address known data gaps, and issues and interests of Indigenous groups, stakeholders, and the public. EIS Table 13-6 provides a summary description of the studies that informed the characterisation of existing conditions for marine fish [including fish habitat distribution], and EIS Table 13-7 summarises the studies that contributed modelled predictions of Project-related effects. **Addressed in Response to IR-7.31.15-08:** Provides a further discussion of how and where ITK was utilised in the EIS. Table IR8-1 lists each IC and VC assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the IC or VC assessment, a rationale is provided (right column). **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #08 (IR-7.31.15-08 of CEAR Document #314) Response to Sufficiency Information Request #2 (IR10-02)
MFN-12.12	Requested the Incorporation of Musqueam Indigenous Traditional Knowledge ("ITK"): The Proponent must work collaboratively with Musqueam to develop a supplementary submission related to Project specific and cumulative effects that takes into consideration Musqueam ITK in relation to the assessment of effects to specific fish species of concern (including past and current effects on "current conditions" of already impacted Valued Components (VC)).	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR-7.31.15-08:** Provides a further discussion of how and where ITK was utilised in the EIS. Table IR8-1 lists each IC and VC assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the IC or VC assessment, a rationale is provided (right column). **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #08 (IR-7.31.15-08 of CEAR Document #314) Response to Sufficiency Information Request #2 (IR10-02)
MFN-12.13	Requested Ecosystem Modelling Projections Related to Overall Productivity of Fish Species: The Proponent must provide more information and further explanation of its model, including the assumptions built into its projections for determining the extent, degree and direction of productivity effects, and detail how the level of certainty was reached for conclusions regarding overall productivity at the population level (e.g., for Pacific salmon). The Proponent should also detail how the proposed mitigation measures will be successful.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in IR Package 3 Responses to IR3-01 to IR3-24 (Part 1):** IR Package 3 further explains the Roberts Bank Ecosystem Model, including the assumptions built into its projections for determining the extent, degree and direction of productivity effects, and detail how the level of certainty was reached for conclusions regarding overall productivity. **Addressed in Response to IR-7.31.15-12:** Explains how the mitigation measures proposed in the EIS are meant to reduce significance, and discusses the anticipated effectiveness of the proposed mitigation measures.	**Information Requests** Response to Information Request #01-24 (IR3-01 to -24 of CEAR Document #984) Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314)
MFN-12.14	Requested information on Threatened/ Endangered Species: The Proponent must provide additional current conditions baseline data (including Valued Component trajectory) and re-analysis of significance determinations of adverse effects for the following species of high cultural, social and economic concern, taking into consideration	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR5-15:** The VFPA specifically discusses biology, migration behaviour, habitat utilisation, and the status and management practices associated with eulachon (Fraser River), white sturgeon, Interior Fraser coho, and Cultus Lake sockeye. As noted in that IR response, assessment conclusions and mitigation measures remain unchanged.	**Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

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	(i) Musqueam ITK and (ii) the threatened/endangered status of these species: a. Eulachon (Fraser River), b. Lower Fraser White Sturgeon, c. Interior Fraser Coho, and d. Cultus Lake Sockeye				
MFN-12.15	Requested information on Pacific Salmon: The Proponent must provide more information regarding assumptions used in developing estimations of effectiveness of mitigation measures, as well as confidence in those estimations.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR-7.31.15-12:** Explains how the mitigation measures proposed in the EIS are meant to reduce significance, and discusses the anticipated effectiveness of the proposed mitigation measures.	**Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314)
MFN-12.16	Requested information on Adult Sockeye from Late Run Stocks in Dominant Years: The Proponent must submit a supplementary analysis that provides clear baseline data to demonstrate what impact the Project would reasonably be expected to have on adult sockeye from late run stocks in dominant years that contribute millions of catch to First Nations, commercial and recreational fisheries.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR5-15:** The VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The IR response also further assesses potential effects of the project on Sockeye directly.	**Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
MFN-12.17	Stated Inappropriate Use of Fish and Fish Habitat Assessment as "Proxy" for Effects on Availability of Resources for Rights-Based Harvesting: The Proponent should undertake additional consideration of (i) potential impacts on Musqueam species of high cultural, social and economic concern (both those currently harvested and not harvested due to closures) related to the sufficiency of resources, and (ii) the potential time-lag factors that may delay the efficacy of mitigations (i.e. habitat offsetting) leading to potential downward fluctuations in abundance of species of high cultural, social, or economic concern, and the potential closure of harvesting by federal conservation officials.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-14:** The VFPA's response to IR10-14, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure, including in terms of sufficiency of resources at alternate locations to meet the requirements of the community. **Addressed in Response to IR10-10:** The VFPA's response to IR10-10, as requested by the Review Panel, discusses the potential effects of the proposed Project on availability of preferred traditional resources taking into account the time lag required for the establishment of functioning habitat offsets.	**Information Requests** Response to Sufficiency Information Request #10 (IR10-10) Response to Sufficiency Information Request #14 (IR10-14)
MFN-12.18	Requested Incorporation of Highly Relevant Ongoing Research: Requested that the Panel direct the Proponent to incorporate ongoing research into juvenile salmon species, (including outmigration, residency time, and size of as well as occurrence and abundance of juvenile salmon species across the delta flats at Roberts Bank) into its re-assessment of potential effects of the Project on juvenile salmon, specifically regarding the	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#78):** A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5.8 Coastal Geomorphology, Future Conditions with the Project 9.7.8 Marine Water Quality, Future Conditions with the Project 13.0 Marine Fish

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	established "current condition" of juvenile salmon species that may be effected by the Project. We note that this is research being conducted by the Rainforest Conservation Foundation in 2016 and 2017 throughout the Fraser River estuary. Musqueam views this research as having the potential to being highly relevant to understanding the current and past impacts of the existing man-made causeway structures on Roberts Bank. If timelines do not permit these research results to be completely incorporated into the EIS, any preliminary results that are available should be incorporated into the EIS, and the Panel should take into account the final research results in later stages of the EA process.				13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity
MFN-12.19	Asked if marine migration is an important aspect of Lower Fraser White Sturgeon population dynamics, including exchange with other populations such as the Columbia River, what would be the impact of the Project on the long term viability of the population? Stated that there should be directed research on the presence of Sturgeon in marine areas. To date, PIT tags have been the major tool for studying sturgeon migration behaviour. More use of acoustic tags and other technologies will be needed to study sturgeon in the marine areas.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 13.0:** Potential Project-related effects on white sturgeon have been assessed in the EIS through the use of representative Pacific salmon species (see EIS Sections 13.6.2.1, 13.6.2.2, and 13.6.3.1). **Addressed in Response to IR5-15:** The VFPA specifically discusses biology, migration behaviour, habitat utilisation, status and management practices associated with white sturgeon. As noted in that IR response, assessment conclusions and mitigation measures for representative species also apply to white sturgeon (Lower Fraser population) and remain unchanged.	**EIS** 13.0 Marine Fish **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
MFN-12.20	Requested a supplemental filing on potential impacts of the Project on Interior Fraser Coho. Requested a supplemental filing on potential impacts of the Project on Cultus Lake Sockeye. Stated that while the late summer runs have had a reduced delay period, in the area of the Project, the dominant years (2014, 2010, 2006…) have still demonstrated a significant delay of 2 to 3 weeks, of millions of adult sockeye (including Cultus Lake Sockeye), in the area that includes the Project. Requested a supplementary submission that provides clear baseline data and analysis to demonstrate the impact that the Project would reasonably be expected to have on these adult sockeyes from late run stocks in dominant years that contribute millions of	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR5-15:** The VFPA specifically discusses biology, migration behaviour, habitat utilisation, the status and management practices associated with interior Fraser River coho and Cultus Lake sockeye. As noted in that IR response, assessment conclusions and mitigation measures for these represented species remain unchanged.	**Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

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	catch to First Nations, Commercial and Recreational fisheries.				
MFN-12.21	Requested a supplementary submission to reevaluate its cumulative effects assessment based on above reassessment of potential effects on eulachon, sturgeon, endangered Fraser salmon species and delaying Late Run sockeye salmon stocks. Stated that if the George Massey Tunnel Replacement Project (including tunnel removal works), the WesPac Tilbury LNG Marine Export Terminal Project, and the Pattullo Bridge Replacement Project, and ongoing maintenance dredging of the Fraser River South Arm – all of which include dredging and/or changes to river hydraulics, sedimental transports, and thus also potential changes to fish habitat in the Fraser River Estuary, were included in Table 13-17, how would that effect the conclusion on cumulative effects? Stated that the Proponent should reconsider the cumulative effects in light of the omissions of ongoing river maintenance dredging, and three proposed projects under EA review that fall within the regional study area.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Table 8-8:** Provides a list of other certain or reasonably foreseeable projects and/or activities that were considered in VC cumulative effect assessments. George Massey Tunnel Replacement Project (including tunnel removal works and the Pattullo Bridge Replacement Project were included in the Inclusion list, and therefore considered in VC cumulative effects assessments. Ongoing maintenance dredging of the Fraser River South Arm is an existing activity and is therefore represented in existing and future conditions cases, which in turn are considered in VC cumulative effects assessments. **Addressed in Response to IR4-09:** Publicly available information concerning the WesPac Tilbury LNG Marine Export Terminal Project was not available at the time of EIS writing, but information concerning the project's related ship movements is included in Sufficiency Information Request #09 (IR4-09). The Project remains in an environmental scoping phase overseen by the BC Environmental Assessment Office. The VFPA assumes the WesPac Tilbury LNG Marine Export Terminal Project will appropriately mitigate its potential effects, and notes that if any unmitigable residual effects were predicted from the Project, they are unlikely to interact spatially or temporally with RBT2.	**EIS** 8.0 Effects Assessment Methods **Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)
MFN-12.22	Requested a supplementary submission to address current gaps in relation to the inclusion and consideration of Musqueam traditional knowledge pertinent to proper characterization of existing conditions of fish species of significant cultural concern. Stated that of particular importance, Musqueam notes that its own cultural knowledge regarding the proximity of annual eulachon migration through Roberts Bank towards Canoe Passage has not been canvassed by the Proponent or integrated into the assessment.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information. **12-Sep-2016, Issues Workshop:** The VFPA met with Musqueam First Nation and Tsawwassen First Nation to discuss concerns raised around eulachon. Noted that with regard to the use of representative species, salmon captures the anadromous features of eulachon, herring have similar hearing, and Pacific Sand Lance feed on the same things. Explained that if the intent is to accurately capture potential pathways of effect, to do that you need data. In the case of eulachon there is not sufficient data. In the case of Fraser eulachon, they were not studied as part of the Project. Given the life history of eulachon, and the locations they are thought to spend their time as juveniles and adults before coming back and transiting through the estuary, it was thought that other forage fish would be more suitable to capture potential Project interactions. That's the rationale for not selecting eulachon as a focal species. In making the decision to exclude eulachon, we were trying to be as	**Addressed in EIS Appendix 7.2-A:** On January 18, 2013, representatives from the Musqueam Fisheries Department participated in a meeting with PMV [the VFPA] to help identify information on food, social and ceremonial (FSC) fisheries (both finfish and shellfish) occurring within the Project assessment area. During the EIS Development Phase, PMV [the VFPA] met with Musqueam representatives on four separate occasions to discuss and coordinate the development of Musqueam's TU and ITK studies (February 21, April 7, June 18, and August 5, 2014). On April 7, 2014, PMV [the VFPA] met with Musqueam to review the previously identified sources of ITK related to Musqueam for work being done to include ITK and current use in the EIS. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**EIS** Appendix 7.2-A Aboriginal Group Consultation **Information Requests** Response to Sufficiency Information Request #02 (IR10-02)

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			conservative as possible and consider species that were most likely to interact with the Project. It doesn't mean eulachon are not considered—they were built into the ecosystem model, their biomass was accounted for, but they were not selected as a representative species. Noted that eulachon wasn't selected as a representative species in the biophysical world, but in the Aboriginal rights and interests section, the relationship your community has with eulachon was covered and it was captured.		
MFN-12.23	Concerned that normal shipping operations may affect fishing resources through pollutants washing off the ships, deliberate fouling of the water by irresponsible crews, and the release of polluted and contaminated (e.g., with invasive species) ballast water into the region.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the International Maritime Organization, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles (nm) and in water deeper than 2,000 m. By requiring vessels to complete this ballast "flush" well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. **Additional response from the VFPA:** In Transport Canada's response to the Review Panel's Information Requests of May 10, 2017 (CEAR Document #982), Transport Canada has indicated that with respect to chronic oiling, the use of anti-fouling agents, and discharges of ballast water, bilge water, and sewage, that marine water quality in the marine shipping area is not expected to change because these potential contributors are regulated by the *Canada Shipping Act,* 2001, and in particular the Vessel Pollution and Dangerous Chemicals Regulations (VPDCR) under this act. Furthermore, Transport Canada states that "In relation to the Project, the technical requirements of the VPDCR apply to all vessels over 400 gross tonnage. As such, all container ships and most tugs serving container ships that would call at the proposed RBT2 would be subject to these requirements".	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project **TC IR-02 to TC IR-06, from Transport Canada to the Review Panel Re: Response to Information Requests issued by the Review Panel on May 10, 2017 (CEAR Document #982)**
MFN-12.24	Concerned about the disruption of salmon and crab migration routes and lifecycles from construction and physical occupation of the Project. Concerned about increased disruption of fishing activities from siltation and sedimentation from construction.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Sections 12.0 and 13.0:** EIS Sections 12.0 and 13.0 discuss salmon and crab migration routes and lifecycles from construction and physical occupation of the Project. As described in EIS Section 9.6, changes to surficial geology and marine sediment during Project construction activities are expected to be minimal or undetectable relative to natural variability.	**EIS** 9.6 Surficial Geology and Marine Sediment 12.0 Marine Invertebrates 13.0 Marine Fish

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MFN-12.25	Concerned about the loss of valued habitat and increased mortality rate of fishing resources from the disruption of tidal flows.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 13.0:** EIS Sections 13.0 discusses potential project effects to fish and fish habitat. Overall, marine fish are expected to experience a minor decrease in productivity in the future with the Project. Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish	**EIS** 13.0 Marine Fish
MFN-12.26	Concerned that the creation of the proposed Roberts Bank Terminal 2 would increase rates of predation on salmon and crabs by hosting predators such as lingcod, seals, and octopus.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 10.0:** EIS Section 10.0 also considers predation rates as part of the Roberts Bank Productivity Model, a trophic model that predicts predator-prey interactions in the future with the project case. These predicted interactions were considered as pathways of effects discussed in EIS Sections 12.0 and 13.0 and supported the conclusions of the EIS relating to marine invertebrates and fish: while the Project is predicted to cause losses of productivity of bivalve shellfish, Dungeness crabs and orange sea pens, the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no significant adverse residual effects from the Project to marine invertebrates. The Project is not expected to result in any incremental adverse cumulative effects to marine invertebrates. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish.	**EIS** 10.0 Biophysical Setting
MFN-12.27	Concerned that humans were not included in the food web model. Noted eulachon is part of Musqueam's and Tsawwassen's cultural identities and they are part of the food chain, not apart from it; they are stewards of these species.	19-Jul-2016, Issues Workshop - MFN / TFN #1 12-Sep-2016, Issues Workshop - MFN / TFN #2	**19-Jul-2016, Workshop:** Recorded comment for consideration by the Project team. **12-Sep-2016, Workshop:** Noted that while eulachon wasn't selected as a representative species in the biophysical world, the relationship your community has with eulachon was covered and is captured in EIS Section 32.0.	**Additional information provided by the VFPA:** The model does not explicitly incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not explicitly included in the food web. However, the existing conditions for species included in the model are reflective of existing harvesting levels by humans; therefore, human interaction within the model is implicit.	**EIS** 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in Response to IR3-09: IR3-09 asked the VFPA to re-run the RB model to incorporate the predominant source of fishing mortality at Roberts Bank: Dungeness crab fishing. Salmon harvesting was not included as salmon harvesting occurs over large geographic areas (i.e., Gillnet Salmon Area E, Seine Net Salmon Area B, Troll Salmon Area H), and is considered limited at Roberts Bank, with only a small proportion of the salmon catch coming from areas in the periphery of or adjacent to Roberts Bank; as such salmon fishing mortality was considered to be unlikely to influence model results. The results showed that biomass and production ratios (with/without Project) from the RB model re-run, including Dungeness crab fishing mortality, are generally the same when compared to the ratios described in the EIS.	Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis

Table 13: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-13.1	Concerned about potential impacts to crabs, with a focus on the Musqueam food fishery. Stated that commercial crab fishery is already facing declining crab stocks and many Musqueam members have invested large amounts of money in the fishery.	18-Oct-2013, Meeting 19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**18-Oct-2013, Meeting:** Recorded comment for consideration by the Project team. **19-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Sep-2016, Issues Workshop - MFN / TFN #2:** Explained that here are other mitigation measures for crab in addition to the salvage plan. DFO sensitive timing windows have been written into the schedule to protect the gravid female life history, which is from October 31 to March 15. During that time no works would happen below 5m chart datum. Specific to the salvages, the intent is to avoid direct mortality and to keep that productivity within the system. By doing this those moved will at least avoid certain death. Once moved, crabs can move out of the area. Noted that regarding the ITP, the VFPA is looking into alternatives. **26-Jun-2017, Email from the VFPA:** The concerns brought forward by Musqueam First Nation with regard to Dungeness Crabs, disposal at sea (DAS), and, in particular, the ITP highlighted the need for the VFPA ("the port authority") to re-evaluate our planned construction approach and use of the ITP as a part of the Project. The Project Team has been actively exploring alternative construction methods to address concerns raised by Indigenous groups and regulatory agencies since the development of the EIS in 2014. After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the *Coasting Trade Act* as a result of approving the Canadian European Trade Agreement, the port authority determined that the Project could proceed without the use of an ITP. In addition, the elimination of the ITP, along with other changes will result in a Project that does not require a DAS permit. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review.	**Addressed in EIS Section 32.3.2.2:** The potential impact from the Project to Musqueam's ability to crab and Musqueam's crabbing rights, is addressed in EIS Section 32.3.2.2. This section concludes that the Project is expected to impact the ability of Musqueam First Nation to exercise the asserted right to harvest marine resources (crabs) based on potential changes in access to a preferred crab harvesting location. **Addressed in EIS Table 32-7:** Presents a summary of Mitigation Measures to Address Potential Impacts on the Exercise of Aboriginal or Treaty Rights, and includes commitments including but not limited to: • Work with DFO to ensure necessary consultations with Indigenous domestic or FSC crabbers concerning the proposed expansion of the area closed to commercial and recreational crabbing. • Support Indigenous domestic or FSC crabbing within the area closed to commercial and recreational crabbing. **Addressed in Project Construction Update:** As requested by the Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-Related Effects **Project Construction Update (PCU; CEAR Document #1210)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.		
MFN-13.2	Concerned with the potential effects on crabs, particularly in relation to black material observed in crabs harvested in the area. Requested that VFPA provide kits for crabbers in order to facilitate proper storage and ensure compliance. Concerned about blackened crabs in the vicinity of the Westshore terminal in Roberts Bank due to their exposure to coal dust from the terminal that had settled on the seafloor and on their shells. Noted black crabs at Roberts Bank and stated that Musqueam won't keep those crabs. Described observing blackened crab due to their exposure to coal dust that had settled on the seafloor and on their shells.	02-Jul-2014, Meeting 24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 22-Aug-2016, Community Member / Commercial Crabber and MFN Staff Meeting Re: Crabbing 12-Jun-2017, Roberts Bank Boat Tour #1 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**02-Jul-2014, Meeting:** Recorded comment for consideration by the Project team. **18-Jul-2014, Meeting:** Discussed black crab study with Musqueam. **05-Aug-2014, Email from the VFPA:** The VFPA wishes to undertake field studies to further investigate Musqueam First Nation and Tsawwassen First Nation concerns regarding a black material observed in Dungeness crabs (*Metacarcinus magister*) previously harvested from the Fraser River estuary (Roberts Bank, Sturgeon Bank, and Boundary Bay) **07-Aug-2014, Email from the VFPA:** Provided information on a study that [the VFPA] is undertaking related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. Stated that this black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing. Provided details on the purpose, methodology, study area, and timeframe. **09-Jul-2015, Email from the VFPA:** Followed up to previous communications and the Dungeness Crab field study notification of August 2014. Attached a letter and memorandum regarding the studies undertaken by Hemmera in response to reports from Indigenous groups to the VFPA regarding blackening of Dungeness crab and concerns related to potential contamination. The memo included a summary of findings. The results of both studies were the same: • There is no evidence of coal contamination, based on the results of sensitive tissue • chemistry analysis testing for PAHs, metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA:** Stated that since concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and	**Addressed in EIS Section 27.0 and EIS Appendix 27-C:** Addresses potential effects of contaminant-related consumption risks of Dungeness crab, where contaminant analysis of crab tissue and the completion of a human health risk assessment was completed to support the development of the EA. The leg muscle tissue did not contain detectable PAH concentrations, in spite of the use of sensitive laboratory analytical methods. Only arsenic was present in concentrations of potential concern and, consequently, was carried forward in a quantitative human health risk assessment; it was concluded that arsenic-associated health risks from the consumption of Dungeness crab tissue are acceptably low. **Addressed in Responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in IR4-34 Marine Invertebrates: Blackened Crab Study (CEAR Document #946) In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as "shell disease", a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to *IR4-33 Marine Fish – Marine Invertebrates: Contaminants in Crab Hepatopancreas* issued by the Review Panel on March 31, 2017 (CEAR Document #1078), the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	**EIS** 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #1051) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary; • IR4-34 - Black Crab Additional Studies Summary; and • Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.		
MFN-13.3	Concerned with the proposed navigational closure expansion negatively affecting the commercial crab fishery in Subarea 29-6, and disagreed that the effect will be negligible. Expressed interest in meeting again and setting up a forum with fishers, the port authority and DFO to come up with a solution that works for everyone, ideally re-opening the navigational closure area to commercial crabbers as a no-float zone, as was initially implemented before. Noted previous restrictions that were implemented in the area were detrimental but what is proposed would be much worse. Noted the closure would push then further out and would result in a decrease of income referring the 2009 closure by DFO. Noted that crab does not migrate and baited traps may lead them to other areas, such as Area J and H, than the mitigation suggestions and could infringe on FSC activities. Noted the area taken for commercial fishing would push them into FSC areas.	22-Aug-2016, Community Member / Commercial Crabber and MFN Staff Meeting Re: Crabbing 23-Feb-2017, Community Member / Commercial Crabber and MFN Staff Meeting Re: Crabbing	**22-Aug-2016, Meeting:** Committed to take back the information and follow up as the consultation process for commercial crab fisheries is formalised. **23-Feb-2017, Meeting:** Recorded comment for consideration by the Project team. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring and crab salvages effects from displacement of commercial crab harvesting during construction and operation. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing and marine-based tourism. These negligible effects are related to changes in area, access, resource availability and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in Response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation;	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-Related Effects **Information Requests** Response to Sufficiency Information Request #07 (IR7-34 of CEAR Document #1172)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation.	
MFN-13.4	Concerned that displacement of fisheries will not be limited to commercial license holders only (i.e. AFS fishers), as DFO often closes the same areas for commercial and Aboriginal harvests. Commented that MFN cannot FSC harvest because of the existing closure and concerned that the proposed navigational closure will further inhibit FSC harvesting activities. Clarified MFN can FSC harvest in the existing closure area but there is a cumulative effect from the commercial and recreational closure. Explained the large population of commercial and recreational harvesters outside the closure area push MFN out forcing them to move to another area. Because there are traps all around the area crabs get picked off as they migrate through. Explained it is not denial of access but restriction of other users and competition increases in some areas; it pushes MFN harvesters out along the shelf and increases tension between FSC and non-FSC fishers on the water (provided examples of gear being stolen and having lost over	29-Oct-2014, Preliminary EIS Results Workshop #4 12-Jun-2017, Roberts Bank Boat Tour #1	**29-Oct-2014, Workshop:** Stated that the VFPA understands DFO closures would only apply to DFO commercial licence holders. Areas that are closed are still open to the Indigenous fishery. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-Jun-2017, Meeting:** Responded that the proposed closure would only apply to commercial harvesters. **16-Jun-2017, Meeting:** Responded the clarification matches VFPA understanding; closure area is closed to floats but allows FSC. Requested Musqueam's input on the proposed closure. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS, and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Appendix 7.2-B (#120):** In the Marine Commercial Use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine-based activity or potential; • The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible (EIS Section 32.2.8). At a subsequent meeting on 16-Jun-2017, sought clarification on the comment that the existing navigational closure inhibits Musqueam FSC harvesting activities, since the information went against the VFPA's understanding. Musqueam confirmed they can FSC harvest in the area but explained there is a cumulative effect related to the commercial and recreational closure (identified to the left). **Addressed in Response to IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Current Use of Land and Resources for Traditional Purposes, Future Conditions with the Project – Potential Project-related Effects 32.2.7 Current Use of Land and Resources for Traditional

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	500 pieces of gear over two seasons by people hooking and pulling away which become ghost fishing machines that stay down for a long time destroying things). Referred to working with DFO and CCG to undertake ghost fishing gear recovery.				Purposes, Mitigation Measures Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context **Information Requests** Response to Sufficiency Information Request #07 (IR10-07)
MFN-13.5	Concerned with the effectiveness of crab salvage as a mitigation measure. Interested in future discussions specific to related mitigation measures. Asked for an estimate of how many crabs will need to be relocated. Concerned that it doesn't sound like work has been done to tag and track crabs to see where they would end up if relocated. Suggested baiting outside the Project area to draw crabs away as opposed to baiting within the Project area and relocating them. Concerned that moving them may put more stress on another crab area. Stated that crabs can migrate fast and what may seem like a far distance could be a short distance for a crab. Suggested tagging crabs to determine where they are travelling.	12-Sep-2016, Issues Workshop - MFN / TFN #2 03-Nov-2016, Letter to Panel (CEAR Document #776)	**12-Sep-2016, Workshop:** Noted that the VFPA intends to consult with Musqueam and Tsawwassen on the details and specifics of mitigation measures. Stated that the specifics such as how many traps, how long it would be for, etc., would be developed in consultation with First Nations and regulators. The intent was to trap within the area before construction and move them elsewhere in the Roberts Bank area. Stated that crab salvaging could be accomplished by trapping or using SCUBA divers to harvest them. They would be moved within their home range—a couple of kilometres—at Roberts Bank, but outside of the construction area. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Section 32.0:** The EIS specifically acknowledges impacts to the Musqueam First Nation's ability to exercise the asserted Aboriginal right to harvest crab for food, social, or ceremonial purposes As noted in EIS Section 32.0, the Project is not predicted to adversely impact the ability of Indigenous groups to exercise most asserted or established Aboriginal and treaty rights. The only exception is the harvesting of crabs for domestic or food, social or ceremonial purposes, it is predicted the Project would likely impact Tsawwassen First Nation's ability to exercise the treaty right to fish for crab for domestic purposes based on potential changes in access to a primary crab harvesting location. For similar reasons, such Project-related effects would also be expected to impact Musqueam First Nation's ability to exercise the asserted Aboriginal right to harvest crab for food, social, or ceremonial purposes. These effects are expected to be accommodated by the measures identified to avoid, reduce or otherwise address predicted effects on current use. **Addressed in Response to IR5-04:** The VFPA's response to IR5-04, as requested by the Review Panel, provides additional information concerning the proposed Dungeness crab salvages. Salvages were conducted to meet the conditions of the *Fisheries Act* Authorisation for DP3. Cutter suction dredging was preceded by ongoing crab salvages (where baited traps were set in advance of dredging and crabs relocated approximately 2 km from the project area) and a visual dive survey (where divers provided visual confirmation of no crabs prior to initial dredging) (Hemmera 2009). In the case of clamshell dredging, visual inspections of the collected dredgeate were made by the contractor's crews and the environmental monitor; only one crab was identified within the dredgeate during the entire project (Hemmera 2009), underscoring the effectiveness of this measure. In consultation with Indigenous groups, the VFPA has heard a suggestion to bait outside the Project area to draw crabs away as opposed to baiting within the Project area and relocating them. The VFPA is currently exploring this option and will determine an appropriate approach to this mitigation method through engagement with relevant regulatory agencies, stakeholders, and Indigenous groups.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #4 (IR5-04 of CEAR Document #1209)
MFN-13.6	Concerned about the loss of viable habitat for and increased mortality rates of shellfish resources from dredging and construction, including the generation of silt and deposition of sediments.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information. **12-Jun-2017, Meeting:** Explained there is a predicted adverse residual effect to crabs as a result of the Project that is predicted to be not significant. The adverse effect is related to the permanent loss of subtidal sand habitat under the footprint of the Project, and the effects to crabs in the ITP.	**Addressed in EIS Section 12.0:** While the Project is predicted to cause losses of productivity of bivalve shellfish, Dungeness crabs and orange sea pens, the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no significant adverse residual effects from the Project to marine invertebrates. The Project is not expected to result in any incremental adverse cumulative effects to marine invertebrates. The assessment concludes there are no significant adverse effects from the Project, as	**EIS** 9.6 Surficial Geology and Marine Sediment 12.0 Marine Invertebrates 13.0 Marine Fish **PCU (CEAR Document #1210)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Further explained that crab salvages will be undertaken to mitigate effects, where crabs will be removed from the terminal footprint prior to in-filling. Noted there have also been dredging guidelines established by DFO to minimise direct mortality and physical injury to crabs, where dredging below -5 m would be restricted from mid-October to the end of March. Noted other mitigation measures such as the construction of on-site eelgrass habitat, which is good habitat for juvenile crabs. Noted the VFPA is exploring alternatives to the ITP, and if it were no longer required that would further lessen the impacts to crabs. **26-Jun-2017, Letter from the VFPA:** The concerns brought forward by Musqueam First Nation with regard to Dungeness Crabs, DAS, and, in particular, the ITP highlighted the need for the VFPA ("the port authority") to re-evaluate our planned construction approach and use of the ITP as a part of the Project. The Project Team has been actively exploring alternative construction methods to address concerns raised by Indigenous groups and regulatory agencies since the development of the EIS in 2014. After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the *Coasting Trade Act* as a result of approving the Canadian European Trade Agreement, the port authority determined that the Project could proceed without the use of an ITP. In addition, the elimination of the ITP, along with other changes will result in a Project that does not require a DAS permit.	marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. **Addressed in EIS Section 9.6:** Changes to surficial geology and marine sediment during Project construction activities are expected to be minimal or undetectable relative to natural variability. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	
MFN-13.7	Noted presence of ghost shrimp in mudflat habitat and suggested their incorporation to the mudflat on-site habitat work.	16-Jun-2017, Meeting with Administrative Staff	**16-Jun-2017:** Recorded comment for consideration by Project team.	**Additional information provided by the VFPA:** Beyond the offsetting measures suggested in EIS Section 17.0, the VFPA encourages Indigenous groups participating in the EA to suggest specific offsetting measures for consideration.	**EIS** 17.0 Mitigation Framework for Marine Biophysical Valued Components
MFN-13.8	Stated that the EIS should be revised to include the following: 1. Evidence that consultation with Musqueam on the conceptual fish habitat compensation plan has occurred; 2. Details of how consultation with Musqueam has informed the conceptual fish habitat compensation plan;	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information regarding Aboriginal Traditional Knowledge in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #8). A discussion on the content of the Aboriginal Traditional knowledge used is best considered during the panel's sufficiency review."	**Addressed in Response to IR-7.31.15-08:** Response to IR-7.31.15-08 provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in EIS Section 17.3.2.2:** In EIS Section 17.3.2.2, the VFPA presented proposed onsite habitat offsetting concepts to Indigenous groups, stakeholders, and the public at open houses and small group meetings, starting in fall 2014. **Addressed in Response to IR 7-31:**	**EIS** 17.0 Mitigation Framework for Marine Biophysical Valued Components **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	3. Information on how ATK was used in the development of the conceptual fish habitat compensation plan, including proposed locations for fish habitat compensation components to be implemented; Evidence that Musqueam knowledge of the effectiveness of previous fish habitat compensation plans and other fish habitat related offsets, has been considered in the development of onsite habitat concepts.			The VFPA's forthcoming response to IR7-31, as requested by the Review Panel, provides a summary of the views of Indigenous groups in relation to the proposed mitigation measures that were considered in the preparation of the EIS for each biophysical valued component, including views about offsetting.	Response to Sufficiency Information Request #31 (IR7-31)

Table 14: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-14.1	Concerned with the potential impacts on marine mammals. Concerned with the impacts to salmon affecting SRKW.	30-Jan-2015, Meeting	**30-Jan-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **10-May-2017, Email from the VFPA:** Provided Musqueam with a copy of the Enhancing Cetacean Habitat and Observation (ECHO) program annual report for 2016. The ECHO program is a VFPA-led collaborative initiative aimed at better understanding and managing the cumulative impacts of shipping activities on at-risk whales throughout the southern coast of B.C.	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to southern resident killer whales (SRKW) (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKW. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. **Addressed in Response to IR4-10:** As noted in response to IR4-10, in 2014, the VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 14.0 Marine Mammals 14.5 Existing Conditions 14.6 Future Conditions with the Project 14.7 Mitigation Measures 14.10 Cumulative Effects Assessment 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

Table 15: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-15.1	Stated that there has been inadequate capacity funding to date to enable our meaningful participation in this project review.	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:** "The Agency Participant Funding Program (PFP) is intended to provide limited funding to Indigenous groups to assist them to prepare for and participate in consultation activities and key participation opportunities associated with environmental assessments (EAs). The Agency is not able to cover all expenses incurred. The Agency made $56,000 available to the Musqueam to support your participation in the EA and consultation activities for the Project, and Musqueam applied for and was allocated $42,959. With respect to EA and consultation activities specifically related to marine shipping associated with the Project, Musqueam applied for and was allocated $49,264.86 out of the additional $53,031 that was made available for this purpose. This was the same amount offered to the Tsawwassen First Nation, the other Indigenous group assessed as high on the preliminary depth of consultation assessment spectrum. The Agency has contacted Bryan Nelson, Manager Project Development - Aboriginal Consultation with VFPA multiple times and encouraged VFPA to provide additional capacity funding to Musqueam to support your participation in the EA process for the Project. VFPA has said they have offered funding to Musqueam but have not yet received any responses to the funding offers. VFPA committed to resuming the conversation about funding with Musqueam in the near future. The Agency understands VFPA has provided capacity funding to the Musqueam to enable you to provide input on marine shipping associated with the Project."	**Additional information provided by the VFPA:** **11-Mar-2016:** Offered funding for a Musqueam-led Marine Shipping Effects Assessment. **14-Mar-2016:** Accepted funding. **24-May-2016:** Musqueam First Nation provided Marine Shipping Effects Assessment report to the VFPA.	
MFN-15.2	Requested that the Agency use Section 23 of CEAA 2012 to require the proponent to develop a study on impact of shipping on rights and on environmental effects related to Musqueam interests.	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:** "Section 23 of the Canadian Environmental Assessment Act, 2012 (CEAA 2012) only applies to EAs by the Agency (i.e. standard EAs). However, the same powers are available in all phases of an EA by Review Panel under sections 39 (pre-panel phase), section 44 (panel phase) and section 47 (post-panel phase) of CEAA 2012… The Agency has required VFPA to submit additional information in order to ensure that the requirements of the EIS Guidelines have been met… Once the completeness review is completed, the Panel will be appointed. The Panel will then conduct the technical sufficiency review of the information provided by VFPA. Under Section 44(2) of CEAA 2012, if the Panel is of the opinion that there is not sufficient information available for the purpose of conducting the EA or preparing its report, it has the authority to require VFPA to collect any information or undertake any	**Addressed in AIMSA – MFN and TWN:** On October 4, 2016, the VFPA submitted supplementary information related to the additional study and engagement that was undertaken regarding the MSA, per the CEA Agency's letter from January 13, 2016. The additional information summarises potential impacts of marine shipping associated with the Project as it relates to the exercise of potential or established Aboriginal or Treaty rights of the Musqueam First Nation (and Tsleil-Waututh Nation). **AIMSA – MFN and TWN Section 1.0:** The purpose of this document, the AIMSA, is to provide supplementary information to the EIS, specifically the MSA. The information included here is based on additional information (from either pre-existing sources, or provided directly to the VFPA in a new study) pertaining to Musqueam First Nation and Tsleil-Waututh Nation and the findings of the MSA. **Additional information provided by the VFPA:** In support of the VFPA's AIMSA draft, the VFPA provided funding Musqueam to produce a Musqueam First Nation Marine Shipping Effects	**AIMSA – MFN and TWN** 1.0 Purpose of the Additional Information to the Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			studies that it feels are necessary. Once the Panel is appointed, the Musqueam could ask the Panel to require the type of study referenced in your letter."	Assessment report. The VFPA received this report on 24-May-2016 and it was considered in the AIMSA.	
MFN-15.3	Concerned that two separate assessments will be conducted – one of the "Project" that only includes shipping to the boundary of VFPA jurisdiction, and a second, diminished assessment of marine shipping from the outer boundary of VFPA jurisdiction out to the 12-nautical-mile limit.	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:** "The Minister of Environment and Climate Change has included marine shipping associated with the Project as a factor to be considered in the EA. There will be one EA conducted and all of the factors to be considered with respect to potential environmental effects (i.e. section 19 of CEAA 2012) will be assessed for both the Project and marine shipping associated with the Project. Information collected on marine shipping associated with the Project will be provided to the Minister for her consideration for her duty to consult obligations and her EA decision. The Panel has been directed to provide its assessment of marine shipping associated with the Project within the Panel report. The assessment of the marine shipping outside the care and control of VFPA conducted by the Panel will be a full assessment and include all the factors outlined in section 19 of CEAA 2012. The reason for the differentiation between the Project and the marine shipping associated with the Project is that the Minister will not include any conditions in the EA Decision Statement issued to VFPA on marine shipping outside VFPA's care and control, should the project be allowed to proceed. Instead, any outstanding issues related to marine shipping associated with the Project will be dealt with by Canada in other ways, depending on the conclusions and recommendations of the Panel. Any information brought forward in relation to potential impacts from marine shipping associated with the Project on Aboriginal rights will be included in the adequacy of consultation assessment. The Minster is the final decision maker on whether or not consultation was adequate for the purposes of her EA decision.		

MFN-15.4	Requested that the Agency provide Musqueam with a copy of any federal government policy on marine shipping scoping for our review. If there is no current federal policy in place, we request that you provide Musqueam with an explanation for (1) why such a policy is not in place, and (2) why the marine scoping decision for RBT2 is so divergent from the federal EA scoping decisions made for other BC projects involving	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:**
			"Based on operational experience, the Agency has developed a number of factors to assist in determining whether or not to include marine shipping in the scope of assessment for a designated project. These factors include the following:
			• Does the proponent have care and control of the vessels?
			  ○ If yes, then marine shipping is part of the Project as defined by CEAA 2012 Project Regulations?
			  ○ If no, the Agency considers:		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	marine shipping, including but not limited to: • Enbridge Northern Gateway Pipeline Project • LNG Canada • Pacific Northwest LNG • Raven Coal		• What is the extent to which marine shipping relates to the designated project? • What is the extent to which marine shipping is for the sole benefit of the project proponent? and, • Any other factors that may be relevant, such as whether there is a contractual relationship between the proponent and the shipping company. When determining whether to recommend to the Minister that additional factors should be considered in an EA under subsection 19(1)(j) of CEAA 2012, the Agency considers several criteria, including: 1. How the matter is relevant to the EA; 2. The degree and nature of federal control over the matter; 3. The linkage of the component or activity to the designated project; 4. The nature and level of public concern regarding the matter; 5. Whether an Aboriginal group has identified that marine shipping will have an adverse impact on their rights; and 6. The existence of or planning for a forum to receive and use the output of the EA on this matter. Please note that not all criteria have to be met. In applying the criteria noted above, each project is considered based on its own unique merits. Some of the considerations that guided the decisions on the projects listed in your letter include: • Enbridge Northern Gateway Pipeline Project – the ships were intended for use solely by the Enbridge Northern Gateway Pipeline Project, thus the proponent had ability to impose conditions on the ships through contractual tools. • LNG Canada Project - proponent had care and control of ships. • Pacific Northwest LNG Project - proponent had care and control of ships. • Raven Coal Project - the proponent had care and control of the ships through contractual relationships. For the Project, VFPA would not have direct control over the ships coming in and out of the port outside of the area they control directly around the terminal, should be the project be allowed to proceed. Therefore, the circumstances of the Project are different from the other projects listed above for which the Agency has conducted EAs.		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-15.5	Concerned that the federal Crown has no intention of establishing enforceable conditions to require mitigation and follow up measures (e.g., monitoring of adverse effects by marine shipping beyond the VFPA boundary) necessary for the protection of our Aboriginal fishing rights. Requested that the Agency provide Musqueam with the following additional information related to the assessment of marine shipping: • Information on the regulatory mechanism through which the federal Crown intends to set and enforce conditions related to the mitigation and/or accommodation of adverse cumulative effects related to marine shipping (beyond the VFPA boundary); and • Information on how the Crown intends to use the information collected through the Review Panel's assessment of "project associated" marine shipping (beyond the VFPA boundary) to consult with Musqueam.	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:** "In your letter, you requested information on the regulatory mechanism through which the federal Crown intends to set and enforce conditions related to the mitigation and/or accommodation of adverse cumulative effects related to marine shipping (beyond the VFPA boundary). At this point in the process, the Government of Canada does not have enough information about the potential adverse cumulative effects related to marine shipping to determine what mitigation and/or accommodation may be needed. Once the Panel report is issued, the federal government will consider the conclusions and recommendations of the Panel and will determine what regulatory mechanisms exist at that point in time that can address any issues related to marine shipping associated with the Project. The Agency encourages the Musqueam to identify to the Panel any measures you think would mitigate any impacts to your rights, as the Panel will be responsible for assessment of environmental effects including potential cumulative effects. The terms of reference of the Panel direct it to include information submitted by Musqueam in its report. It is anticipated that the Panel will make conclusions on the potential environmental effects associated with marine shipping beyond VFPA's care and control. The Crown will also be monitoring and tracking all the information provided by Musqueam during the panel process. Once the Panel has issued its report, including information on project associated marine shipping, the Agency and other federal departments will consult with Musqueam on: • Whether the Panel report accurately reflects your concerns; • Whether you have any outstanding issues after looking at the proposed mitigation or accommodation in the Panel report; and • If there are outstanding concerns, what suggestions Musqueam has for addressing such issues. This information will be taken into account in determining the adequacy of consultation for the purposes of the Minister's EA decision and will involve the appropriate federal departments based on what you raise during the course of our dialogue on the topic of marine shipping. Should the Panel find significant adverse environmental effects, the Government of Canada will use the information provided by Indigenous groups involved in the process to help determine any actions necessary to mitigate those effects, where possible.		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-15.6	Stated that Musqueam has yet to hear from the Proponent on Marine Shipping.	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:** "The updated EIS Guidelines that were issued to VFPA on April 17, 2015 did not specifically require the proponent to consult with Musqueam with respect to marine shipping. However, following the issuance of the updated EIS Guidelines, [representatives of Musqueam] contacted the Agency and provided information about Musqueam's uses and concerns in the shipping lanes beyond the Musqueam statement of intent area and the area within the Musqueam Declaration. Following these discussions, the Agency wrote to Musqueam on April 24, 2015 and requested further information on your concerns. VFPA was copied on that letter to ensure they were aware that the Agency believed the Government has a legal duty to consult with Musqueam on potential impacts from marine shipping based on the new information Musqueam had provided. The Agency understands that VFPA offered to meet with Musqueam in June 2015 but was not successful in setting up a meeting. Following the review of the MSA submitted by VFPA, you wrote to the Agency noting that the information in the addendum does not address your concerns. As a result, the Agency sent a letter to VFPA on January 13, 2016, directing VFPA to gather and analyse the same types of information they had provided for the other Indigenous groups listed in the Updated EIS Guidelines. The Agency understands that VFPA and Musqueam are working together to produce this information and provide it to the Agency in summer 2016. The Agency also understands that VFPA and Musqueam have agreed on funding for Musqueam's input into the MSA information.	**Additional information provided by the VFPA:** The VFPA reached out to the Musqueam First Nation by way of letter of June 10, 2015 and again on December 4, 2015 to discuss marine shipping associated with the Project. On January 22, 2016, the VFPA met with Musqueam First Nation and provided information the marine shipping area, the marine shipping activity, and highlights from the MSA. On March 11, 2016, the VFPA offered funding for a Musqueam-led Marine Shipping Effects Assessment. The funding was accepted on March 14, 2016 and the report was submitted on May 24, 2016. On June 9, 2016, the VFPA wrote to Musqueam and provided draft a draft of the VFPA's understanding of existing conditions for Musqueam within the marine shipping area for your review and comment, including information pertaining to Current Use, marine commercial use, outdoor recreation, human health and archaeological and heritage resources. On July 7, 2016, the VFPA wrote to Musqueam responding to some of the concerns brought for in Musqueam's Marine Shipping Effects Assessment. On July 15, 2016, the VFPA received comments back from Musqueam on the draft materials and comments were considered in the AIMSA. On August 3, 2016, the VFPA provided the draft AIMSA for Musqueam's review, including sections pertaining to potential effects of Project-associated shipping, including potential residual effects and cumulative effects, and potential accidents or malfunctions associated with Project-related marine shipping. This document also includes sections relating to consultation occurring with Musqueam First Nation regarding marine shipping associated with the Project (Section 2.0 Aboriginal Groups Engagement and Consultation and Appendix 2-A Consultation Activities by Aboriginal Group), including issues and interests expressed in consultation (Section 2.4 Summary of Aboriginal Groups' Issues and Interests and Appendix 2-B Aboriginal Issues and Interests). On September 15, 2016, the VFPA received comments back from Musqueam on the AIMSA. On September 30, 2016, the VFPA wrote to Musqueam stating that Musqueam's comments have been included and incorporated in the AIMSA. The letter included a table showing how these comments were addressed. The VFPA stated that will also be submitted directly to the Review Panel and posted on the public registry. On October 4, 2016, the VFPA provided the AIMSA to the Review Panel.	
MFN-15.7	Requested that the Agency meet as soon as possible with Musqueam to ensure that we are consulted on the development of the scope of this study, in particular: 1. The spatial and temporal scope of the study; 2. The VCs and sub-VCs that are necessary to assess impacts that are directly related to	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:** "The Government of Canada's preliminary depth of consultation assessment has Musqueam on the deep end of the consultation spectrum for consultation activities in the context of this EA process. The Agency encourages Musqueam to have the discussions requested by VFPA as described above in the context of the Agency's direction for VFPA to include the Musqueam in their assessment of environmental effects and impacts on rights in relation to marine shipping associated with the Project. If Musqueam are not satisfied with the		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Musqueam's Aboriginal right to fish; 3. The population abundance thresholds directly linked to the "sufficiency of resources" that afford the opportunity for Musqueam members to be able to meaningfully exercise their fishing right, across a range of culturally significance fish species, with the traditional territory; 4. The list of other projects and activities that will be considered in the cumulative effects component of the study; and 5. The level of effort required by the Proponent to assess the impacts of marine shipping on the environment and on our Aboriginal rights.		information that VFPA includes in their response to the request, Musqueam are encouraged to present your own views on these topics to the Panel, once appointed. In particular the Crown would like to hear more from Musqueam on "The population abundance thresholds directly linked to the "sufficiency of resources" that afford the opportunity for Musqueam members to be able to meaningfully exercise their fishing right, across a range of culturally significance fish species, with the traditional territory", as Musqueam are best placed to articulate what you believe are the thresholds related to the exercise of your rights. Some key questions that would be helpful to provide information to VFPA or to the Panel in a written submission could include: • What do you mean by 'sufficiency of resources'?; • Do you have any preliminary thoughts on how much a given resource is sufficient?; • Which fish species are culturally significant to the Musqueam?; • What factors are the sufficiency of resources tied to – is it sufficient to meet the current populations need for food? Or is it sufficient for allowing continuity of cultural practices?; and • How would you determine if a resource is sufficient? How would you measure success?		
MFN-15.8	Stated that Musqueam has notified the Agency of the Crown's duty under Sparrow to justify any infringements on our fishing rights (for example, in our correspondence of October 15, 2013, February 11, 2014) and further has requested the Agency explain the process it intends to follow to justify infringements from the Project upon our rights. Requested that the Agency begin to work with Musqueam to develop the necessary infringement justification framework as soon as possible, to ensure that the framework is in place before the Review Panel releases its final report.	07-Oct-2015, Letter to the CEA Agency	**11-May-2016, Letter from the CEA Agency:** "The Crown is not in a position to discuss the infringement and justification of Musqueam rights at this juncture. The Agency has noted your position and acknowledges and respects the seriousness of your perspective. The Agency proposes that, at this point in the review process, the Crown and Musqueam engage in a discussion to identify the stages in the panel process where Musqueam can bring forward to the Panel its concerns and recommendations regarding methods by which potential impacts can be avoided or mitigated… Interwoven in the EA process is the Crown's duty to consult. The Crown is using the EA process to consult with Musqueam about potential adverse impacts from the Project and marine shipping associated with the Project on the exercise of your rights, to the extent possible. As such, the more information Musqueam is able to provide to the Panel, the better its report can reflect Musqueam's concerns, issues and proposed solutions. Once the Panel report is issued, the Crown will seek your views on whether Musqueam have any outstanding		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			concerns regarding impacts. Further, there will be an opportunity for the Musqueam to provide input into the proposed environmental decision statement conditions which would form part of the Minister's EA decision statement, should the Project be allowed to proceed. This consultation on these draft potential conditions will further facilitate the ability of Musqueam to input into potential mitigation measures regarding your concerns. The Government of Canada will ensure, through the panel process and post-panel consultation activities, that there is a clear understanding of any potential impacts on the Musqueam's right to fish for food and ceremonial purposes, as established in the 1990 R. v. Sparrow decision before the Government of Canada makes a decision that would allow the Project to proceed…"		
MFN-15.9	Concerned that Project-related marine shipping will exacerbate existing levels of contamination of and mortality of coastal shellfish resources due to pollution.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment	**24-May-2016:** Recorded comment for consideration by the Project team.	**Addressed in MSA, Section 7.3.3:** A change in water quality is not anticipated from ballast water discharges from vessels as these potential sources of contaminants are not expected to occur in the LSA as they are regulated (refer to Section 7.3.1). Bilge water must be treated to remove oils and grease prior to discharge as per regulatory requirements. Therefore, releases of contaminants or oily water from ballast or bilge water discharges are not anticipated to result from routine operations. **Additional Information provided by the VFPA:** As water quality changes are not anticipated, marine shipping associated with the Project is not expected to exacerbate existing levels of contamination of and mortality of coastal shellfish resources.	**MSA** 7.3.3 Quality of Preferred Current Use Resources 8.1 Marine Fish and Fish Habitat 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
MFN-15.10	Concerned that marine shipping will exacerbate existing alienation from fishing, hunting, coastal plant, and shellfish resources caused by industrialization, settlement, and institutional policies imposed on Musqueam territory. Concerned about the exacerbation of the existing pattern of alienation from coastal plant and shellfish resources caused by industrialization and settlement in Musqueam territory. Concerned about the exacerbation of the existing pattern of alienation from fishing resources caused by industrialization, settlement, and institutional policies	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**24-May-2016:** Recorded comment for consideration by the Project team. **20-Jun-2016, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	**Addressed in AIMSA – MFN and TWN Section 7.3.5:** The potential effects of marine shipping associated with the Project within the marine shipping area on the Current Use, including intangible cultural heritage, of Musqueam First Nation may be summarised as follows: Negligible with respect to: • Change in access to preferred Current Use locations as a result of Project-associated ship wake; • Change in availability of preferred Current Use resources; • Change in quality of preferred Current Use resources; and • Change in quality of Current Use experience (except as specified below); and Minor with respect to: • Change in access to preferred Current Use locations as a result of Project-associated increases in ship pass-bys; and • Change in quality of Current Use experience associated with the Project-associated increases in ship pass-bys. As the implementation of mitigation measures referred to in AIMSA Section 7.4 are expected to effectively address potential incremental effects to Current Use by Musqueam First Nation as a result of Project-associated vessel transit activities within the marine shipping area,	**AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 3.0 Human Health 3.1 Human Health Existing Conditions 3.2 Potential Interactions and Effects 7.0 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 7.3.1 Access to Preferred Current Use Locations 7.3.2 Availability of Preferred Current Use Resources 7.3.5 Summary of Potential Effects on Current Use **Information Requests** Response to Sufficiency Information Request #6, 8 and 13 (IR10-6, -8, -13)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	imposed on Musqueam territory. Indicated that Musqueam members use or have used the Project footprint for their rights-based activities, including harvesting of salmon, crab, sturgeon, kelp, herring, clams, mussels, oysters, ducks, geese, pheasants, bulrush, and other resources. Concerned about the loss of access to preferred fishing and crab harvesting areas from the construction and physical occupation of the Project.			residual effects from those activities on Current Use are expected to be negligible. **Addressed in IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions. **Addressed in IR10-08:** The VFPA's response to IR10-08, as requested by the Review Panel, further discusses potential changes in quality of the current use experience resulting from the proposed project.	
MFN-15.11	Concerned that that only a "qualitative Tier 1 study", largely based on previously developed, non-project specific studies, will be undertaken to address the effects of the proposed increase in marine shipping traffic through our territory. From Musqueam's perspective, the artificially limited scope of this study will preclude the Proponent from properly characterizing the current condition of, and the cumulative effects on, the very marine resources and access requirements that constitute the basis of our fishing rights. Requested that the Agency require the Proponent to undertake, at minimum, quantitative assessments in addition to existing studies for key indicator species and VC sub-species of concern, (i.e., a Tier 2 approach as noted in the EIGS) and that Musqueam be included in the development and implementation of the study. Stated that the Agency must direct the Proponent to properly assess, in consultation with Musqueam, the cumulative effects related	07-Oct-2015, Letter to the CEA Agency 16-Dec-2015, Letter to Panel (CEAR Document #368)	**11-May-2016, Letter from the CEA Agency:** "If Musqueam has suggestions of which key indicator species would be appropriate in the context of assessing impacts on Musqueam's interests, please provide that information to VFPA and the Panel. The Government relies on the Panel to conduct the EA of the potential effects of the Project, which is why the Agency is encouraging you, and all other participants, to participate in the review panel process and notify the Panel if you feel technical information is lacking in the EIS."	**Addressed in the *Updated EIS Guidelines* Section 17.0:** It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail.	***Updated Guidelines for the Preparation of an Environmental Impact Statement* (CEAR Document #177)** 17.0 Marine Shipping

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	to all shipping activities throughout Musqueam harvesting areas. Given the declining trajectory of marine species abundance within our traditional territory, the Agency must directly require the Proponent to undertake, at minimum, semi-quantitative assessments in addition to existing studies for key indicator species and VC sub-species of concern identified by Musqueam, (i.e., a Tier 2 approach as noted in the E/5 Guidelines for "select environmental effects and locations where there may be a higher risk of environmental effects") and to include Musqueam the development and implementation of such studies.				
MFN-15.12	Concerned that the federal approach being taken on a project-by-project basis will not properly address cumulative effects on the environment and on our fishing right.	07-Oct-2015, Letter to the CEA Agency	**11-May-2016: Letter from the CEA Agency:** "The Crown considers cumulative effects on the exercise of rights when assessing the potential severity of the impact from proposed projects on rights. The criteria used includes historical context. The Agency's handout from the November 2014 meeting (http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=100180) includes a detailed explanation of what the Crown considers in the assessment of impacts on rights. Below is an excerpt of the relevant section: "When the federal Crown assesses the seriousness of potential adverse impacts on the exercise of Aboriginal and Treaty rights, various considerations will guide federal officials conducting the initial assessment. These may include the following factors: 1. The certainty of adverse impacts - what is the likelihood that the impact will occur? 2. The magnitude of the adverse impacts - what is the nature and degree of the impact? 3. The duration and frequency of the adverse impacts - how often will the impact occur? Will these occurrences be short or long term? 4. Reversibility - is the adverse impact reversible (are impacts of a permanent or temporary nature?) 5. The extent of the adverse impacts - will these be localized in nature or broader? How does the		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			geographic extent of the adverse impact relate to the geographic extent of the right, as practiced? 6. Context- Aboriginal perspective on the importance, uniqueness or value of a particular use, area, activity or species, including consideration of any past potential impacts. 7. Historical context - are there past impacts to Aboriginal rights that would help in understanding potential impacts? [emphasis added] 8. Accommodation- are there any accommodation measures proposed that would reduce the seriousness of the impact on the exercise of rights? In addition, federal officials may differentiate between high, medium and low impacts as follows: 1. High impact - ability to exercise that right has been significantly diminished 2. Moderate impact - ability to exercise that right has been diminished or disrupted 3. Low impact - ability to exercise the right is minimally disrupted The federal Crown is open to considering other criteria and concepts from Aboriginal groups, as the federal Crown recognizes that each Aboriginal group is unique and the circumstances which may cause a serious impact on their Aboriginal or Treaty rights needs to be examined on a case-by-case basis. Specific information from Aboriginal groups such as baseline data, benchmarks and related measurements that relate to each Aboriginal group's rights, culture and well-being are important and can aid the federal Crown's understanding of the seriousness of potential adverse impact on Aboriginal or Treaty rights." The Agency encourages Musqueam to explain to VFPA and the Panel any existing impacts from development on your ability to exercise your rights and any proposed mitigation you may have relating to the Project and marine shipping associated with the Project based on your experience with other projects in your territory."		
MFN-15.13	Requested that the federal government work with Musqueam to develop a full-scale cumulative effects study on marine shipping with a particular focus on the risk that any additional shipping poses to the sufficiency of resources that are at root, the essential basis that affords	07-Oct-2015, Letter to the CEA Agency 16-Oct-2015, Meeting 16-Dec-2015, Letter to Panel (CEAR Document #368)	**16-Oct-2015, Meeting:** Responded that it is not something that can be provided as part of the EA but perhaps could be part of a Port-wide study. Responded that it would consider funding a cumulative effects study as part of a benefits package for Musqueam.	**Additional information provided by the VFPA:** The methodological approach used in the EIS and MSA are consistent with those in the Operational Policy Statement *Assessing Cumulative Environmental Effects Under the CEAA, 2012* issued by the CEA Agency.	**CEA Agency. 2013. Operational Policy Statement: Assessing Cumulative Environmental Effects under the *CEAA, 2012*** Available at https://www.ceaa-acee.gc.ca/default.asp?lang=En&n=1DA9E048-1. Accessed March 2014.

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	any meaningful opportunity to our members to exercise our Aboriginal rights. Musqueam proposes to lead such a cumulative effects study. Requested funding for a cumulative effects study. Reiterated request that the Crown either direct Proponents to undertake proper cumulative effects assessments, or as an alternative, the federal government itself work with Musqueam to develop a full-scale cumulative effects study on marine shipping with a particular focus on the risk that any additional shipping poses to the sufficiency of resources that are, at root, the essential basis that affords any meaningful opportunity to our members to exercise our Aboriginal rights.		**11-May-2016, Letter from the CEA Agency:** "Thank you for outlining your proposal to develop and lead a full-scale cumulative effects study on marine shipping with a particular focus on the risk that any additional shipping poses to the sufficiency of resources that afford a meaningful opportunity to your members to exercise your Aboriginal rights. The Agency has shared it with other members of the federal review team on this Project. We have some further questions of Musqueam to better understand what it is you are proposing: 1. What is the envisioned outcome of such a study? How would the outcome of the study be applied to current and/or future projects or planning? 2. Is the focus on marine shipping related to projects, or, all types of marine traffic? 3. Based on your letter, it appears your key concern is the sufficiency of resources, however, in our meetings and in other letters, Musqueam has also raised access and safety concerns with respect to the interface between marine shipping and the exercise of Musqueam rights. Would you see a cumulative effects study on marine shipping focusing solely on sufficiency of resources or would you want something that relates to how and where rights are practiced as well? 4. Would you propose to involve the federal and provincial government? 5. Would you propose to involve other Nations, and if so, who and how? 6. Would you propose to involve industry and VFPA, and if so, how? 7. What would be the temporal and geographic scope for such a study? 8. Do you envision this study as collecting baseline information and what timeframe would you consider appropriate? 9. What is your estimate for how long a study of this type would take to complete?"		
MFN-15.14	Stated that the Draft Addendum is not only incomplete, but wholly missing any substantive information related to Musqueam and the effects of marine shipping on our rights-based fishery and related interests.	16-Dec-2015, Letter to Panel (CEAR Document #368)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in AIMSA – MFN and TWN:** On October 4, 2016, the VFPA submitted supplementary information related to the additional study and engagement that was undertaken regarding the MSA, per the CEA Agency's letter from January 13, 2016. The additional information summarises potential impacts of marine shipping associated with the Project as it relates to the exercise of potential or established Aboriginal or Treaty rights of the Musqueam First Nation (and Tsleil-Waututh Nation). **AIMSA – MFN and TWN Section 1.0:** The purpose of this document, the AIMSA, is to provide supplementary information to the EIS, specifically the MSA. The information included here is based on additional information (from either pre-existing sources,	**AIMSA – MFN and TWN** 1.0 Purpose of the Additional Information to the Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				or provided directly to the VFPA in a new study) pertaining to Musqueam First Nation and Tsleil-Waututh Nation and the findings of the MSA.	
MFN-15.15	Stated that Musqueam is at a loss to understand how the Agency and the Proponent (itself a Crown entity) both appear to have chosen to ignore our Musqueam Fishing Area, set out in our Comprehensive Fisheries Agreement ("CFA") with Fisheries and Oceans Canada ("DFO"), dating back to 2001 (see attached). Stated that any proper evaluation of these maps would immediately make apparent that the proposed marine shipping route associated with the Project literally bisects the Musqueam Fishing Area as well as having the potential to impact Musqueam harvesting within the Salish Sea. Musqueam has exercised its rights to harvest fish in the Salish Sea for millennia.	16-Dec-2015, Letter to Panel (CEAR Document #368)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 21.5.2.2 and AIMSA – MFN and TWN Section 4.1.1.1:** The VFPA have acknowledged the Musqueam CFA in the EIS and AIMSA. As indicated in EIS Section 21.5.2.2, Musqueam First Nation has an economic opportunity fishery via a communal licence issued by DFO under its comprehensive fisheries agreement for Fraser River sockeye salmon, Fraser River pink salmon and Fraser River chum salmon. As indicated in EIS Section 21.5.2.2, the authorised fishing area is defined in the communal licence but may include areas from the southern end of Bowen Island to the LAA, as well as the Fraser River up to Port Mann Bridge. The harvesting area displacement effect of the Project on commercial salmon harvesters is therefore considered to be negligible.	**EIS** 21.0 Marine Commercial Use 21.5 Existing Conditions 21.5.2.2 Marine Fish Harvesting **AIMSA – MFN and TWN** 4.1 Musqueam First Nation 4.1.1.1 Aboriginal Marine Fish and Seafood Harvesting
MFN-15.16	Stated that the Crown owes a much greater duty to consult and accommodate on impacts to Musqueam than other First Nations listed.	16-Dec-2015, Letter to Panel (CEAR Document #368)	The VFPA understands that this comment is directed to the Panel.		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-16.17	Stated that the Agency must declare that the Draft Addendum is incomplete due to the omission of an assessment of adverse effects of marine shipping on Musqueam CULRTP and rights-based marine harvesting activities. Stated that the Agency must direct the Proponent to consult with Musqueam on the scope of the marine shipping study, in particular: a. The spatial and temporal scope of the study; b. The VCs and sub-VCs that are necessary to assess impacts that are directly related to Musqueam's Aboriginal right to fish; c. The population abundance thresholds directly linked to the "sufficiency of resources" that afford the opportunity for Musqueam members to be able to meaningfully exercise their fishing right, across a range of culturally significance fish species, with the traditional territory; d. The list of other projects and activities that will be considered in the cumulative effects component of the study; and e. The level of effort required by the Proponent to assess the impacts of marine shipping on the environment and on our Aboriginal rights.	16-Dec-2015, Letter to Panel (CEAR Document #368)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in AIMSA – MFN and TWN:** On October 4, 2016, the VFPA submitted supplementary information related to the additional study and engagement that was undertaken regarding the MSA, per the CEA Agency's letter from January 13, 2016 (CEAR Document #383). The additional information summarises potential impacts of marine shipping associated with the Project as it relates to the exercise of potential or established Aboriginal or Treaty rights of the Musqueam First Nation (and Tsleil-Waututh Nation). **Addressed in AIMSA – MFN and TWN Section 1.0:** The purpose of this document, the AIMSA, is to provide supplementary information to the EIS, specifically the MSA. The information included here is based on additional information (from either pre-existing sources, or provided directly to the VFPA in a new study) pertaining to Musqueam First Nation and Tsleil-Waututh Nation and the findings of the MSA. **Addressed in AIMSA – MFN and TWN Section 2.0:** AIMSA Section 2.0 describes the engagement process undertaken by the VFPA with Musqueam First Nation and Tsleil-Waututh Nation in support of the document. Details regarding the engagement and consultation program with Indigenous groups initially consulted in preparation of the MSA are provided in MSA Section 5.0.	**AIMSA – MFN and TWN** 1.0 Purpose of the Additional Information to the Marine Shipping Addendum From the CEA Agency to the VFPA re: Additional Instructions on Aboriginal Groups (CEAR Document #383)
MFN-16.18	Stated that the Agency must direct the Proponent—consistent with direction provided by the Agency to the Proponent for assessing cumulative effects related to the Project as a whole—to consult with Musqueam in order to obtain qualitatively	16-Dec-2015, Letter to Panel (CEAR Document #368)	The VFPA has reviewed this letter and provides the following additional information	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#34):** Consistent with the methods applied in the assessments of potential effects on VCs, the Current Use assessment did not undertake a cumulative effects assessment because the Current Use assessment predicts that there will be no measurable residual effects on Current Use as a result of marine shipping associated with the Project after the implementation of suggested mitigation measures. The VFPA is confident in the effectiveness of the suggested mitigation measures described in	**AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests – Musqueam First Nation and Tsleil-Waututh Nation 7.4 Suggested Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	known trends in the condition of the valued component (e.g., the declining trajectory of available resources to support Musqueam marine harvesting) through Musqueam Aboriginal traditional knowledge, historic data or any other sources and describe how past activities have affected the conditions of the valued component.			the AIMSA, but has noted Musqueam's views on these suggested measures in AIMSA Section 7.4. These measures are the same as those described in the MSA.	
MFN-16.19	Stated that the Agency must direct the Proponent to consult with Musqueam on potential adverse effects of marine shipping on Musqueam marine harvesting, and in addition, on the suitability of potential forms of mitigation, the likely degree of effectiveness of mitigation and the reasons for determining if the measures reduce the significance of the effect, the likelihood of residual effects after mitigation, and other mitigation measures that were considered but rejected and the reasons for their rejection.	16-Dec-2015, Letter to Panel (CEAR Document #368)	The VFPA has reviewed this letter and provides the following additional information	**Addressed in Response to IR-15.07.31-12:** The VFPA's Response to IR-15.07.31-12, presents a description of how each of the mitigation measures proposed in the EIS, is intended to reduce the significance of the potential effect. Also, the response presents the anticipated effectiveness of each mitigation measure, as well as the risks (if any) to the environment should the mitigation not be effective. **Addressed in AIMSA – MFN and TWN Section 7.4:** Discusses MSA-related suggested mitigation measures related to Current Use and Rights. The measures are: • Consultation on the development of a potential marine shipping activities communication plan that would provide affected Indigenous groups with real-time information regarding the movement of Project-associated shipping traffic through the marine shipping area, including: • The estimated time of arrival of Project-associated container ships and their expected duration of use of the shipping lanes for inbound and outbound movements; • Circumstances outside normal operations that might affect the expected frequency or concentration of Project-associated vessel traffic along the shipping routes (e.g., clearing backlogs in shipping traffic due to storms requiring ships to temporarily anchor before proceeding); and • Consultation with the affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. Musqueam First Nation has indicated that the above-noted mitigation measures, in Musqueam's view, "do not in themselves provide a measurable form of mitigation" (Musqueam First Nation 2016b). Musqueam have made no specific suggestions to the VFPA regarding mitigation measures for potential effects associated with marine shipping associated with the Project. **Additional information provided by the VFPA:** The VFPA remains open to suggestions regarding potential mitigation measures. **Addressed in Response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation;	**AIMSA – MFN and TWN** 7.4 Suggested Mitigation Measures **Information Requests** Response to Information Request #12 (IR-15.07.31-12 of CEAR Document #314) Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and • Total cost of implementation of each measure during construction and/or operation. The VFPA remains committed to working with Musqueam to build a productive and positive working relationship and welcomes further discussion with Musqueam with respect to this matter.	
MFN-16.20	Stated that given that the Draft Addendum contains no reference to Musqueam CULRTP or rights-based harvesting (especially Sections 5.0 and 9.5, and related appendices) the Agency must provide Musqueam with, at minimum, a 21-day comment period to review and submit comments on the completeness of the revised version of the Draft Addendum once it has been resubmitted to the Agency for consideration.	16-Dec-2015, Letter to Panel (CEAR Document #368)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in AIMSA – MFN and TWN Section 7.2.1:** AIMSA Section 7.4 discusses rights-based harvesting related to Current Use and Rights.	**AIMSA – MFN and TWN** 7.2.1 Musqueam First Nation
MFN-16.21	Stated that the conclusion in the MSA that "Project-associated shipping is not expected to measurably affect the existing quality of Current Use experience for either Musqueam First Nation or Tsleil-Waututh Nation within the Marine Shipping Area through changes to noise, light or air emissions, and	15-Sep-2016, Email	**30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed an excerpt from AIMSA Appendix 2-B showing your September 15, 2016 comments on the final draft AIMSA and the VFPA's response to those comments.	**Addressed in AIMSA MFN and TWN Appendix 2-B (#28):** "By way of this comment, the VFPA notifies the CEA Agency and the Review Panel of the views of Musqueam First Nation on this assessment conclusion. The VFPA notes that this concern is specific to marine shipping at Roberts Bank, which was assessed as part of the EIS. The AIMSA considers effects from marine shipping occurring in a separate area, the marine shipping area as defined in Figure 1-1 of the MSA."	**MSA** Figure 1-1 2.0 Geographic Setting **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.3.4 Quality of Current Use Experience

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	increased statistical risk to safety on the water" is unsupportable. Stated that the evidence provided by Musqueam, including in the Musqueam Marine Shipping Effects Assessment demonstrate that the perceived risks associated with heightened marine shipping results in avoidance due to perceived risk and/or contamination (risk and/or contamination, and/or general disturbance and diminishment of harvesting opportunities.				
MFN-16.22	Concerned that Project-related marine shipping, and related restrictions/ regulations, will lead to disruptions to fishing activities, increased avoidance or loss of fishing grounds, resulting in decreased access to seafood obtained from fishing. Concerned about the loss of fishing grounds and disruptions to fishing activities due to the presence of marine traffic and restriction and regulations to access.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting 15-Sep-2016, Email 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**24-May-2016:** Recorded comment for consideration by the Project team. **20-Jun-2016, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed an excerpt from AIMSA Appendix 2-B showing your September 15, 2016 comments on the final draft AIMSA and the VFPA's response to those comments.	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#22):** The assessment of Current Use includes an assessment of potential effects on access to Current Use locations. Project-associated marine shipping will take place within existing international shipping lanes; no additional restrictions or regulations are anticipated.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 9.5.5 Potential Interactions and Effects of Vessel Transit on Current Use **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.3.1 Access to Preferred Current Use Locations
MFN-16.23	Concerned that pollution from Project-related marine shipping will lead to avoidance of coastal harvesting activities, and in turn, loss and disruption of historical, social and cultural values.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting 15-Sep-2016, Email	**30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed an excerpt from AIMSA Appendix 2-B showing your September 15, 2016 comments on the final draft AIMSA and the VFPA's response to those comments.	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#23):** The assessment of human health (in the MSA and in the AIMSA) assesses the potential effects of Project associated marine shipping on contamination in marine edible resources. The assessment of Current Use (in the MSA and the AIMSA) considers potential avoidance of harvesting resources that may be contaminated through the quality of preferred Current Use resources indicator. The assessment also considers potential effects on cultural practices or heritage (i.e., historical, social, and cultural values) associated with Current Use activities that may be avoided.	**MSA** 9.1 Human Health 9.1.5.1 Negligible Effects, Indirect Exposure to Contaminants in Marine Edible Resources 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 9.5.5 Potential Interactions and Effects of Vessel Transit on Current Use **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 3.0 Human Health 3.2.2 Negligible Effects Related to Contamination in Edible Marine Resources

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
					7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.3 Potential Interactions and Effects on Current Use 7.8 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights
MFN-16.24	Concerned about the greater quantities of large ships traveling the Fraser River and Salish Sea, which have become constant objective hazards and obstructions to their fishing activities. Opportunities to fish may be also lost to larger ships when Musqueam fishing is obligated to stop to avoid collisions.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	**Information Requests** Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #13 (IR10-13)
MFN-16.25	Concerned that shipping activities due to the Project would scare fish away and disrupt this key part of salmon migration, with potential effects further upriver in areas that are heavily used by Musqueam fishers. Crabs were also noted as vulnerable to shipping activity deriving from the Project.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 8.1:** Discusses potential effect to marine fish related to Marine Shipping associated with the Project. An assessment was undertaken to evaluate the potential effects of Project-associated marine shipping on marine fish and fish habitat (including marine vegetation and marine invertebrates) within the marine shipping area and located within the Salish Sea. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	**MSA** 8.1 Marine Fish
MFN-16.26	Stated that Musqueam has been excluded from the scope of the marine shipping study. Stated that more one-on-one consultation on the effects of Marine Shipping on Musqueam's rights and with respect to cumulative effects is needed. Criticised that the EIS was deemed complete before MFN	22-Jan-2016, Meeting 20-Jun-2016, Meeting	**22-Jan-2016, Meeting:** Summarised the timeline for marine shipping. Stated that following the CEA Agency letter to Musqueam regarding marine shipping, the VFPA sent Musqueam a request for information related to marine shipping and offer of funding that was accepted by Musqueam. The VFPA didn't receive direction from CEA Agency, but came to Musqueam because thought there may be a concern. The VFPA understands Musqueam's concern and will include them in future consultation.	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#1):** An addendum to the EIS (the AIMSA) has been prepared to supplement the MSA with information provided by and pertaining to Musqueam First Nation's interest in the marine shipping area. Ongoing and planned consultation with Musqueam First Nation is summarised in AIMSA Section 2.0. **Addressed in AIMISA – MFN and TWN Appendix 2-B (#5):** The determination of the completeness of the EIS was made by the CEA Agency. The process for review of additional information, is made by the CEA Agency and the Review Panel. By way of this comment, the VFPA notifies the CEA Agency and the Review Panel of these concerns.	**AIMSA – MFN and TWN** 2.0 Aboriginal Groups Engagement and Consultation Appendix 2-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	input regarding marine shipping had been submitted. Concerned that the MSA including MFN's material will not be subject to the same review process as the documents submitted previously.		**20-Jun-2016, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.		
MFN-16.27	Concerned that Project-related marine shipping will lead to loss of waterfowl habitat from wakes generated by marine shipping. Concerned about the loss of waterfowl habitat from wakes generated by marine shipping.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**24-May-2016:** Recorded comment for consideration by the Project team. **20-Jun-2016, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	**Addressed in AIMSA - MFN and TWN Appendix 2-B (#14):** The assessment of Project-associated marine shipping effects on the wave environment, in the MSA, evaluates potential effects of waves from ship wake, and this assessment informs the assessment of potential effects on fish and fish habitat, including marine vegetation. The assessment of marine birds (in the MSA) includes consideration of potential effects of ship wake on the habitat of marine birds. Potential effects of vessel wake-generated waves on marine birds were characterised as negligible, because wake-generated wave heights are predicted to be well within the range of natural wave conditions. Birds and bird habitat are already adapted to the natural wave conditions; therefore, any wake-related influences would not be distinguishable from existing conditions The assessment of Current Use in the AIMSA includes a description of the concern of Musqueam First Nation for effects on birds.	**MSA** 7.2 Wave Environment 8.1 Marine Fish and Fish Habitat 8.1.6.1. Negligible Effects, Vessel Wake 8.3 Marine Birds 8.3.6 Potential Interacts and Effects **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 7.3.2 Availability of Preferred Current Use Resources

Table 16: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-16.1	Concerned about effects to upland vegetation and to Musqueam's right to hunt and harvest terrestrial plants. Requested the study that supports the statement that upland areas will not be affected by the Project.	18-Oct-2013, Meeting 19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**18-Oct-2013, Meeting:** Recorded comment for consideration by the Project team. **19-Nov-2014, Workshop:** Stated that upland vegetation is not expected to be affected by the Project. If Musqueam has information regarding potential effects to other resources, that information will be considered. All studies in the EIS are available. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#180):** Since the Project area does not extend into the upland area eastward of the Roberts Bank causeway, with the exception of a 450 m narrow strip (approximately 1 ha) on the existing British Columbia Railway (BCR) right-of-way for tie-in purposes to the existing mainline rail network via the Roberts Bank Rail Corridor, there is little potential for Project-related effects to terrestrial plant and wildlife species (i.e., coastal black tail deer, squirrel, and berries and medicinal plants). Potential effects to marine fish and coastal birds are Addressed in EIS, as are potential effects on the quality of experience of carrying out traditional use in upland areas, based in part on the findings of the light, noise and vibration, and human health assessments. Based in part on the findings of the assessment of marine biophysical VCs, potential Project-related effects on resource harvesting of traditional species are assessed in EIS Section 32.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis
MFN-16.2	Concerned about pollution from the Project and its impacts on vegetation. Concerned about potential effects of the Terminal on shoreline plants, noting that when cattails are cut from polluted areas they have a foul odour. Noted that harvesting areas must also be clean for medicinal plants to have potency. Concerned that the medicinal plants that remain in the vicinity of the proposed Project have been rendered unusable to some by pollution and disturbance from marine and terrestrial traffic, as well as the Westshore terminal	08-Jul-2014, Contemporary Musqueam Use of the South Fraser Delta Report 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**08-Jul-2014:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 9.7:** Project construction and operation activities are not expected to alter water contaminant or nutrient levels, pH, dissolved oxygen, or temperature. **Addressed in EIS Section 11.6.2.1:** Potential operation-phase changes from wastewater (sewage) and stormwater discharges, and discharges from ships (bilge water and ballast water) are not expected to affect marine vegetation due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures described in EIS Section 4.2.1, and the implementation of regulatory requirements and guidelines (refer to EIS Section 9.7.8 for more information). **Addressed in MSA Section 7.3:** Reports that a change in marine water quality is not anticipated as a result of Project-associated vessel transit activities within the marine shipping area, as Project-associated marine vessels are prevented from discharging bilge or ballast water by domestic and international regulations. By extension, a change in the quality of marine resources would also not be expected as a result of water-borne pollution from vessel discharges. **Addressed in EIS Section 32.2.7.3:** In combination with the measures to address or reduce Project-related effects on Current Use access and availability of preferred Current Use resources, the measures outlined in EIS Section 27.0 to address traditional food avoidance due to perceived contamination concerns are also expected to be effective in mitigating adverse effects on Current Use that may stem from Project-related contamination concerns. The residual effect on the quality of preferred Current Use resources as a result of the Project is therefore predicted to be negligible	**EIS** 4.2.1 Project Description, Marine Terminal 9.7.8 Marine Water Quality, Future Conditions with the Project 11.6.2.1 Changes in Water Quality 27.0 Human Health 32.2.7.3 Mitigation Measure #3: Changes in Quality of Preferred Current Use Resources **MSA** 7.3 Marine Water Quality 7.3.3 Quality of Preferred Current Use Resources
MFN-16.3	Concerned that Project-related marine shipping will exacerbate existing levels of contamination of and mortality of coastal plant resources due to pollution.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment	**24-May-2016:** Recorded comment for consideration by the Project team.	**Addressed in MSA Section 7.3:** Reports that a change in marine water quality is not anticipated as a result of Project-associated vessel transit activities within the marine shipping area, as Project-associated marine vessels are prevented from discharging bilge or ballast water by domestic and international regulations. By extension, a change in the quality of marine resources would also not be expected as a result of water-borne pollution from vessel discharges.	**MSA** 7.3 Water Quality 8.1 Marine Fish and Fish Habitat 8.1.5.3 Intertidal Habitat 8.1.6 Potential Interactions and Effects

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Concerned that Project-related marine shipping will lead to loss of valued habitat for fishing resources due to, noise, movement and pollution. Concerned about the increased contamination, loss of viable habitat, and mortality rates of coastal plant and shellfish resources due to pollution generated from marine shipping.	15-Nov-2017, Letter to Panel (CEAR Document #1098)		**Addressed in MSA Section 8.1:** An assessment was undertaken to evaluate the potential effects of Project-associated marine shipping on marine fish and fish habitat (including marine vegetation and marine invertebrates) within the marine shipping area. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 10.0 Potential Accidents or Malfunctions 10.5.6 Marine Fish and Fish Habitat
MFN-16.4	Concerned that traditional plants are not accessible due to habitat changes and stressed the importance of creating harvestable areas with cattails, lomatium and other plants. Noted patch of lomatium along the dike from Brunswick Point to Tsawwassen, a species critical for cultural continuity.	16-Jun-2017, Meeting with Administrative Staff	**16-Jun-2017, Meeting:** Recorded comment for consideration by the Project team. Noted approach taken by VFPA HEP for inclusion of culturally significant and harvestable plants identified as important by First Nations.	**Additional information provided by the VFPA:** Beyond the offsetting measures suggested in the EIS, the VFPA encourages Indigenous groups participating in the EA to suggest specific offsetting measures for consideration. **Addressed in EIS Section 32.2.4.2 and response to IR10-05:** Potential effects of the Project on Current Use, including *Lomatium* (q̓əχmin), were assessed in EIS Section 32.2.4.2 and further discussed in IR10-05. Brunswick Point, at the northeastern aspect of the marine vegetation LAA, has been identified by Indigenous groups as an important area for harvesting aquatic and terrestrial plants for food, medicinal, ceremonial, and manufacturing purposes. Of these, intertidal species include cattail, tule (hard-stemmed bulrush), and grasses (possibly canary grass, used for weavings, basketry, and tumplines). As outlined in EIS Section 11.6.3.2 (Marine Vegetation), intertidal marsh productivity is expected to increase with the Project, as predicted changes in coastal geomorphology will make existing habitats and growing conditions more suitable over time. By extension, EIS Section 32.3.2 concluded that the Project is not expected to impact the ability of Indigenous groups to exercise potential or established Aboriginal or treaty rights to gather plants. With regards to *Lomatium* (bare-stem desert parsley), specifically, EIS Section 32.2.4.2 notes the plant was once available throughout the Fraser River estuary, but Musqueam say that due to encroachment, contamination, and loss of habitat, it is now primarily harvested from or traded for around Tsawwassen First Nation Lands, on the eastern margins of the Project area (Woolman 2014). The plant is a relatively common terrestrial species; as described in EIS Appendix 8-A, terrestrial vegetation does not spatially overlap with the Project, and therefore has no potential to interact with the Project. Since Project construction and operation are not anticipated to interact with terrestrial or freshwater resources, these components were not considered in the EIS. By extension, effects of a change in the availability or quality of these resources on the Current Use of these resources by [Indigenous] groups were not carried forward for further assessment. Based on information reviewed to date and summarised in EIS Section 32.2.4, access to preferred locations for	**EIS** Appendix 8-A Valued Component Selection Rationale 32.2.4.2 Musqueam First Nation **Information Requests** Response to Sufficiency Information Request #05 (IR10-05 of CEAR Document #1216)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				the Current Use of terrestrial or freshwater resources is also not anticipated as a result of Project construction and operation.	
MFN-16.5	Indicated support for eelgrass habitat restoration. Noted eelgrass is good for salmon and fish habitat and is consistent with their hereditary approach to restoration.	12-Sep-2016, Issues Workshop – MFN / TFN #2 10-Jul-2017, Roberts Bank Boat Tour #2	**12-Sep-2016:** Recorded comment for consideration by the Project team. **10-Jul-2017:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#201):** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorisation will require that functional objectives are met.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting
MFN-16.6	Concerned about the presence of English cordgrass (*Spartina anglica*) at Roberts Bank. Potentially interested in means of offsetting that involve the eradication of *Spartina anglica*.	10-Jul-2017, Roberts Bank Boat Tour #2	**10-Jul-2017, Boat tour:** Stated that the VFPA has been funding the Spartina Working Group for some time and there has been good success in reducing its spread.	**Additional information provided by the VFPA:** As noted in the response to IR-7.31.15-03, the VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary. **Additional information provided by the VFPA:** Beyond the offsetting measures suggested in the EIS, the VFPA encourages Indigenous groups participating in the EA to suggest specific offsetting measures for consideration.	**Information Requests** Response to Information Request #3 (IR-7.31.15-03 of CEAR Document #314)

Table 17: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-17.1	Concerned that dredging activities will negatively impact water quality and sedimentation. Asked what type of equipment would be used for dredging the tug basin.	10-Jul-2017, Roberts Bank Boat Tour #2	**10-Jul-2017, Boat Tour:** Responded that the VFPA did not know the type of equipment offhand but indicated a response could be provided in follow-up. **11-Nov-2017, Email from the VFPA:** Stated that currently there is a general plan which proposes the use of a clamshell off a derrick barge. The area is too small for larger equipment. **26-Jun-2017, Email from the VFPA:** The concerns brought forward by Musqueam First Nation with regard to Dungeness Crabs, DAS, and, in particular, the ITP highlighted the need for the VFPA ("the port authority") to re-evaluate our planned construction approach and use of the ITP as a part of the Project. The Project Team has been actively exploring alternative construction methods to address concerns raised by Indigenous groups and regulatory agencies since the development of the EIS in 2014. After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the *Coasting Trade Act* as a result of approving the Canadian European Trade Agreement, the port authority determined that the Project could proceed without the use of an ITP. In addition, the elimination of the ITP, along with other changes will result in a Project that does not require a DAS permit.	**Addressed in EIS Section 9.6:** Changes to surficial geology and marine sediment during Project construction activities are expected to be minimal or undetectable relative to natural variability. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the EA resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 9.6 Surficial Geology and Marine Sediment **PCU (CEAR Document #1210)**

Table 18: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-18.1	Concerned that VFPA is only working to offset where it wants to build, and is only implementing enhancement and mitigation as required.	06-Jun-2014, VCs Workshop #1	**06-Jun-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 17.0 Mitigation for Marine Biophysical Valued Components.	**Addressed in EIS Section 17.0:** With respect to habitat off-setting plans, see EIS Section 17.3.2 Mitigation for Marine Biophysical Valued Components, Offsetting Potential Effects, Offsetting Framework. **Additional information provided by the VFPA:** Across all of VFPA operations, the VFPA adopts a holistic approach to protecting the water, land and wildlife within VFPA jurisdiction through a variety of programs that benefit our aquatic environment, port lands, and the wildlife that inhabit these areas. More information on this topic can be found on VFPA's website: https://www.portvancouver.com/environment/. The port authority leads a suite of initiatives aimed at tracking and reducing air emissions associated with key port activities: shipping, trucking, cargo-handling, and tenant operations. PORT WIDE Port-wide Emissions inventory: Our activity-based emissions inventory enables us to estimate port-related air emissions from a variety of sources. The inventory informs our policies and programs by helping us identify trends and priority areas for action. Learn more about our emissions inventory: https://www.portvancouver.com/environment/air-energy-climate-action/port-wide/. Northwest Ports Clean Air Strategy: The strategy was developed in partnership with the ports of Seattle and Tacoma and the Northwest Seaport Alliance to reduce port-related air emissions in the Georgia Basin-Puget Sound air shed. Learn more about the Northwest Ports Clean Air Strategy: https://www.portvancouver.com/environment/air-energy-climate-action/port-wide/. Air quality monitoring: We collaborate with Metro Vancouver and other partners to monitor air quality around the port. Learn more about air quality monitoring: https://www.portvancouver.com/environment/air-energy-climate-action/port-wide/. SHIPS EcoAction Program: Ships can receive harbour dues discounts by meeting voluntary best practices that reduce emissions and other environmental impacts. Learn more about our EcoAction program for ships: https://www.portvancouver.com/environment/air-energy-climate-action/marine/. Shore power: Specialised equipment allows ships at berth to shut off their diesel-powered engines and connect to the electricity grid, significantly reducing emissions that contribute to both air pollution and climate change. Learn more about our shore power installations: https://www.portvancouver.com/environment/air-energy-climate-action/marine/. TENANT OPERATIONS Non-Road Diesel Emissions Program: We work with port tenants to accelerate upgrading of older, higher-emission diesel equipment through a combination of fees and rebates. Learn more about our Non-Road Diesel Emissions Program: https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/nrde/.	**EIS** 17.0 Mitigation for Marine Biophysical Valued Components

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Energy Action: In partnership with BC Hydro, this program helps port tenants advance energy conservation measures and access financial incentives. Learn more about Energy Action: https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/energy-action-initiative/. Climate Smart: We offer training to help port tenants measure and reduce greenhouse gas emissions. Learn more about Climate Smart: https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/. CONTAINER TRUCKS Truck Licensing System: Container trucks that access the port meet minimum environmental requirements for engine age, emission controls and idle reduction. Learn more about our Truck Licensing System: https://www.portvancouver.com/environment/air-energy-climate-action/container-trucking/ **Further information provided by the VFPA:** The VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.	
MFN-18.2	Interested in the artificial reefs constructed as part of DP3 and that more is proposed for RBT2, and any related publicly available information.	10-Jul-2017, Roberts Bank Boat Tour #2	**10-Jul-2017, Boat Tour:** Recorded comment for follow-up. **20-Nov-2017, Email from the VFPA:** Attached the "2010 Deltaport Subtidal Reef Compensation Monitoring Report" and associated images from Balanced Environmental.	**Additional information provided by the VFPA:** The VFPA has published annual monitoring reports on the Adaptive Management Strategy for DP3, which are available on VFPA's website: http://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/. **Addressed in EIS Section 17.0:** As part of the offsetting framework described in EIS Section 17.0, the VFPA is proposing to support rockfish populations and assist in meeting fisheries management objectives to alleviate historical declines of regional populations. The creation of approximately 2 ha of reef habitat would benefit macroalgae vegetation, and provide refuge, feeding and spawning habitat for invertebrates, fish and birds. Subtidal rock reefs would be developed adjacent to, and as extensions of, the productive subtidal rock reefs constructed as part of DP3.	**EIS** 17.0 Mitigation Framework for Marine Biophysical Valued Components
MFN-18.3	Stated that it is Musqueam's expectation that the EISg requirement – which implies that a requirement of the EIS is to make a determination first of	15-Jun-2015, Letter to the CEA Agency (CEAR	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information on wetlands in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 11, #22).	**Addressed in Response to IR-7.31.15-22:** The VFPA's response to IR-7.31.15-22, provides a consolidated description of the location, size, type, species composition, and ecological functions of wetlands potentially affected by the Project.	**EIS** 17.4 Wetland Assessment **Information Requests** Response to Information Request #22 (IR-7.31.15-22 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	whether a wetland compensation plan (WCP) is required, a necessary prerequisite to describing its requirements (if any) – has not been met. The results of a wetland ecological functions (WEF) should be integrated into the EIS prior to it being considered complete, not added as a later appendage. In the event that WEF assessment determines the need for a WCP, the Proponent should be required to consult with Musqueam regarding potential offsetting locations to ensure accommodation of impacts on Musqueam territory and rights.	Document #241)	The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.”	**Addressed in EIS Section 17.4:** As part of the development of the Offsetting Plan, the VFPA has initiated discussions and will continue to work with the Canadian Wildlife Service to complete a wetland ecological functions assessment to confirm that the requirements for wetland compensation have been met, based on the habitat assessments completed as part of the EIS.	

Table 19: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information

MFN-19.1	Asked whether noise is measured only for the Project or cumulatively.
	Asked if all aspects of shipping noise are assessed (e.g. the sounding of horns related to navigation), as opposed to just noise generated when a ship is idling at the terminal.
	Asked if noise was measured at or near the Musqueam reserve.
		19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**19-Nov-2014, Workshop:**
			Stated that the VFPA would take those questions for consideration and that additional information would be made available to Musqueam (EIS).
			01-Apr-2015, Letter from the VFPA:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.
				Addressed in EIS Section 9.3.6.2:
				The upland study area includes noise and vibration-sensitive receptors in Delta, Point Roberts and Washington that are within 5 km of the existing Roberts Bank terminals and 2 km of the northeast edge of the Roberts Bank Causeway (see EIS Figure 9.3-1). The boundaries were chosen to include all upland areas where Project-related noise levels could potentially exceed the World Health Organization (WHO) sleep interference threshold.
				The upland study area includes Musqueam IR 4 but ends south of Canoe Pass. The Musqueam community living at Musqueam IR 2 and 3 are not within the study area.
				The assessment of potential changes in atmospheric noise associated with marine shipping beyond the VFPA's jurisdiction is provided in MSA Section 7.4.
				Addressed in EIS Appendix 7.2-B (#43):
				The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS.
				The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use.
				The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic.
				• The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration.
				• Mitigation measures related to noise are included in the human health assessment (EIS Section 27.9.2).
				The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration.
				The assessment concluded that:
				• Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible.
				• The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors.
				• Some changes in noise conditions that could be perceptible include:
				  ○ Increased noise during periods of peak construction activity.
				  ○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals.
				  ○ Increased noise in marine areas is expected to be perceptible close to the terminal.
					EIS
					9.3 Noise and Vibration
					9.3.6 Methods
					9.3.7 Existing Conditions
					9.3.9 Future Conditions with the Project
					9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities
					9.8 Underwater Noise
					13.0 Marine Fish
					13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity
					14.0 Marine Mammals
					14.6 Future Conditions with the Project
					15.0 Coastal Birds
					15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity
					27.0 Human Health
					27.6 Future Conditions with the Project - Potential Project-Related Effects:
					27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise
					27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance
					27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity
					27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects
					MSA
					Appendix 7.2-B Aboriginal Groups Interests and Issues Table
					7.4 Atmospheric Noise

Table 20: Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-20.1	Asked about anchorages in English Bay that are associated with Roberts Bank Terminals. Asked if support vessels (tugs) travel from English Bay to Roberts Bank.	22-Jan-2016, Meeting	**22-Jan-2016, Meeting:** Responded that ships visiting a Roberts Bank terminal would only anchor in English Bay in adverse conditions. If container ships are backed up at Deltaport, vessels tend to slow down to delay arrival. Noted container ships arrive within a scheduled window, like an airplane. Explained that tug boats do not travel from English Bay. There is a tug basin at Roberts Bank which will be expanded as part of the Project.	**Addressed in MSA Appendix 5-B (#3):** Anchorage is discussed in MSA Section 4.0. Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. The assessment of marine shipping associated with the Project is based on a routine vessel transit scenario. Because anchorage only occurs in rare circumstances, anchorage is not assessed as an activity related to marine shipping associated with the Project. **Additional information provided by the VFPA:** Existing anchorage locations are provided in a map in Transport Canada Appendix C Figure 1 of CEAR Document #982, along with very detailed information regarding anchorages in its response to Panel information request TC IR-07. As part of this response, Appendix C (Pacific Pilotage Authority Marine Shipping Area Anchorage Locations and Specifications) provided the longitudinal and latitude coordinates for all anchorages along with the associated maps for the anchorages outside of VFPA jurisdiction. The anchorages within VFPA jurisdiction are shown on pages 85 and 86 of the Port Information Guide issued as Appendix IR1-01-A in IR1-01 (CEAR Document #897).	**MSA** 4.0 Activity Description 4.2.2.2 Anchorage Appendix 5-B Aboriginal Issues and Interests **From Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017 (CEAR Document #962)**
MFN-20.2	Asked about the effects of cooling water discharged from ships at berth, and whether this warms the surrounding water.	12-Jun-2017, Roberts Bank Boat Tour #1	**12-Jun-2017, Boat Tour:** Noted this was a question that hadn't been raised previously and did not know the response. Speculated that if cooling water is discharged by ships at Deltaport, it would be unlikely to result in measurable change on temperature given the dilution at the receiving site.	**Additional information provided by the VFPA:** The requirement for using sea water to cool engines would be minor, if any, given container ships at berth use auxiliary engines or shore power. For ships at berth, any cooling water discharge effect would likely be unmeasurable given amount of water being exchanged relative to the water body and the mixing action of currents and tidal flows.	

Table 21: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-21.1	Stated that the increased tanker traffic in the river due to this project poses a risk to Musqueam fishers safety, as the river is currently at maximum capacity for traffic and creates unsafe fishing situations.	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** As RBT2 is a container port project, only container ships will call at the new proposed terminal, not tankers. River traffic is not anticipated to increase as a result of RBT2.	**EIS** 4.0 Project Description

MFN-21.2	Stated that fewer but bigger ships are a safety concern for our fishers.	16-Jul-2013, Meeting	**16-Jul-2013, Meeting:**
			Recorded comment for consideration by the Project team.
			30-Sep-2016, Letter from the VFPA:
			Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry.
			Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.
				Addressed in MSA Section 10.4.1:
				Discusses the risk mitigation practices in the marine shipping area, applicable to ships associated with the project. This include:
				• Vessel traffic management system including radar surveillance and traffic separation zones;
				• Pilotage for all vessel moves within the region;
				• Navigational aids; and
				• Precautionary areas and special operating instructions.
				Addressed in Response to IR4-02:
				Table IR4-02-1 provides the fleet distribution and number of vessel calls in 2050 for each scenario. RBT2 terminal operations in 2050 are assumed to be similar to 2030 at 2.4 million TEUs, and the number of weekly services and vessel calls is anticipated to decrease as ship sizes increase (as previously stated in EIS Section 4.4.2.1).
				Addressed in AIMSA – MFN and TWN Section 7.4:
				Discusses MSA-related suggested mitigation measures related to Current Use and Rights. The measures are:
				• Consultation on the development of a potential marine shipping activities communication plan that would provide affected Indigenous groups with real-time information regarding the movement of Project-associated shipping traffic through the marine shipping area, including:
				  ○ The estimated time of arrival of Project-associated container ships and their expected duration of use of the shipping lanes for inbound and outbound movements; and
				  ○ Circumstances outside normal operations that might affect the expected frequency or concentration of Project-associated vessel traffic along the shipping routes (e.g., clearing backlogs in shipping traffic due to storms requiring ships to temporarily anchor before proceeding).
				• Consultation with the affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups.
				Potential effects on current use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred current use locations, due to Project-associated ship wake, the availability and quality of preferred current use resources, and the quality of the current use experience (i.e., cultural practices) tied to those aspects of current use. Residual effects on access to preferred current use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of current use, are considered negligible after the implementation of mitigation.
				Musqueam First Nation has indicated that the above-noted mitigation measures, in Musqueam's view, "do not in themselves provide a measurable form of mitigation" (Musqueam First Nation 2016b). Musqueam have made no specific suggestions to the VFPA regarding mitigation measures for potential effects associated with marine shipping associated with the Project.
					MSA
					10.0 Potential Accidents and Malfunctions
					AIMSA – MFN and TWN
					7.4 Suggested Mitigation Measures
					Information Requests
					Response to Sufficiency Information Request #02 (IR4-02 of CEAR Document #1051)

MFN-21.3	Concerned with the possibility of a collision between a container ship and a fishing vessel.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Responded that the Quantitative Risk Assessment will be an	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in the Potential Accidents or Malfunctions section (EIS Section 30.0), as well as the Quantitative Risk Assessment (EIS Appendix 30-A).	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Referenced a photo showing one of Musqueam's vessels trying to move away from a large vessel. Asked if there was a determination of a significant effect related to accidents and malfunctions. Noted that fishing vessels are expensive and just one vessel being impacted is significant. Concerned that Project-related marine shipping will result in increased risks to safety and loss of gear while fishing and travelling on the water. Concerned that Project-related marine shipping will lead to increased anxiety and fear regarding safety in the Project area. Concerned that this may result in significant adverse effects on lands and resources for traditional purposes. Concerned about increased anxiety and fear regarding safety in the Project area due to the presence of Project-related marine traffic. Commented that the presentation incorrectly presents navigational safety issues for small vessels as a negligible effect. There is already an effect on navigation safety for small vessels due to existing facilities and traffic. Stated that increasing the number of vessels will increase this problem. Concerned that a potential accident represents a serious risk to Musqueam way of life in an extremely vulnerable state. Stated that one accident could have devastating effects.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN 22-Jan-2016, Meeting 24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting 15-Nov-2017, Letter to Panel (CEAR Document #1098)	Appendix in the EIS. That study indicated that this Project will result in increased vessel traffic. It also asked what other types of vessels they will interact with, and considered the potential risk of collision and/or interaction between them. **19-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **22-Jan-2016, Meeting:** Responded that the potential effects on current use and impacts on the exercise of established and asserted Aboriginal and treaty rights due to accidents or malfunctions arising from marine shipping were assessed. However, the likelihood of this occurring is very low. **24-May-2016:** Recorded comment for consideration by the Project team.	Data collected by DFO between 2008 and 2012 for vessels in DFO sub-areas encompassing Canadian and U.S. waters transited by ships bound for Roberts Bank was reviewed. These data indicated that daily fishing vessel numbers in the area are low (i.e., no vessels per sub-area on most days; maximum of six vessels on one day in the largest sub-area). On this basis, the QRA estimated the return period for a collision involving a container ship and a fishing vessel as 1 in 50 years, equivalent to a "very low" probability in this assessment. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues in the construction phase. **Addressed in AIMSA – MFN and TWN Section 8.0:** The assessment of potential accidents or malfunctions (in the MSA and AIMSA) includes consideration of a collision scenario, involving gear damage between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for marine commercial use, outdoor recreation, and human health VCs, and Current Use and rights. **Addressed in MSA Section 10.4:** Includes a description of applicable collision risk reduction measures. **Addressed in MSA Section 10.5.13:** The assessment of Current Use presented in MSA Section 10.5.13 considers the risk of collision, and perceptions of safety and determined that residual effects of the collision scenario on Current Use was considered significant, though unlikely to occur. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considered potential effects related to a plausible worst-case scenario selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences. This included: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, current use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For current use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake current use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. **Addressed in AIMSA – MFN and TWN Appendix 2-B (#20):** In relation to the marine shipping area, the assessment of Current Use (in the MSA, and in the AIMSA) considers the risk of collision and perceptions of safety in the assessments of access to preferred Current Use locations, and quality of Current Use experience. The assessment of marine commercial use (in the MSA and the AIMSA) considers potential effects of gear damage or loss in relation to commercial fish and seafood harvesting and guided sport fishing (including Indigenous fish and seafood harvesting, and Indigenous guided sport fishing). The assessment of potential accidents or malfunctions (in the MSA and in the AIMSA) includes consideration of a collision scenario, involving gear damage) between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for marine commercial use, outdoor recreation, and human health VCs, and Current Use and rights. MSA Section 10.0 also includes a description of applicable collision risk reduction measures. The assessment of Current Use considers the risk of collision, and perceptions of safety.	Use of Lands and Resources for Traditional Purposes 32.2.6.4 Potential Effect #4: Changes in Quality of Current Use Experience MSA **MSA** 9.2 Marine Commercial Use 9.2.5 Potential Interactions and Effects 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 9.5.5 Potential Interactions and Effects of Vessel Transit on Current Use 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights 10.0 Potential Accidents or Malfunctions 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 4.0 Marine Commercial Use 4.2 Potential Interactions and Effects 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.3.4 Quality of Current Use Experience 7.8 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights 8.0 Potential Accidents or Malfunctions 8.5 Potential Effects of Accidents

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			20-Jun-2016, Meeting: Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	In relation to the Project area, the assessment of Current Use in the EIS assesses potential changes to safety and security from increased vessel traffic. **Addressed in MSA Section 10.4.1:** Discusses the risk mitigation practices in the marine shipping area, applicable to ships associated with the project. This includes: • Vessel traffic management system including radar surveillance and traffic separation zones; • Pilotage for all vessel moves within the region; • Navigational aids; and • Precautionary areas and special operating instructions. **Additional information provided by the VFPA:** On September 16, 2016, the VFPA received an email from Musqueam First Nation stating: "Significance of residual effects on Musqueam CULRTP and Aboriginal rights related to accidents and malfunctions (spill, collision) (pp. 67). Musqueam agrees with both conclusions for significance of effects to CULRTP and seriousness of adverse impacts on rights."	
MFN-21.4	Requested a revised assessment of effects of accidents and malfunctions that includes assessment of effects along the marine transportation route and terrestrial transportation route.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency to Musqueam:** *"The Agency has requested that an assessment of accidents and malfunctions related to marine shipping be carried out in its Updated EIS Guidelines, issued April 17, 2015. This information should be received as part of the addendum on Marine Shipping.* *Link: http://www.ceaa-acee.gc.ca/050/documents/p80054/101303E.pdf"*	**Addressed in MSA Section 10.0:** The MSA addresses the requirements of Section 17 of the *Updated EIS Guidelines* regarding the environmental effects of marine shipping associated with the Project, including consideration of potential accidents and malfunctions beyond Port Metro Vancouver's [the VFPA] care and control and extending to the 12 nautical mile limit of Canada's territorial sea. **Additional information provided by the VFPA:** On September 16, 2016, the VFPA received an email from Musqueam First Nation stating: "Significance of residual effects on Musqueam CULRTP and Aboriginal rights related to accidents and malfunctions (spill, collision) (pp. 67). Musqueam agrees with both conclusions for significance of effects to CULRTP and seriousness of adverse impacts on rights."	**MSA** 10.0 Potential Accidents or Malfunctions ***Updated EIS Guidelines*** 17.0 Marine Shipping
MFN-21.5	Concerned that an increase in shipping traffic, in addition to noise effects, may elevate levels of pollution and the risk of an accident producing fuel spills.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.7:** Project construction and operation activities are not expected to alter water contaminant or nutrient levels, pH, dissolved oxygen, or temperature.	**EIS** 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that pollution may in turn adversely affect fish and crab habitats and fishing resource health directly.			**Addressed in EIS Section 11.6.2.1:** Potential operation-phase changes from wastewater (sewage) and stormwater discharges, and discharges from ships (bilge water and ballast water) are not expected to affect marine vegetation due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures described in EIS Section 4.2.1 Project Description, Marine Terminal, and the implementation of regulatory requirements and guidelines (refer to EIS Section 9.7.8 for more information). **Addressed in MSA Section 7.3:** Reports that a change in marine water quality is not anticipated as a result of Project-associated vessel transit activities within the marine shipping area, as Project-associated marine vessels are prevented from discharging bilge or ballast water by domestic and international regulations. By extension, a change in the quality of marine resources would also not be expected as a result of water-borne pollution from vessel discharges. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection. **Further information provided by the VFPA:** The MSA considers the potential effects of increased shipping traffic in the marine shipping area, including potential noise effects and the likelihood and consequence of accidents and malfunctions to fish and crab habitat and health. The conclusion of the MSA is that marine shipping associated with the Project is not likely to result in any significant adverse residual effects to any of the VCs assessed. In addition, no adverse cumulative effects are anticipated, with the exception of potential effects to SRKW. As with the conclusions in the EIS, submitted in March 2015, the MSA concludes that SRKW have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant. **Addressed in MSA Section 10.0:** The potential changes to ICs and potential effects on VCs were assessed. Potential effects on current use and impacts on the exercise of established and asserted Aboriginal and treaty rights due to accidents or malfunctions arising from marine shipping associated with the Project were also assessed. Several independent studies informed the assessment, including a quantitative risk assessment that estimated probabilities for different types of potential marine vessel accidents from a container ship in transit in the marine shipping area. Two plausible worst-case scenarios were selected for the assessment, based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m3 of heavy fuel oil; and • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well as serious injury or fatality. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (SRKW), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and current use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill.	11.6.2.1 Marine Vegetation, Changes in Water Quality **MSA** 7.3 Marine Water Quality 10.0 Potential Accidents or Malfunctions **From Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017 (See Reference Document 962)** **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 22: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-22.1	Stated that fishing in the Fraser River has been essential to the Musqueam since time immemorial. Stated that the Project, poses a risk to Musqueam's ability to fish, as it increases the tanker traffic, and creates another structure within the congested river, which impedes the aquatic resources ability to move upstream. Stated that Musqueam has been a fishing community since time immemorial, and it is a part of Musqueam's culture. Taking that the ability to fish will be removing an integral part of our culture.	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA acknowledge the importance to Musqueam of fishing in the Fraser River. **Addressed in EIS Appendix 7.2-B (#183):** The Current Use assessment considers the quality of the experience of carrying out Current Use activities, which considers cultural aspects. The assessment of impacts on rights also considers cultural aspects and practices. The importance of traditional foods to culture and tradition is considered in the Current Use assessment (EIS Section 32.2). **Addressed in EIS Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River. **Addressed in EIS Section 13.0:** EIS Section 13.0 presents an assessment of potential effects to Marine Fish. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes
MFN-22.2	Stated that access and other resources will be negatively impacted; crab, shellfish, migratory and resident birds.	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Sections 12.0 and 15.0:** The crab and shellfish assessments are presented in EIS Section 12.0. The resident and migratory bird assessment is provided in EIS Section 15.0. **Addressed in EIS Section 32.0:** The assessment presented in EIS Section 32.0 discusses potential changes in access to preferred current use locations. Following implementation of the mitigation, adverse residual Project-related effects are expected to be negligible.	**EIS** 12.0 Marine Invertebrates 15.0 Coastal Birds 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MFN-22.3	Asked how assessment considers several of the biophysical components in the EIS (i.e., geomorphology, noise and vibration) that have impacts to Musqueam's rights.	03-Jul-2014, VCs Workshop #2	Stated that this matter is being assessed in other parts of the EIS. The EA is structured to look at targeted topic areas.	**Addressed in EIS Section 32.0:** The effects assessment for EIS Section 32.0 draws forward the results of the effects assessments for the following VCs: EIS Sections 11.0 Marine Vegetation, 12.0 Marine Invertebrates, 13.0 Marine Fish, 14.0 Marine Mammals, 15.0 Coastal Birds, 16.0 Ongoing Productivity of Commercial Recreational and Aboriginal Fisheries and 21.0 Marine Commercial Use. Other elements of the EIS considered in addressing potential effects to Current Use are presented as follows: EIS Sections 9.2 Air Quality, 9.3 Noise and Vibration, 9.4 Light, 25.0 Visual Resources, 27.0 Human Health, 28.0 Archaeological and Heritage Resources, and 30.0 Potential Accidents or Malfunctions.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MFN-22.4	Requested that the current fishing management area Musqueam has with DFO be added to the map. Requested to note that the Musqueam secondary use area is not captured in the map.	19-Nov-2014, Health & Aboriginal Rights Workshop – MFN	**19-Nov-2014, Workshop:** Committed to include a map of the current fishing management area that Musqueam has with DFO. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included a map of the current fishing management area Musqueam.	**Addressed in EIS Appendix 7.2-B (#195):** A map of the current fishing management area Musqueam has with DFO is included in EIS Section 21.0. The map does not reflect secondary use areas, as per Musqueam's request.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 21.0 Marine Commercial Use Figure 21-7 Tsawwassen and Musqueam Harvesting Areas

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-22.5	Noted that the Musqueam asserted Traditional Territory boundary shows the area for which exclusivity is recognized. Requested that the EIS include a map of Musqueam's entire use area (where arrangements were made with other Nations to gather and utilize resources), which extends over a greater area.	19-Nov-2014, Health & Aboriginal Rights Workshop – MFN	**19-Nov-2014, Workshop:** Stated that Musqueam's request has been factored into the EIS analysis. Asked if Musqueam would like the VFPA to include the larger use area on the map. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#178):** The VFPA provided draft summaries of past and current use and community information within EIS Section 32.0 for review by each Indigenous group and comments received were incorporated.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MFN-22.6	Concerned that mitigation measures described for traditional food harvesting and gathering are unsatisfactory to Musqueam interests, as well as for commercial crab fishers. Requested more information on how VFPA plans to preserve subsistence food sources.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**19-Nov-2014, Workshop:** Stated that mitigation measures for the different components were included in the presentations made at the previous four workshops; unfortunately, experts for each of those components aren't present today. Committed to compiling that information for Musqueam when available. Noted that proposed mitigation measures for biophysical components were presented during the fall Aboriginal Groups Workshop in October. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. The EIS also contained information on proposed mitigation measures. **18-Apr-1016, Package with USB:** Provided a binder of past materials, including all notes, presentations and handouts from the 07-Oct-2014, 08-Oct-2014, 28-Oct-2017, 29-Oct-2014 and 19-Nov-2014 meetings.	**Addressed in EIS Appendix 7.2-B (#144):** Measures to avoid, reduce or offset include: • Awareness and education measures regarding contamination levels in food sources; Mitigation related to productivity of marine invertebrates includes: • Placing marine terminal in subtidal waters to eliminate direct effects to intertidal habitats; • Minimising causeway widening and optimising the footprint within the upper intertidal zone; • Rounding of the northwest terminal corner to reduce the potential area of scour; and • Incorporating rocky shoreline in portions of the terminal perimeter and causeway perimeters; • Creating onsite habitat, including eelgrass, intertidal marsh, mudflat, and sandy gravel beach; and • Implementing various Construction Environmental Management Plans and Operation Environment Management Plans. Details on proposed mitigation measures for potential effects on the Current Use, including food harvesting or gathering, are described in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health 27.7.3 Mitigation Measure #3 – Measures to Decrease Stress and Annoyance 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.7 Mitigation Measures Table 32-7 Summary of Mitigation Measures to Address Adverse Project Effects on Current Use
MFN-22.7	Stated that the project area is an important area to catch crab. Stated that the expansion of a physical structure into Musqueam's crabbing area is going to have a negative impact on Musqueam's rights.	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41) 19-Nov-2014, Health & Aboriginal Rights Workshop – MFN	The VFPA has reviewed this letter and provides the following additional information. **19-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted	**Addressed in EIS Appendix 7.2-B (#120):** In the Marine Commercial Use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine-based activity or potential; • The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect (related to the displaced crab harvesters) is determined to be not significant, however, as	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS, and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible EIS (Section 32.2.8). Detailed assessment in EIS Section 12.0. **Addressed in EIS Section 32.3:** The Project is not predicted to adversely impact the ability of Indigenous groups to exercise most asserted or established Aboriginal and treaty rights. The only exception is the harvesting of crabs for domestic or food, social or ceremonial purposes, it is predicted the Project would likely impact Tsawwassen First Nation's ability to exercise the treaty right to fish for crab for domestic purposes based on potential changes in access to a primary crab harvesting location. For similar reasons, such Project-related effects would also be expected to impact Musqueam First Nation's ability to exercise the asserted Aboriginal right to harvest crab for food, social, or ceremonial purposes. Measures to avoid, reduce or otherwise address predicted effects on Current Use (see EIS Section 32.2.7) were considered effective at also addressing expected impacts to the exercise of Aboriginal and treaty rights, and no additional measures have been determined to be required for predicted impacts. **Addressed in Response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operation; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operation; • Navigational Limited Access Fishing Area (multi-user system during operation); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns.	Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)
MFN-22.8	Stated that Musqueam has to think about the return of species currently not targeted for harvesting. This could be temporary, but it will be on the same tide that large vessels would come in on; that's the same time that fish hold and come up. The opening or license may only be for that day; those things (fishery openings and ideal conditions for large vessel berthing) line up quite frequently.	19-Jul-2016, Issues Workshop - MFN / TFN #1	**19-Jul-2016, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in Response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	**Information Requests** Response to Sufficiency Information Request #26 (IR10-26)

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MFN-22.9	Stated that the Project will impact the actual practice of going out and fishing and catching – Musqueam's ability to take youth out on the water and teaching them the cultural practices and traditions– if these structures continue to be built in the river we will not be able to do that in the future. Stated that individual impacts don't just occur to one species in space and time: if the Project will infringe on fish, it will in turn infringe on Musqueam and the Musqueam way of life. Explained there is cultural connection to both the fish and the act of fishing and they are equally important. Impacts to fish that in turn impact Musqueam's ability to fish, in turn impact the transfer of knowledge and the traditional classroom where teaching would otherwise take place.	15-Oct-2013, Letter to the CEA Agency (CEAR Document #41) 19-Jul-2016, Issues Workshop - MFN / TFN #1 16-Jun-2017, Meeting with Administrative Staff	**19-Jul-2016, Workshop:** The VFPA undertook to return at a future date to discuss eulachon, crab and coastal geomorphology in greater depth. **12-Sep-2016, Issues Workshop MFN / TFN #2:** Eulachon, crab and coastal geomorphology were discussed at a subsequent issues workshop held between the VFPA, Musqueam and Tsawwassen First Nation. **16-Jun-2017, Meeting:** Recorded comment for consideration by the Project team. **08-Nov-2017, Email from the VFPA:** Requested to schedule a meeting to discuss sockeye salmon and eulachon studies. **15-May-2018, Email from the VFPA:** Requested to meet to get input from Musqueam on some potential eulachon, sturgeon and salmon studies that have been brought to my attention by LFFA and others. Noted that there may be some opportunity to do fish-related studies through the RBT2 legacy benefits.	**Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality**.**	**Information Requests** Response to Sufficiency Information Request #22 (IR10-22)
MFN-22.10	Concerned about potential Project-related effects on Musqueam's rights under the Sparrow decision. Stated that VFPA has to provide a justification for infringing on Musqueam's rights. Concerned that the Sparrow decision is not referenced within the EIS as an information source. Concerned that VFPA interprets Sparrow too narrowly. Requested that effects to Musqueam's traditional harvesting be looked at within the context of Musqueam under Sparrow, rather than in the context of other Aboriginal groups.	06-Jun-2014, VCs Workshop #1 17-Nov-2014, Meeting 19-Nov-2014, Health & Aboriginal Rights Workshop – MFN 08-Jan-2015, Meeting 22-Jan-2016, Meeting	**06-Jun-2014, Workshop:** Recorded comment for consideration by the Project team. **17-Nov-2014, Meeting:** Recorded comment for consideration by the Project team. **19-Nov-2014, Workshop:** Noted Musqueam's concern and stated that these would be considered prior to the EIS being finalised. **05-Dec-2014, Letter from the VFPA:** "To be clear, VFPA fully acknowledges and respects the critically important decision of the Supreme Court of Canada in Sparrow. We have read and absorbed the findings of the Court. We recognize the importance of this decision to Musqueam and we further recognize the importance placed by Musqueam on its fishing rights. VFPA is also aware of and respects the many and various court decision that have subsequently applied and expanded on the seminal decision in Sparrow.	**Addressed in EIS Appendix 7.2-B (#186):** It is the VFPA's understanding that Musqueam First Nation has an established right to fish for food, social, and ceremonial (FSC) purposes in Canoe Passage pursuant to R. v. Sparrow [1990], 1 S.C.R. 1075 and it is included as an information source with respect to Musqueam rights and interests. The VFPA further understands that Musqueam also assert an Aboriginal right to fish for FSC purposes over a broader area than Canoe Passage. Potential impacts of the Project on Musqueam's established Aboriginal right to fish for food, social and ceremonial purposes (pursuant to Sparrow) are addressed in EIS, specifically within EIS Section 32.0, separately from potential effects to other Indigenous groups.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Effects on Aboriginal and Treaty Rights and Related Interests Analysis

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			VFPA wishes to meaningfully engage with Musqueam in order to fully understand Musqueam's perspective and views regarding (i) its Aboriginal rights, including title, (ii) potential impacts on those rights arising from the Project and (iii) potential means by which such adverse effects may be avoided, mitigated, or otherwise accommodated. In doing so, we are cognizant and respectful of the findings of the Supreme Court in the Sparrow decision. At the same time, VFPA does not believe that engaging in extensive legal debate is conducive to a productive engagement process and/or healthy relationship-building." **09-Dec-2014, Email from the VFPA:** Provided draft EIS Section 32.0. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **15-Jan-2015, Email from the VFPA:** Provided comments on the draft EIS Section 32.0. **22-Jan-2016, Meeting:** Noted that a letter from the VFPA went to Musqueam in December 2014 addressing Sparrow.		
MFN-22.11	Concerned that the interactions identified in this Report are likely to result in adverse effects on Musqueam use and occupancy, including on proven fishing rights (i.e., the Sparrow Case) and Aboriginal rights.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting	**24-May-2016:** Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#30):** The VFPA has reported this concern, and the rights identified in the concern, in AIMSA Section 7.8.1 Approach to the Rights Assessment. The analysis of potential adverse impacts of marine shipping associated with the Project on the exercise of Aboriginal rights includes an evaluation of potential adverse impacts on the exercise of asserted and proven rights identified by Musqueam.	**AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.8 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights
MFN-22.12	Stated that EIS, Appendix 7.2-b needs to be disaggregated to provide more detail on the issues raised (including specific language of concerns) by each individual First Nation. Stated that Appendix 7.2-b needs to identify any mitigation, monitoring, or alternatives proposed by First Nations	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The EIS guidelines do not require the information to be disaggregated. However, in the Agency's letter of July 31, 2015 requesting additional information (#30, page 14), the Agency has requested:	**Additional information provided by the VFPA:** By way of these tables, the VFPA is providing a listing of all Musqueam comments concerning the Project and marine shipping associated with the Project along with the VFPA's responses.	**Information Requests** Response to Information Request #30 (IR-7.31.15-30 of CEAR Document #314) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)

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	to overcome potential impacts, and data collection and analysis "asks" of each individual First Nation. Stated that this revised "per First Nation" appendix then needs to be ground truthed/ verified by each First Nation prior to it being filed into evidence. The same is required of the list of potential adverse effects on Aboriginal and Treaty rights in Section 32.3 outstanding" in Section 32.3.3.4 and the unilaterally developed list of Aboriginal issues "VFPA considers to be outstanding" in Section 32.3.3.4.		'Provide a rationale for the conclusions of the effects assessment for the current use of lands and resources for traditional purposes by Aboriginal peoples where the conclusions are reported as "no effect" or "negligible". Presenting the effects assessment on a per group basis may help clarify the various conclusions.'"	**Addressed in Responses to IR-7.31.15-30 and AIR-12.04.15-30:** Responses to IR-7.31.15-30 and AIR-12.04.15-30 provide rationale for the conclusions of the effects assessment for the Current Use by Indigenous peoples. **Addressed in Response to IR 7-31:** The VFPA's forthcoming response to IR7-31, as requested by the Review Panel, provides a summary of the views of Indigenous groups in relation to the proposed mitigation measures that were considered in the preparation of the EIS for each biophysical valued component, including views about offsetting. **Additional information provided by the VFPA:** The VFPA's responses IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	Response to Sufficiency Information Request #31 (IR7-31) Response to Sufficiency Information Request #2 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)
MFN-22.13	Stated that the Proponent did not accede to the Musqueam request for a distinct and separate engagement/consultation/justification process, making this an outstanding issue in the EA and a breach of the Crown's duty to justify any proposed infringement of Musqueam's established Aboriginal right to fish, and state that Musqueam requests the Proponent to take proactive steps to engage Musqueam in setting up a customized consultation and justification process for the Nation.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "Justification of potential infringement of Musqueam's established Aboriginal right to fish is not required in the EIS guidelines. However, the Panel review process will be a good forum for Musqueam to describe their views and rationale on whether or not the project should proceed. The Crown will seek further discussion of such issues during Phase IV of the environmental assessment process, once the Panel has submitted its report."	**Addressed in EIS Appendix 7.2-A:** EIS Appendix 7.2-A describes the consultation undertaken during the development of the EIS including with respect to data collection, proposed mitigation measures and significance determinations. **Additional information provided by the VFPA:** This concern has been noted in the EIS. Musqueam was involved in pre-consultation for the RBT2 Project as described in EIS Section 7.2.2. VFPA has consulted with Musqueam in individual and group settings, and Musqueam has been provided with the opportunity to consult in accordance with their preferences. VFPA has and will continue to engage with Musqueam with the objective of reaching potential terms of reference or a protocol for future consultation.	**EIS** 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Aboriginal Group Consultation
MFN-22.14	Requested that the EIS be amended to incorporate findings of finalized reports related to Musqueam current and traditional use.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "Justification of potential infringement of Musqueam's established Aboriginal right to fish is not required in the EIS guidelines. However, the Panel review process will be a good forum for Musqueam to describe their views and rationale on whether or not the project should proceed. The Crown will seek further discussion of such issues during Phase IV of the environmental assessment process, once the Panel has submitted its report."		
MFN-22.15	Requested a proper baseline for Musqueam CULRTP that permits measurable assessment of adverse effects of the project.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information regarding baseline information for Musqueam CULRTP since there is already some information provided in the EIS. Musqueam is encouraged to present their concerns to the Panel once the Panel has been appointed."	**Addressed in EIS Section 32.0:** A full list of information sources used to prepare EIS Section 32.2 existing conditions is presented in EIS Section 32.2.3, including but not limited to Project-specific information provided to the VFPA from Indigenous groups in direct consultation with the VFPA, and review of ITK and studies of Current Use, and traditional use.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

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MFN-22.16	Stated that the CEA Agency is requested to require the Proponent to provide a baseline for the distribution, populations, behaviour, and availability of wildlife, fish and flora of importance to Musqueam CULRTP, including those within the terrestrial environment.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested additional information regarding baseline conditions in the Local and Regional Assessment Areas in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (page 3, #9)."	**Addressed in Responses to IR-7.31.15-09 and AIR-12.04.15-09:** Responses to IR-7.31.15-09 and AIR-12.04.15-09, provide a characterisation, including the results of baseline surveys, of fish populations (e.g., marine invertebrates, fish, marine mammals and other marine animals) found in, or migrating through, the LAAs and RAAs.	**Information Requests** Response to Information Request #9 (IR-7.31.15-09 of CEAR Document #314) Response to Additional Information Request #9 (AIR-12.04.15-09 of CEAR Document #388)
MFN-22.17	Stated that at a minimum, the EIS will summarize available information on the potential or established Aboriginal and Treaty rights and related interests of the Aboriginal groups that have the potential to be adversely impacted by the project.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."	**Addressed in EIS Section 32.0:** A full list of information sources used to prepare EIS Section 32.2 existing conditions is presented in EIS Section 32.2.3, including but not limited to Project-specific information provided to the VFPA from Indigenous groups in direct consultation with the VFPA, and review of ITK and studies of Current Use, and traditional use.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes
MFN-22.18	Stated that the table in Appendix 29-F repeats the flawed conclusion that a proposal to "Work towards a draft Terms of Reference to guide future discussions related to accommodation for effects from the Project" is a form of environmental mitigation which will eliminate any and all residual effects related to project-related displacement of Musqueam harvesters from areas of preferred use. Stated that this flawed assumption has, in turn, led to failure of the EA to undertake a cumulative effects assessment on Musqueam CULRTP. Both errors in the EA lead to conclusion that greatly underestimates cumulative effects on Musqueam CULRTP.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to Mort Metro Vancouver's methodology to inform its sufficiency review."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-22.19	Requested that EIS sub-section 32.3.3 be amended for Musqueam so that reference to a proposal to, "Work towards a draft Terms of Reference to guide future discussions related to accommodation for effects from the Project", is removed as a form of mitigation. Stated that there has been a complete failure to provide a justification of the proposed infringement of Musqueam's established Aboriginal right to fish as required by the Sparrow decision of the Supreme Court of Canada.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item. The Panel will determine whether it requires additional information or clarification with respect to Port Metro Vancouver's [the VFPA] methodology to inform its sufficiency review. Additionally, justification of potential infringement of Musqueam's established Aboriginal right to fish is not required in the EIS guidelines. Musqueam is encouraged to raise these issues with Panel."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	

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MFN-22.20	Requested project-specific and cumulative effects assessment on Musqueam ability to harvest these species of concern. Requested an explanation as to how the Crown justifies the proposed infringement of Musqueam's established Aboriginal right to fish.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review. Additionally, justification of potential infringement of Musqueam's established Aboriginal right to fish is not required in the EIS guidelines. However, the Panel review process will be a good forum for Musqueam to describe their views and rationale on whether or not the project should proceed. The Crown will seek further discussion of such issues during Phase IV of the environmental assessment process, once the Panel has submitted its report."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-22.21	Requested a proper assessment of residual adverse impacts to Musqueam rights and title, built on a foundation of a more effective consultation process with Musqueam. The infringement of Musqueam's Aboriginal right to fish must be justified.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item. The Panel will determine whether it requires additional information or clarification with respect to Port Metro Vancouver's [the VFPA] conclusions to inform its sufficiency review. Additionally, justification of potential infringement of Musqueam's established Aboriginal right to fish is not required in the EIS guidelines."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-22.22	Requested an assessment (project-specific and cumulative) of the effects of project components (including physical works and activities) on Musqueam's unceded Aboriginal rights and title.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since the EIS Guidelines did not require this analysis. The Panel will determine whether it requires additional information or clarification with respect to Port Metro Vancouver's [the VFPA] methodology to inform its sufficiency review. Discussions regarding are best considered during the Panel's sufficiency review."	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	
MFN-22.23	Stated see comments related to EIS guidelines requirement 10.2, Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Discharge by the Crown of its duty to justify the proposed	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item. The Panel will determine whether it requires additional information or clarification with respect to	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and understands it to be directed to the CEA Agency. The VFPA has no further information to provide.	

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	infringement of Musqueam's Aboriginal right to fish. 10.2: The EIS does not assess potential adverse project-specific or cumulative impacts on Musqueam ability to harvest two clearly identified species of concern: sturgeon and eulachon. Under the Sparrow decision of the Supreme Court of Canada, any proposed infringement of Musqueam's Aboriginal right to fish must be justified by the Crown (including Port Metro Vancouver). A description of the infringements does not suffice to discharge this constitutional duty.		Port Metro Vancouver's [the VFPA] methodology to inform its sufficiency review. Additionally, justification of potential infringement of Musqueam's established Aboriginal right to fish is not required in the EIS guidelines. However, the Panel review process will be a good forum for Musqueam to describe their views and rationale on whether or not the project should proceed. The Crown will seek further discussion of such issues during Phase IV of the environmental assessment process, once the Panel has submitted its report.		
MFN-22.24	Requested a description of residual effects on Musqueam CULRTP, in particular, to marine harvesting.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to Port Metro Vancouver's [the VFPA] methodology to inform its sufficiency review."	**Addressed in EIS Section 32.0:** Descriptions of residual effects related to Current Use are described in EIS Section 32.0. Following implementation of mitigation, adverse residual Project-related effects are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MFN-22.25	Requested that the Proponent work collaboratively with Musqueam to provide additional RBT2 site-specific and project development area ("Project Facility") data addressing Musqueam rights-based activities and associated CULRTP. Requested that the Proponent: 1. Work collaboratively with Musqueam to incorporate additional data, as described above, into a Project interaction matrix specific to Musqueam, showing the potential Project interactions, and related impact pathways of physical works and activities related to the proposed Project Facility with valued components and indicators related to Musqueam rights based activities and associated CULRTP. 2. Work collaboratively with Musqueam to characterize cumulative effects interacting with Project Facility residual effects on Musqueam rights and CULRTP. The study would apply Indigenous Traditional Knowledge (ITK) and archival methods to estimate pre-	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.0:** The VFPA committed to work with Musqueam First Nation to draft Terms of Reference to guide future discussions related to accommodation for effects from the Project. **Addressed in Response to IR10-12:** The VFPA's response to IR10-12, as requested by the Review Panel, further discusses the VFPA's approach to engagement and consultation with Indigenous peoples during and after the environmental review. **Additional information provided by VFPA:** The methodological approach used in the EIS and MSA are consistent with those in the Operational Policy Statement *Assessing Cumulative Environmental Effects* *Under the Canadian Environmental Assessment Act, 2012* issued by the CEA Agency.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #12 (IR10-12)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	industrial baseline conditions, and identify a trajectory of change over time for specific VCs integral to Musqueam rights-based activities (e.g., fisheries); and 3. Proponent to work collaboratively with Musqueam to identify effective mitigation measures tied to effect pathways identified in above effects assessments.				
MFN-22.26	Stated that there has been (1) no meaningful research into characterizing "current conditions" baseline information, (2) an absence of detailed analysis of Project impact pathways and adverse interactions with Musqueam rights-based activities, (3) flawed identification of mitigation, (4) flawed confidence estimations related to mitigation, and (5) incorrect analysis characterizing post-mitigation residual effects of the Project.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	**Information Requests** Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #06 (IR10-13)
MFN-22.27	Stated that Section 32 is the primary vehicle through which the Proponent is intended to report credible information related to the effects of the Project on Aboriginal rights and associated CULRTP to the Panel and the Crown. To date, the Proponent has failed to do this.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	**Information Requests** Response to Sufficiency Information Request #2 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)
MFN-22.28	Stated that the EIS has inappropriate reliance on the fish and fish habitat assessment as a "biophysical proxy" for rights. As noted by the Joint Review Panel (JRP) in relation to Site C, this approach incorrectly equates "no significant adverse effects" on species viability with the viability of Aboriginal harvesting and cultural activities without taking into account sufficiency of resources for the exercise of rights, preferred harvesting locations or methods, or the Aboriginal perspective.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River. **Addressed in IR13-22:** The VFPA's forthcoming response to IR13-22 will further discuss potential Project effects on the quality and availability of preferred resources.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Information Requests** Response to Sufficiency Information Request #22 (IR13-22)
MFN-22.29	Stated that the EIS also fails to adequately consider adverse Project-specific and cumulative effects on Musqueam rights-based activities outside the Local Assessment Area	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	(LAA) (i.e., impacts to fish that migrate into the mouth of the Fraser River).				
MFN-22.30	Concerned with the absence of acknowledgement and/or lack of detailed analysis of many Project impact pathways and adverse interactions with Musqueam Rights-based activities, and associated knowledge and quality of experience, including but not limited to the following, • Disruption of salmon, eulachon, white sturgeon and crab migration routes by construction and operation of Project footprint; • Disruption of salmon, eulachon, white sturgeon and crab life cycles by construction and operation of Project footprint; • Adverse effects on Musqueam fishery in the Fraser River due to Project specific and cumulative effects of industrial development on fishing resources present or migrating through Roberts Bank (e.g., juvenile salmon, crab and white sturgeon); • Impacts of further expansion of an "industrial precinct" with subsequent loss and disruption of social and cultural values associated with Roberts Bank and the Fraser River estuary; • Loss of viable habitat for shellfish resources through construction and operational displacement; • Exacerbation of existing patterns of alienation from traditional harvesting resources caused by industrial development on Roberts Bank, including navigational exclusion zones associated with the Project; • Decreased willingness and ability by Musqueam members to access the Project area due to perception of risk, reduced harvesting opportunities and aesthetic impacts; • Lost opportunities for the transmission of traditional knowledge and practices due to avoidance of industrialized area; • Disruptions to sense of place, identity and spirituality.	03-Nov-2016, Letter to Panel (CEAR Document #776)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 11.0, 12.0, 13.0, 14.0, 16.0, 21.0. and 32.0:** Project effect pathways and potential adverse interactions between the project and fisheries were considered in the EIS. The current use effects assessment presented in EIS Section 32.0 considered the results of effects assessments of potential Project and cumulative effects on marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, marine commercial use, outdoor recreation, visual resources, land and water use, human health and archaeology and heritage resources, the ongoing productivity of commercial, recreational and Indigenous fisheries, as well the assessment of potential changes to air quality, noise and vibration, light and the assessment of potential accidents or malfunctions. The assessment concludes that following implementation of the mitigation, adverse residual Project-related effects are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects. EIS Section 32.0 also considers Aboriginal and treaty rights. The effects assessment concludes the Project is not predicted to adversely impact the ability of Indigenous groups to exercise most asserted or established Aboriginal and treaty rights. The only exception is the harvesting of crabs for domestic or food, social or ceremonial purposes, it is predicted the Project would likely impact Musqueam First Nation's ability to exercise the treaty right to fish for crab for domestic purposes based on potential changes in access to a primary crab harvesting location. These effects are expected to be accommodated by the measures identified to avoid, reduce or otherwise address predicted effects on current use. **Additional information provided by the VFPA:** EIS Section 12.0 presents an effects assessment of marine invertebrates that considers crab and crab habitat. EIS Section 13.0 presents an effects assessment for marine fish that considers salmon, eulachon and sturgeon. As noted in EIS Appendix 7.2-B (#185), the Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River. EIS Section 21.0 presents an effects assessment of marine commercial use. EIS Section 32.0 assesses fish and seafood harvesting for food, social, ceremonial and domestic purposes by Indigenous groups, as well as potential alienation from traditional harvesting resources. **Addressed in Responses to IR 10-07 and IR10-14:** The VFPA's response to IR10-14, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure, including in terms of sufficiency of resources at alternate locations to meet the requirements of the community. **Addressed in Response to IR10-08:** The VFPA's response to IR10-08, as requested by the Review Panel, further discusses potential changes in quality of the current use experience resulting from the proposed project.	**EIS** 11.0 Marine Vegetation 12.0 Marine Invertebrates 13.0 Marine Fish 14.0 Marine Mammals 16.0 Ongoing Productivity of Commercial, Recreational and Aboriginal Fisheries 21.0. Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #7 (IR10-07) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #10 (IR10-10) Response to Sufficiency Information Request #14 (IR10-14) Response to Sufficiency Information Request #15 (IR10-15) Response to Sufficiency Information Request #22 (IR10-22)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in Response to IR10-15: The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project. **Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality.	
MFN-22.31	Concerned about immediate displacement of Musqueam from rights-based harvesting area. Stated that the Project will alienate us from our marine harvesting areas.	03-Dec-2015, Letter to Ministry of Environment and Climate Change, and Ministry of Transport Canada	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#120):** In the Marine Commercial Use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine-based activity or potential; • The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. This residual effect (related to the displaced crab harvesters) is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible (EIS Section 32.2.8).	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Current Use of Land and Resources for Traditional Purposes, Future Conditions with the Project – Potential Project-related Effects 32.2.7 Current Use of Land and Resources for Traditional Purposes, Mitigation Measures Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context
MFN-22.32	Concerned about hundreds of additional vessel movements through or adjacent to our territorial waters.	03-Dec-2015, Letter to Ministry of Environment and Climate Change, and Ministry of Transport Canada	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA acknowledges Musqueam's concern regarding additional vessel movements through or adjacent to their territorial waters. The MSA considers the potential effects of increased shipping traffic in the marine shipping area, including potential noise effects and the likelihood and consequence of accidents and malfunctions to fish and crab habitat and health. The conclusion of the MSA is that marine shipping associated with the Project is not likely to result in any significant adverse residual effects to any of the VCs assessed. In addition, no adverse cumulative effects are anticipated, with the exception of potential effects to SRKW. As with the	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				conclusions in the EIS, submitted in March 2015, the MSA concludes that SRKW have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant.	
MFN-22.33	Concerned that the amount of area available for [hunting birds] is shrinking and access is more difficult; if flight path changes MFN may not be able to access them to hunt and to transfer knowledge; referred to exclusion zones and federal regulations and mapping preventing MFN from accessing areas for hunting. Noted studies undertaken before were done at the wrong times and with inadequate methodology. Noted MFN history of hunting ducks at night using fires at the front of canoes. Concerned about the avoidance of hunting and restrictions on hunting of waterfowl in the vicinity of the Project.	16-Jun-2017, Meeting with Administrative Staff 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**16-Jun-2017, Meeting:** Stated that the VFPA and Musqueam could have a more detailed discussion on the bird studies. Referred to the Adaptive Management Program from DP3 and 6-8 years of bird detection and data collection being done.	**Addressed in EIS Section 32.2.6.2:** Minor decreases in overall bird productivity are predicted as a result of the Project. These predicted decreases are not expected to affect the ability of Musqueam First Nation to harvest these species in preferred areas. Musqueam has reported they have already been displaced from preferred areas closer to their main community and due to conservation concerns, can no longer harvest certain vitally important species (EIS Section 32.2.4.2). There may be an existing impairment to the exercise of asserted rights of Musqueam First Nation to hunt coastal birds due to the reported perceived decreases in the abundance of birds at Roberts Bank and existing hunting restrictions. The Project is not expected to impact the ability of the Musqueam First Nation to exercise the right to hunt coastal birds. **Addressed in Response to IR10-04:** The VFPA's response to IR10-04, as requested by the Review Panel, further discusses potential Project effects on wildfowl harvesting opportunities.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6.2 Potential Effect 2: Changes in Availability of Preferred Current Use Resources 32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups **Information Requests** Response to Sufficiency Information Request #4 (IR10-04)
MFN-22.34	Expressed that Musqueam site-specific values were found to be most dense in the northern portion of the Study Area, especially around the site of the proposed RBT2 terminal and along the coast between the Project footprint and Point Grey, as well as inland along all arms of the Fraser River. Expressed that the significant industrialization of Roberts Bank that has occurred since 1959 has effectively alienated Musqueam harvesters from certain portions of Roberts Bank and surrounding waters.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-08:** The VFPA's response to IR10-08, as requested by the Review Panel, further discusses potential changes in quality of the current use experience resulting from the proposed project.	**Information Requests** Response to Sufficiency Information Request #08 (IR10-08)
MFN-22.35	Concerned about the loss and disruption of historical, social, and cultural values associated with the avoidance of coastal harvesting activities due to pollution generated from marine shipping.	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-22:** The VFPA's response to IR10-22 as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality.	**Information Requests** Response to Sufficiency Information Request #22 (IR10-22)
MFN-22.36	Concerned about the exacerbation of the existing pattern of alienation from hunting resources caused by industrialization and settlement in Musqueam territory. Concerned that levels of pollution have reached levels where there is anxiety, concern, and even avoidance regarding	15-Nov-2017, Letter to Panel (CEAR Document #1098)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.2.6.3:** As outlined in Section 27.0 Human Health, new contaminant input as a result of Project construction or operation is not anticipated; consequently, the human health assessment predicts a negligible potential for direct human health effects from Project construction or operation based on toxicological risks associated with marine shellfish consumption, and specifically of edible bivalve tissue and Dungeness crab muscle. No mitigation measures are therefore identified.	**EIS** 11.0 Marine Vegetation 15.7.2.3 Coastal Birds, Productivity of Waterfowl 15.8 Mitigation Measures 32.2.6.3 Potential Effect 3: Changes in Quality of Preferred Current Use Resources

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	the consumption and harvest of waterfowl in Musqueam territory.			Section 27.0 Human Health also examines potential changes to stress and annoyance levels within the human health LAA as a result of perceived contamination of traditional food sources. As reported in that assessment members of Indigenous groups believe the Project has the potential to further contaminate traditional food sources in the area. This concern or fear has been reported as already affecting their stress and anxiety. Awareness and education measures, including future dissemination of the results of a Roberts Bank Dungeness Crab Health Study that is investigating the causes of black colouration observed under the shell of some crab harvested from Roberts Bank, have been identified in the human health assessment as mitigation to reduce adverse health outcomes due to traditional food avoidance. (See the VFPA's response to IR 4-33 and 4-34). Residual effects are anticipated to be negligible and are therefore not assessed further in the human health assessment. For all Indigenous groups, effects to the quality of Current Use resources are not anticipated as a result of Project construction or operation. The mitigation measures identified for other potential effects on Current Use and those proposed in the human health assessment related to perceived contamination will serve to alleviate concerns regarding perceived contamination risk. **Addressed in Response to (IR12-01):** The VFPA's forthcoming response to IR12-01, as requested by the Review Panel, considers Indigenous group avoidance of foods due to pollution or contamination (perceived or real).	**Information Requests** Response to Sufficiency Information Request #01 (IR12-01)
MFN-22.37	Concerned that Project-related marine shipping will lead to multigenerational exacerbation of the existing pattern of disruptions to cultural continuity caused by industrialization, settlement and institutional policies. Concerned that Project-related marine shipping will lead to disruption and constraint of ceremonial and spiritual practices dependent on access to and harvest of natural resources. Concerned that Project-related marine shipping will lead to lost opportunities for the transmission of traditional knowledge and practices, especially in the vicinity of the Project. Concerned that Project-related marine shipping will lead to disruptions to Musqueam members' sense of place, identity, and spirituality. Concerned that Project-related marine shipping will lead to disruptions to the social fabric of the community built from and around the practice and transmission of traditional activities. Concerned about the multigenerational exacerbation of the existing pattern of disruptions to cultural continuity caused	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**24-May-2016:** Recorded comment for consideration by the Project team. **20-Jun-2016, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#24):** The assessment of Current Use considers existing disruptions, as well as potential effects of marine shipping associated with the Project on cultural continuity (e.g., transmission of ceremonial and spiritual practices, traditional knowledge, sense of place, identity, and other intangible heritage considerations) in the assessment of quality of Current Use experience in the MSA and AIMSA. This aspect of the Current Use assessment considers the connection between the transmission of intangible cultural heritage and, for example, access to and harvest of natural resources. **Addressed in AIMSA – MFN and TWN Section 7.3.5:** The potential effects of marine shipping associated with the Project within the marine shipping area on the Current Use, including intangible cultural heritage, of Musqueam First Nation may be summarised as follows: Negligible with respect to: • Change in access to preferred Current Use locations as a result of Project-associated ship wake; Minor with respect to: • Change in access to preferred Current Use locations as a result of Project-associated increases in ship pass-bys; and As the implementation of mitigation measures referred to in AIMSA Section 7.4 are expected to effectively address potential incremental effects to Current Use by Musqueam First Nation as a result of Project-associated vessel transit activities within the marine shipping area, residual effects from those activities on Current Use are expected to be negligible.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use **AIMSA – MFN and TWN** Appendix 2-B Aboriginal Issues and Interests 3.0 Human Health 3.2.2 Negligible Effects Related to Contamination in Edible Marine Resources 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.3 Potential Interactions and Effects on Current Use **Information Requests** Response to Additional Information Request #10 (MSA IR-02.24.16-10 of CEAR Document #386) Response to Sufficiency Information Request #15 (IR10-15)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	by industrialization, settlement, and institutional policies. Indicated that there are numerous areas at the Project site used for the inter- and intra-generational transfer of knowledge and skills that support the cultural continuity of the Musqueam Concerned about lost opportunities for the transmission of traditional knowledge and practices, especially in the vicinity of the Project. Concerned about disruptions to the social fabric of the community built from and around the practice and transmission of traditional activities. Concerned about the disruption and constraint of ceremonial and spiritual practices dependent on access to and harvest of natural resources. Concerned about disruptions to Musqueam members' sense of place, identity, and spirituality.			**Addressed in Response to MSA IR-10:** The response to MSA IR-10 further explains the approach to assessing potential effects of marine shipping associated with the Project on the cultural heritage aspects referenced in the concerns raised. **Addressed in IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project. **Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality.	Response to Sufficiency Information Request #22 (IR10-22)
MFN-22.38	Concerned that Project-related marine shipping will lead to decreased willingness and ability by Musqueam members to access the Project area due to Project-related marine traffic. Concerned about the decreased willingness and ability by Musqueam members to access the Project area due to Project-related marine traffic and increased regulations.	24-May-2016, Musqueam First Nation Marine Shipping Effects Assessment 20-Jun-2016, Meeting 15-Nov-2017, Letter to Panel (CEAR Document #1098)	**24-May-2016:** Recorded comment for consideration by the Project team. **20-Jun-2016, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2016, Letter from the VFPA:** Responded that comments have been included and incorporated in the AIMSA, and will also be submitted directly to the Review Panel and posted on the public registry. Enclosed AIMSA Appendix 2-B showing the issues raised by Musqueam First Nation and the VFPA's responses.	**Addressed in AIMSA – MFN and TWN Appendix 2-B (#25):** In relation to the marine shipping area, the assessment of Current Use (in the MSA and in the AIMSA) considers the potential effects on access to preferred Current Use locations in the marine shipping area and the quality of Current Use experience that could influence willingness to access those areas. In relation to the Project area, the assessment of Current Use in the EIS also assesses potential changes on access to preferred Current Use locations and the quality of Current Use experience that could influence willingness to access those areas. **Addressed in AIMSA – MFN and TWN Section 7.3.5:** The potential effects of marine shipping associated with the Project within the marine shipping area on the Current Use, including intangible cultural heritage, of Musqueam First Nation may be summarised as follows: Negligible with respect to: • Change in access to preferred Current Use locations as a result of Project-associated ship wake; and Minor with respect to: • Change in access to preferred Current Use locations as a result of Project-associated increases in ship pass-bys. As the implementation of mitigation measures referred to in AIMSA Section 7.4 are expected to effectively address potential incremental effects to Current Use by Musqueam First Nation as a result of Project-associated vessel transit activities within the marine shipping area, residual effects from those activities on Current Use are expected to be negligible.	**EIS** 32.2 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 9.5.5 Potential Interactions and Effects of Vessel Transit on Current Use **AIMSA** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.3.5 Summary of Potential Effects on Current Use **Information Requests** Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #15 (IR10-15) Response to Sufficiency Information Request #25 (IR13-25)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in Response to IR10-08: The VFPA's response to IR10-08, as requested by the Review Panel, further discusses potential changes in quality of the current use experience resulting from the proposed project. **Addressed in Response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project. **Addressed in Response to IR13-25:** The VFPA's forthcoming response to IR13-25 will further discuss aspects of the current use experience.	

Table 23: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-23.1	Requested information about the procurement policy.	19-Nov-2014, Health & Aboriginal Rights Workshop - MFN	**25-Nov-2014, Email from the VFPA:** The VFPA provided Musqueam with its Aboriginal Procurement policy and responded to Musqueam's question confirming that First Nations were not involved in the drafting of the policy. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#145):** The VFPA's Aboriginal Procurement approach is part of the *Sustainable Procurement Guidelines* included in the Procurement Policy. All of the VFPA's corporate policies are approved by VFPA Board of Directors. The language used is based upon the Federal Aboriginal Procurement language used by various Federal departments. The language was developed by the VFPA's Procurement Administrator and subsequently approved by both VFPA Executive and Board of Directors and came into effect on January 13, 2013. The VFPA has shared the Aboriginal Procurement language below with several First Nations upon request. The definition of an Aboriginal Business is also included on VFPA's website in relation to the Aboriginal Business Directory. The language in the VFPA Procurement Policy currently reads as follows: The VFPA is committed to identifying greater development and employment opportunities for Indigenous entrepreneurs and businesses that may assist in building capacity within Indigenous communities. To be considered an Indigenous business the following criteria must be met: At least 51% of the business is owned and controlled by Indigenous people, and at least one third of the employees are Indigenous. If the business is a sole proprietorship, it must be wholly owned by an Indigenous person. In the case of a joint venture or consortium, at least 51% of the joint venture or consortium must be controlled and beneficially owned by an Indigenous business or businesses, as defined above. Additionally, at least one-third of the value of the work performed under a contract is completed by an Indigenous business, either by the Indigenous partner/contractor or by an Indigenous sub-contractor. In the spirit of satisfying the goals of this section, when entering into an agreement with an Indigenous business, the employment and development opportunities for Indigenous communities or members will be an important factor. The VFPA may, where the capacity/ability within the local Indigenous community is demonstrated, directly award a contract to that Indigenous business to assist in the development of the community and to foster improved communication with the Port. Where capabilities are known by more than one Indigenous business in the local community, a limited competitive process may also be followed. In accordance with the Procurement Policy, when single sourcing applies additional levels of approval must be obtained. For projects where it is deemed beneficial, proponents may be asked in the solicitation documents to demonstrate in their submission how Indigenous participation and representation will be met and maintained during the contract period. When considering sourcing options with an Indigenous business, consultation with the VFPA's Manager, Aboriginal Affairs and/or an Aboriginal Affairs Advisor is recommended.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
MFN-23.2	Requested information regarding potential procurement, employment, training and skills development. Expressed an interest in seeing an early list of	27-Nov-2013, Meeting 07-May-2014, Interview 03-Jul-2014, VCs Workshop #2	**27-Nov-2013, Meeting:** Recorded comment for consideration by Project team. **07-May-2014, Interview:** Recorded comment for consideration by Project team.	**Addressed in EIS Section 32.3.3.1:** EIS Section 32.3.3.1 presents a summary of mitigation measures applicable to Indigenous peoples, including assisting in accessing potential economic opportunities resulting from the Project including contracting opportunities as well as construction employment opportunities.	**EIS** 32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	these positions for planning purposes. Asked if jobs will be unionized. Expressed preference in long term employment. Interested in potential contracting opportunities. Requested additional information on the terminal operator.		**17-Nov-2014, Meeting:** The VFPA and Musqueam initiated employment, contracting and training discussions. **02-Nov-2015:** The VFPA released the names of five shortlisted teams to participate in the competitive process to select a Terminal Operator for the proposed Project: http://www.robertsbankterminal2.com/news-updates/terminal-operator-procurement/. **12-May-2016, Email from the VFPA:** Provided Musqueam with an Information Sheet on Employment Opportunities for RBT2.	**Additional information provided by the VFPA:** On 04-Sep-2018, the VFPA and Musqueam signed a RBT2 Negotiation Protocol Agreement. The VFPA and Musqueam agree to work together to negotiate in good faith a Mutual Benefits Agreement for the Project.	
MFN-23.3	Stated that the Project's impacts to Musqueam traditional use/ability to fish will require accommodation. Requested a % of revenue (benefit for length of the Project, not only a one time payoff) Requested to be a partner in RBT2, involved in planning and decision-making, long-term commitment to working with Musqueam.	18-Oct-2013, Meeting 29-Jun-2015, Meeting 12-Aug-2015, Meeting	**18-Oct-2013, Meeting:** Recorded comment for consideration by the Project team. **17-Nov-2014, Meeting:** The VFPA and Musqueam initiated employment, contracting and training discussions. **29-Jun-2015, Meeting:** Committed provide a draft framework or schedule for Mutual Benefits Agreement discussions. **12-Aug-2015, Meeting:** Provided a draft framework, discussed draft and identified areas for edits. **16-Oct-2015, Meeting:** Musqueam requested to push back discussion on the MBA until the New Year. **04-Nov-2016, Letter from the VFPA:** Expressed an interest in continuing discussions with the Musqueam regarding a Project Benefit Agreement. **22-Feb-2017, Letter from the VFPA:** Reiterated the VFPA's interest in resuming benefit agreement discussions related to the Project and sought confirmation of Musqueam's interest and availability to meet.	**Additional information provided by the VFPA**: On 04-Sep-2018, the VFPA and Musqueam signed a RBT2 Negotiation Protocol Agreement. The VFPA and Musqueam agree to work together to negotiate in good faith a Mutual Benefits Agreement for the Project.	

Table 24: Social and Economic Setting

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-24.1	Asked about the hiring process for a researcher associated with the socio-economic assessment. Expressed a preference for the Musqueam Education Coordinator to put forth candidates to be referred to VFPA HR (or alternate), following a job description. Concerned with the research ethics for the socio-economic study conducted for the Musqueam community. Stated that Musqueam considers it to be a poor quality document even with correction of errors.	27-Nov-2013, Meeting 30-Jan-2015, Meeting	**27-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **17-Dec-2013, Meeting:** The VFPA and Musqueam met to discuss a socio-economic study work plan, including the opportunity for involvement of a Musqueam researcher in the assessment. **07-Jan-2014, Letter from the VFPA:** The VFPA will work with Musqueam to put in place an agreed upon hiring process for a researcher associated with the Community and Socio-Economic Assessment. **06-Feb-2014, Email from Musqueam:** Musqueam indicated they approved the socio-economic study work plan and the VFPA could proceed in hiring a consultant and Musqueam Community Researcher. **21-Jan-2015, Email from the VFPA:** Followed up on Musqueam's review of the Golder Draft Socio-Economic Report. Stated that this draft was provided to Musqueam to ensure accuracy of content, to meet conditions of the Musqueam research permit and to obtain approval from Musqueam for inclusion of this report in the EIS. Requested comments as soon as possible so they could be addressed. **23-Jan-2015 and 27-Jan-2015, Email from Musqueam:** Musqueam provided edits to the draft Socio-Economic Report. **01-Feb-2015, Email from the VFPA:** Provided the revised and final document now entitled: RBT2, 18-B Existing Socio-Economic Conditions of the Musqueam First Nation Community. This report has incorporated the changes requested by Musqueam. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#115):** In 2014, the Project team conducted research with Musqueam for an existing socio-economic conditions l study under the terms of a Research Permit titled "Musqueam Indian Permit to Conduct Research Within Musqueam Traditional Territory" (Permit Number MFN-14-112-MB). The VFPA worked to address Musqueam concerns regarding adherence to the research permit conditions. Musqueam First Nation reviewed a draft of the socio-economic existing conditions study, provided comments that were incorporated into the report, and provided consent to the VFPA to include the report as an appendix to the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 18.0 Social and Economic Setting Appendix 18-B Existing Social and Economic Conditions of Musqueam First Nation Community
MFN-24.2	Requested the following: 1. Conduct socio-economic effects assessment in a disaggregated fashion, separating out effects on Aboriginal and non-Aboriginal	15-Jun-2015, Letter to the CEA Agency (CEAR Document #241)	**15-Oct-2015, Letter from the CEA Agency:** "The Agency has requested that Port Metro Vancouver [the VFPA] provide an "assessment of effects of the Project on human health in a manner that differentiates between Aboriginal and non-Aboriginal people" in its letter of July 31,	**Addressed in Response to IR-7.31.15-28:** Table IR28-1 Summary of Health Effects Assessment for Aboriginal and Non-Aboriginal people and summarises how the relevant EIS sections address differential conditions and effects between the Indigenous and non-Indigenous populations, and provides a rationale for why aspects may	**Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314) Response to Sufficiency Information Request #7 (IR10-07)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	sub-populations and considering effects on each affected		2015 to Port Metro Vancouver [the VFPA] (page 13, #28).”	be presented together for those instances in which a distinction is not made. **Addressed in Responses to IR10-07, IR10-14, IR10-27, and IR10-28:** The VFPA’s responses to IR10-07, IR10-14, IR10-27, and IR10-28, as requested by the Review Panel, further discuss aspects of socio-economic conditions of Indigenous Peoples.	Response to Sufficiency Information Request #14 (IR10-14) Response to Sufficiency Information Request #27 (IR10-27) Response to Sufficiency Information Request #28 (IR10-28)

Table 25: Traffic / Transportation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-25.1	Asked if the railways will be upgrading their operating procedures as part of this project. Stated that the railways do not always keep to regulations concerning the environment.	14-Nov-2012, Meeting	**14-Nov-2012, Meeting:** Stated that the VFPA does not have regulatory jurisdiction over the national railway system.	**Addressed in EIS Section 1.3.2.2:** Regulatory authority with respect to federal railway companies rests with Transport Canada, pursuant to the *Canada Transportation Act* and the federal *Railway Safety Act*. Provincial railway companies are regulated by the B.C. Minister of Transportation and Infrastructure, pursuant to the *B.C. Railway Act* and the *Railway Safety Act*. **Addressed in Response to IR6-16:** The VFPA's responses to IR6-16, as requested by the Review Panel, discusses regulation related to locomotive emissions and industry trends. **Addressed in Response to IR6-32** As noted in the VFPA's response to IR6-32, the VFPA is working with terminal operators and railway companies operating within VFPA jurisdiction to progressively reduce emissions from their operations, as it does not own or operate any cargo handling equipment (CHE), drayage trucks, or locomotives. The VFPA sets targets and objectives for emission reduction through its participation in the Northwest Ports Clean Air Strategy (NWPCAS). The objectives are developed collaboratively by the VFPA, the Port of Seattle, and the Port of Tacoma. Specific programs and initiatives are then developed by each port in partnership with terminal operators, shipping lines, and railways, where possible, to encourage the achievement of emission reductions.	**EIS** 1.3.2.2 Mandate and Jurisdiction **Information Requests** Response to Sufficiency Information Request #16 (IR6-16 of CEAR Document #1113) Response to Sufficiency Information Request #32 (IR6-32 of CEAR Document #1188)
MFN-25.2	Concerned with the availability of staging areas and parking for additional truck and employee vehicle traffic, noting that they will require a lot of space.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Stated that from the perspective of trucking, roads are regulated by the Province's Ministry of Transportation and Infrastructure (MoTI). The trucks will be at the depots that are currently used. It is explained that there are many different independent truck operators, and different companies who have their own lots, and only when they're going to a terminal to do a pick up/drop off, or to one of the distribution houses or off-dock facilities, are they on the road. The figure of 1850 is in reference to truck trips/calls, not the actual number of trucks. It is explained that Deltaport is currently a day shift operation, and truck operators are making 1 or 2 trips per day. With the expected extension into the afternoon and implementation of night gates, the trucks will be able to operate longer, with the number of trips increasing to 3 or 4. It is explained that additional trips do not mean that the VFPA is issuing additional licenses for additional trucks. Parking is provided on the terminal for workers' vehicles, next to the administration building. The VFPA stated that the number needs to be confirmed by referring to the drawings, but there is parking for 700 or 800 vehicles. The figure of 1750 refers to the number of vehicle movements/trips per day. It accounts for 3 work shifts, visitors, and also delivery vehicles who wouldn't be expected to require parking over long periods of time.	**Additional information provided by the VFPA:** The 700-800 parking comment the VFPA made on 07-Oct-2014 applies to combined parking for both DTRRIP and RBT2 CCIP projects. Approximately 550 after DTRRIP at Deltaport and approximately 340 for the semi-automated RBT2, both taking into account shift change additional parking requirements. **Addressed in EIS Appendix 7.2-B (#218):** The economic development assessment (EIS Section 20.0) considers economic effects in Metro Vancouver and B.C. related to an increase in trucking activity related to the Project. Environmental and social effects associated with Project-related increases in truck traffic on the causeway are considered in EIS Sections 9.2, 9.3, 23.0, 27.0, and 32.2. The VFPA will ensure the Infrastructure Developer and Terminal Operator will work with federal and provincial regulatory authorities and local governments, including B.C. MoTI, Corporation of Delta, BC Ferries, and Tsawwassen First Nation to develop the land-based portion of the Land and Marine Traffic Management Plan. The plan will provide for public and worker safety and the timely exchange of information regarding traffic management during Project construction, including traffic control measures, short-term traffic interruptions, and temporary road restrictions and re-routing with Tsawwassen First Nation, Corporation of Delta, Delta Police Department, Delta Fire and Emergencies Services, and B.C. Ambulance Services.	**EIS** 2.0 Project Overview 2.2.7 Project Context, Roberts Bank as a Terminal Location Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.2 Air Quality 9.3 Noise and Vibration 23.0 Services and Infrastructure 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3.7 Environmental Management Program, Land and Marine Traffic Management Plan 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			01-Apr-2015, Letter from the VFPA: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response		
MFN-25.3	Asked about consultation with TFN, the municipality of Delta, and the Province's Ministry of Transportation and Infrastructure (MoTI) to accommodate additional traffic.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Stated that for trucking issues outside of the VFPA's jurisdiction, the VFPA has engaged as a partner in the Gateway Transportation Collaboration Forum, initiated earlier this summer with involvement from Transport Canada, the BC MoTI, Translink, and the Greater Vancouver Gateway Council. The VFPA has heard concerns about increased trucking, and the Forum is looking at four trade areas, the Roberts Bank Trade Area being the key one with respect to this Project. They're looking at what the potential future growth in the region will be, and its implications. The municipalities participate through working groups, similar to the Roberts Bank Rail Corridor Program that was initiated a number of years ago. It is noted the Program was developed with future RBT2 capacities in mind, but there's a need now to re-assess, identify, and fill in any gaps. Build Canada funds will be requested to address those gaps/concerns. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#218):** The VFPA will ensure the Infrastructure Developer and Terminal Operator will work with federal and provincial regulatory authorities and local governments, including B.C. MoTI, Corporation of Delta, BC Ferries, and the Tsawwassen First Nation to develop the land-based portion of the Land and Marine Traffic Management Plan. The plan will provide for public and worker safety and the timely exchange of information regarding traffic management during Project construction, including traffic control measures, short-term traffic interruptions, and temporary road restrictions and re-routing with the Tsawwassen First Nation, Corporation of Delta, Delta Police Department, Delta Fire and Emergencies Services, and B.C. Ambulance Services. The Gateway Transportation Collaboration Forum (GTCF) was established in 2014 to identify and prioritise development of transportation and related infrastructure necessary for supporting continued gateway growth and to provide overall net benefits to host communities. It brings together Transport Canada, the B.C. MoTI, TransLink, the Greater Vancouver Gateway Council, and the VFPA to collaboratively pursue infrastructure solutions and funding opportunities under the New Building Canada Plan. The GTCF builds on the success of past initiatives, including the Roberts Bank Rail Corridor Program, South Fraser Perimeter Road, North Shore and South Shore Trade Area projects, Ashcroft Terminal's Expansion Project, and the Regional Transportation Management Centre. It was not created in relation to, nor is it in any way solely focused on, the Project. The GTCF consists of four trade areas, including the Roberts Bank Trade Area. The GTCF leverages existing reports and conduct new studies, as necessary, to guide identification and evaluation of regional projects that relate to additional truck and train traffic from increasing demand for trade through the gateway. The GTCF works in consultation with municipal governments, regional agencies, Indigenous groups, industry, and other stakeholders, to consider how best to meet long-term trade demand while reducing impacts to local communities and the environment. Much of this work will focus on addressing the increased truck and train traffic within Metro Vancouver that is anticipated as demand for trade through the gateway grows.	**EIS** 2.0 Project Overview 2.2.7 Project Context, Roberts Bank as a Terminal Location Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.2 Air Quality 9.3 Noise and Vibration 23.0 Services and Infrastructure 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3.7 Environmental Management Program, Land and Marine Traffic Management Plan 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

Table 26: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-26.1	Expressed uncertainty and lack of confidence in the thresholds established for effects of noise on salmon. Based on VFPA's assessment, fish will ignore sounds and keep swimming around the boats. Stated that Musqueam guarantees that even with one little boat the fish startle. It is actually used as a strategy to get fish into fishing nets. Concerned that there hasn't been enough work done on sound and impact. Stated that noise will impact a fish's direction. Fish aren't going to go near the boats. Concerned that even if they are not harmed, forcing them to move to a different area, will leave them open and exposed to different predation (for example in shallower or deeper water, to orcas or other species). Expressed uncertainty at the behavioural threshold established for eulachon (20m radius) is accurate, noting that impacts have been observed first-hand at greater distances.	19-Jul-2016, Issues Workshop - MFN / TFN #1 12-Sep-2016, Issues Workshop - MFN / TFN #2;	**19-Jul-2016, Workshop:** Responded that 20 m is the distance at which salmon would avoid sources of Project noise, which would be the behavioural threshold. Noise is never anticipated to be at a level that would cause injury. There might be localised areas that go over behavioural thresholds, but because it's so localised and because the source is moving or intermittent or not constant, it's a startle response. **12-Sep-2016, Workshop:** Stated that noise is also a function of vessel speed and proximity to shore. Noted Project-related vessels will be going slower in VFPA jurisdiction.	**Addressed in MSA Section 8.1:** Potential effects of underwater noise to fish and fish habitat was considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA. **Addressed in Responses to IR5-26 and IR5-27:** The VFPA's responses to IR5-26 and IR5-27 provide further rationale for the conclusions of the assessment of behavioural effects of underwater noise on juvenile Chinook and chum salmon.	**MSA** 8.1 Marine Fish and Fish Habitat **Information Requests** Response to Sufficiency Information Request #26 (IR5-26 of CEAR Document #1153) Response to Sufficiency Information Request #27 (IR5-27 of CEAR Document #1153)

Table 27: Visual Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MFN-27.1	Noted Brunswick Point is a place Musqueam people collect materials for ceremonial regalia and use as a classroom for the transfer of knowledge. Concerned about potential impacts to the sightlines of the location.	16-Jun-2017, Meeting with Administrative Staff	**16-Jun-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 25.0:** While the prominence of port-related structures is expected to increase from several viewscapes, the Project is not expected to result in a change in the overall quality of daytime visual resources, as the expected changes are consistent with the character of existing views of port facilities. Mitigation related to lighting design and operation, such as directing light only to where it is required and the use of a centralised light control system, is expected to reduce adverse effects on nighttime visual resources. However, the visibility of more light sources at night would not be fully mitigated, and would be a residual adverse effect for sites in the southern Gulf Islands. D-POR10 considered daytime visual resources at the Alaksen National Wildlife Area and N-POR7 considered nighttime visual conditions at Brunswick Point. In consideration of the similarity of the Project to the existing viewscape, the residual effect of the Project alone on visual resources is determined to be not significant. The Project is not expected to result in any significant residual adverse effects on visual resources. The Project is not expected to result in measurable incremental residual cumulative effects to visual resources.	**EIS** 25.0 Visual Resources

APPENDIX IR10-01-C3

SEMIAHMOO FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-1.1	Concerned that the Project will cause pollution.	04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Roberts Bank Terminal 2 Project (RBT2 or Project). The results of the air quality assessment were used in the assessments of human health and current use of lands and resources for traditional purposes (Current Use). The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. **Addressed in EIS Appendix 7.2-B (#55) (regarding potential contamination of marine sediment):** Dredging and disposal at sea (DAS)-related activities are described in the EIS and considered in the assessment of potential effects on marine physical and biophysical components. As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. DAS activities will occur subject to Environment Canada's DAS permit requirements under the *Canadian Environmental Protection Act, 1999*. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational and Aboriginal fisheries, and outdoor recreation.	**Environmental Impact Statement (EIS, CEAR Document #181)** 9.2 Air Quality 9.6 Surficial Geology and Marine Sediment Appendix 9.6-C Dredging Studies – Dispersion Modelling 9.7 Marine Water Quality 11.0 Marine Vegetation 12.0 Marine Invertebrates 13.0 Marine Fish 30.0 Potential Accidents or Malfunctions Appendix 30-B Estuarine/Marine Fate of Spill-type Accidents

Table 2: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-2.1	Concerned with the cumulative effect of increased marine traffic and ship wake, leading to erosion of archaeologically significant areas in Semiahmoo First Nation's traditional territory. Stated that some archaeological sites have already become exposed. Concerned that no current study has been conducted on erosion in Semiahmoo Bay. Concerned that marine shipping is causing this effect. Stated that Semiahmoo Bay has eroded by 15 ft over three years - Less erosion in the channel, approximately 10 feet over 10 years. Concerned with exposed archaeological sites at Crescent Beach and further erosion to these areas.	06-Jun-2014, Valued Components Workshop #1 04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation 11-Jun-2015, Meeting	**06-Jun-2014, Workshop:** Recorded comment for consideration by the Project team. **29-Oct-2014, Aboriginal Groups EIS Workshop #4:** Impacts to archaeological sites related to the Project were discussed during the Aboriginal Groups EIS Workshop #4. **04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **11-Jun-2014, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Nov-2015:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the Vancouver Fraser Port Authority's (VFPA's) response.	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology (EIS Section 9.5) considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project. **Addressed in MSA Appendix 5-B (#55):** The potential effects of vessel wake from marine shipping associated with the Project on archaeological sites (due to erosion) are addressed in MSA Section 9.4. The local assessment area (LAA) for the archaeological and heritage resources assessment includes the entire marine shipping area, including shorelines within Pacheedaht traditional territory, Semiahmoo Bay, and Crescent Beach. The potential effects on archaeological and heritage resources from vessel transit (marine shipping) are viewed as negligible because the only physical mechanism for effect, vessel wakes, are predicted to be within the natural variation in size of wind waves and would reflect only a small percentage of the annual maximum storm wave energy. The extent to which archaeological sites in the LAA have been (or may have been) affected to date by other projects and activities, including wake-wave effects of existing traffic, is not possible to determine because of insufficient data. Combined with the inability to measure any effect specifically attributable to marine shipping, it is not possible to identify the extent to which wake-related marine shipping effects contribute to any cumulative effect of the shipping associated with the Project in combination with other past or existing projects or activities. However, it can be confidently stated that the erosion of shoreline sites in exposed areas is mainly or wholly attributable to erosion from natural wave conditions, particularly seasonal storms occurring at high tides. **Addressed in MSA Appendix 5-B (#56):** The LAA for the assessment of archaeological and heritage resources (MSA Section 9.4) includes the shoreline of the San Juan and Gulf islands. The assessment of archaeological and heritage resources (MSA Section 9.4) describes existing conditions as they currently reflect cumulative changes to date from other projects and activities that have been carried out, as well as the impact of natural processes. As no measurable effects are predicted for archaeological and heritage resources related to ship wake and erosion from marine shipping associated with the Project, no mitigation is suggested and an assessment of cumulative effects has not been carried out. **Addressed in response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential Project effects to sites of physical and cultural importance to Indigenous peoples. **Addressed in response to IR10-23:** The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.3 Assessment Boundaries **Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 9.4 Archaeological and Heritage Resources 9.4.5 Existing Conditions 9.4.5.1 Physical Environment 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake **Information Requests** Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #23 (IR10-23)
SFN-2.2	Expressed concern regarding the use of a hydro-vac during field monitoring and the risk of disturbing/displacing remains and artefacts. Emphasized their concern with sub-surface disturbance that may hinder determining the original location of archaeological artefacts and remains.	20-Sep-2017, Meeting	**20-Sep-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 28.0:** As noted in EIS Section 28.0, through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan (see EIS Section 33.0), potential damage to archaeological resources would be avoided, and the opportunity for future archaeological study would be protected.	**EIS** 28.0 Archaeological and Heritage Resources Assessment 33.0 Environmental Management Plan

Table 3: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-3.1	Interested in whether coastal geomorphology studies were undertaken by the VFPA.	20-Dec-2013, Meeting	**20-Dec-2013, Meeting:** Responded that coastal geomorphology was studied. **08-Oct-2014, Preliminary EIS Workshop #2:** Described the existing conditions related to coastal geomorphology and anticipated future changes resulting from the Project components and activities. Provided an opportunity for feedback. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **03-Aug-2016, Issues Workshop – Métis Nation British Columbia, Semiahmoo First Nation, Tsleil-Waututh Nation:** Studies were discussed in greater detail during Spring and Fall workshops held in 2014, and additionally at the Issues Workshop held in August 2016, where the topic was included based on feedback from participants.	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project. The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology Technical Advisory Group. The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. **Addressed in EIS Section 9.5:** EIS Section 9.5 presents an assessment of potential changes to coastal geomorphology as a result of the Project. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint would interact with tidal currents and wind-generated waves, resulting in localised alterations to sediment transport, sediment erosion and deposition, and freshwater and marine water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the intertidal flats adjacent to the causeway. This change would occur during construction only, and it is temporary and reversible. The VFPA would ensure the study and management of potential channel formation during the construction phase, and changes would be incorporated in detail design as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology Appendix 9.5-A Roberts Bank Terminal 2 Technical Report, Coastal Geomorphology Study
SFN-3.2	Concerned that sediments from Roberts Bank and the Fraser River will be taken by ocean currents to Semiahmoo First Nation territory and create problems for future development opportunities related to shellfish. Stated that spatial boundaries of the local assessment areas for coastal birds, marine fish, marine invertebrates, marine vegetation and biofilm, marine mammals and geomorphology should be inclusive of Boundary Bay and Semiahmoo Bay (and not stop at the international border).	06-Jun-2014, Valued Components Workshop #1 04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation 11-Jun-2015, Meeting 03-Aug-2016, Issues Workshop – Métis Nation British	**04-Dec-2014, Workshop:** Stated that EIS Section 9.6 includes an assessment of conditions in Boundary Bay but perhaps the study area is not high enough in the tidal zone so that is something that the VFPA will consider. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **03-Aug-2016, Workshop:** Stated that the numerical model ran up the Strait of Georgia and down into Washington State. Omitting certain areas would be impossible from a calculation perspective. The model calculates flows all the way through the Strait of Georgia; there is no boundary at the border. The local study area (the area that encompasses the expected changes to coastal geomorphology processes) contains a	**Addressed in EIS Appendix 7.2-B (#30):** The local study areas for coastal geomorphology, water quality, and surficial geology and marine sediment encompassed the anticipated maximum spatial extent where Project-related changes may occur. Sturgeon Bank and Boundary Bay were also included in the local study areas for marine water quality and for surficial geology and marine sediment. The local study areas extended south of the international border to Point Roberts, U.S.A. Measurable Project-related changes to sedimentation from construction activities or changes associated with altered coastal processes resulting from terminal placement are predicted to be localised at Roberts Bank. During the selection of LAAs for marine vegetation, marine invertebrates, marine fish, marine mammals, and coastal birds, the predicted extent of changes from any physical changes and the resultant anticipated effects to the valued components (VCs) and its sub-components were taken into consideration. Therefore, the selection of spatial boundary limits depends upon the area of anticipated Project effects, and the characteristics of the VC being assessed.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Asked whether the study would include the flow of currents from the Fraser to Semiahmoo Bay. Stated that no current study has been conducted that includes effects on Semiahmoo Bay. Stated that sediment from these areas ends up on the bank by Semiahmoo, which impacts shellfish, traditional foods.	Columbia, Semiahmoo First Nation, Tsleil-Waututh Nation	physical boundary that corresponds to the front of the delta where the shallow tidal flats drop steeply into deep water. This is because once you reach a certain depth, waves do not affect the bottom anymore. A hard boundary was not imposed, but sediment is only moving around in those intertidal zones and the tidal front. Changes based on the model do not go south of the Roberts Bank causeway, which acts as a physical barrier. Processes do not extend much toward the border. Tidal currents obviously go into Semiahmoo Bay; the border was not included in the model as a boundary since water flow and rates do not adhere to borders. Stated that the coastal geomorphology study included Boundary Bay and Semiahmoo Bay.		9.6 Surficial Geology and Marine Sediment 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions Appendix 10-B Marine Fate of Shipping Spill-type Accidents
SFN-3.3	Concerned that sediment disposed of at sea as part of Project construction would end up in Semiahmoo Bay and that the Sediment study does not include the area south of the border. Requested a better understanding of how Disposal at Sea (DAS) affects crabs and other sea creatures, vegetation and the ecosystem. Interested in the VFPA returning with a coastal geomorphologist to respond to questions and speak to concerns regarding sediment from DAS activities entering Semiahmoo Bay; interest in also having DFO attend. Suggested meeting everyone (DFO, crab expert, fish expert, geomorphologist) at the same time to address Semiahmoo First Nation's questions and concerns. Concerned with dredging related to RBT2. Requested to meet with coastal geomorphologist.	01-Feb-2017, Meeting 21-Jul-2017, Meeting	**01-Feb-2017, Meeting:** Asked if it would be helpful for Semiahmoo First Nation to have a coastal geomorphologist attend a future meeting to respond to questions and discuss concerns in detail in the context of DAS, sediment, tides, and currents and undertook to plan such a meeting and include it in the Consultation Plan. **26-Jun-2017, Letter from the VFPA:** "The concerns brought forward by Semiahmoo First Nation with regard to Dungeness crabs and DAS highlighted the need for the VFPA to re-evaluate our planned construction approach and use of the intermediate transfer pit (ITP) as a part of the Project. The Project team has been actively exploring alternative construction methods to address concerns raised by Indigenous groups and regulatory agencies since the development of the EIS in 2014. After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the *Coasting Trade Act* as a result of approving the Canadian European Trade Agreement, the port authority determined that the Project could proceed without the use of an ITP." **21-Jul-2017, Meeting:** The VFPA committed to arranging a meeting with Semiahmoo related to their sediment concerns. **07-Aug-2017, Email from the VFPA:** Asked to arrange a meeting with Semiahmoo and the Project geomorphologist. **20-Sep-2017, Meeting:** The VFPA met with Semiahmoo to discuss the Follow-up Program as well as their concerns regarding coastal geomorphology. The VFPA's consultant from Northwest Hydraulic Consultants was in attendance. Noted that the change in Project scope and no longer needed the ITP, will result in a Project that does not require a DAS permit.	**Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate components (ICs) and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**Project Construction Update (PCU; CEAR Document #1210** 1.0 Introduction 2.0 Revised Project Description and Schedule 3.0 Summary of Changes to the Environmental Impact Statement

Table 4: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-4.1	Asked if the VFPA will conduct a TERMPOL (Technical Review Process of Marine Terminal Systems and Transhipment Sites) for RBT2.	04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#10):** TERMPOL is a voluntary review process in which proponents involved in building and operating a marine terminal system for bulk handling of oil, chemicals, and liquefied gases can participate. A TERMPOL review was not required for the Project, as RBT2 is a proposed terminal that will handle containers only, not bulk fuel.	**EIS** 6.0 Environmental Assessment and Permitting Process Appendix 7.2-B Aboriginal Groups Issues and Interests Table
SFN-4.2	Concerned with the cumulative impacts of shipping on the Salish Sea. Asked how many more ships would be expected as a result of the Project. Expressed concern with increased vessel traffic travelling in/or through traditional territories. Noted the importance of looking at long-term cumulative effects including historical and future use. Concerned with the cumulative impacts on Semiahmoo First Nation since the existing port was built, including the loss of culture and traditions, traditional foods and shellfish harvesting.	20-Dec-2013, Meeting 07-Oct-2014, EIS Workshop 04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation 20-Sep-2017, Meeting	**20-Dec-2013, Meeting:** Stated that the EIS will include a cumulative effects assessment. **07-Oct-2014, Workshop:** The VFPA explained that it is estimated that the new marine terminal will receive 260 container ship calls (520 ship movements) per year by 2030, at which time the terminal is expected to be at full capacity. **04-Dec-2014, Workshop:** Stated that the information being presented is preliminary. The VFPA wants to share it with Semiahmoo First Nation prior to the studies being done and mitigation planning taking place so Semiahmoo First Nation's feedback can be considered before finalising the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Nov-2015:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#35):** Reasonably foreseeable projects and activities related to marine shipping, including incremental marine vessel traffic associated with RBT2, is considered in the cumulative effects assessment. The potential cumulative effects of the Project in combination with other projects and activities that have been and will be carried out, including existing and future shipping, on Indigenous fisheries are discussed in EIS Sections 16.0, 21.0, and 32.2. **Addressed in EIS Appendix 7.2-B (#219):** The EIS considers the effects of Project-related traffic on Current Use and Aboriginal rights, and the cumulative effects of the Project in combination with other projects or activities, including existing and incremental marine vessel traffic. **Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. The effects of other projects and activities that have been carried out are reflected in the existing (and expected) conditions of the ICs and VCs, and in EIS Section 32.0. By assessing potential Project-related effects against those conditions, the cumulative effects of the Project and other past projects and activities are inherently considered. The EIS also includes historical data, where available and applicable, to assist interested parties to understand the potential effects, including cumulative effects, of the Project. The EIS does not include an assessment of historical infringements on the ability of Indigenous groups to exercise rights or impacts to traditional use. **Addressed in EIS Appendix 7.2-B (#183):** The Current Use assessment considers the quality of the experience of carrying out Current Use activities, which considers cultural aspects. The assessment of impacts on rights also considers cultural aspects and practices. The importance of traditional foods to culture and tradition is considered in the Current Use assessment (EIS Section 32.2). In response to AIR-12.04.15-29, on 19-Feb-2016, the VFPA provided explanation of how the potential Project-related effects on cultural heritage of Indigenous peoples was assessed in the EIS, providing additional clarification beyond the EIS where needed.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods Table 8-8 Project and Activity Inclusion List 8.1.9 Cumulative Effects Assessment 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis **MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in MSA Appendix 5-B (#23): The approach to the cumulative effects assessment is provided in EIS Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. The assessment of Current Use (EIS Section 9.5) describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Both assessments consider the context of cumulative effects. In the MSA, cumulative effects were considered for each VC. **Addressed in response to IR4-09:** In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as its letter to the Review Panel dated December 20, 2017 (CEAR Document #1133), provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the cumulative effects of marine shipping.	**Information Requests** Response to Additional Information Request #29 (AIR-12.04.15-29 of CEAR Document #388) Response to Sufficiency Information Request #09 (IR4-9 of CEAR Document #1051) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
SFN-4.3	Expressed the belief that the VFPA should guarantee no adverse effects from the Project.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The methods used to assess and mitigate the potential effects of the Project are consistent with existing federal guidance, including the *EIS Guidelines* issued by the Canadian Environmental Assessment Agency (CEA Agency).	**EIS** 8.0 Effects Assessment Methods

Table 5: Engagement and Consultation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-5.1	Expressed concern that the environmental assessment has missed the mark and concerned that Semiahmoo First Nation has now missed the opportunity for input into the EIS.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Responded that the environmental assessment is an ongoing process and the VFPA understands that it may get things wrong, and that is why these meetings and presentations are taking place. Explained that the CEA Agency will also ask Semiahmoo First Nation if they think the VFPA got it right and take Semiahmoo First Nation's input, and then so will the Panel. The VFPA may be asked to respond to the CEA Agency's concerns and the Panel will take all that information, as well as the EIS comments from Semiahmoo First Nation and others, and from all federal departments. Stated that the Panel will assess if there is enough info and then there would be the public hearings and once again they will check if the information is accurate. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components, and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in EIS Appendix 7.2-B. Some questions, comments and requests were addressed at the workshops or through follow up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. **Additional information provided by the VFPA:** Since submitting the EIS in 2015, the VFPA has continued to meet with Indigenous groups to discuss their interests, concerns, and suggestions for potential mitigation measures. Semiahmoo First Nation participated in an Issues Workshop held in August 2016, where the topics of discussion were selected based on feedback from participants. As part of the review process for the Project, concerns and feedback may also be submitted directly to the review panel for consideration.	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
SFN-5.2	Provided a budget for a Traditional Land and Marine Use Study (TLMUS) for RBT2. Asked if Semiahmoo First Nation could conduct their own traditional use study and if there would be support from the VFPA for this. Stated that Semiahmoo First Nation does not have the capacity to participate and that the capacity funding and	19-Jul-2013, Meeting 20-Dec-2013, Meeting 11-Jun-2015, Meeting	**19-Jul-2013, Meeting:** Confirmed that where there are gaps, the VFPA would be looking to obtain additional information and would definitely like to have further discussions with Semiahmoo First Nation regarding the scope of a potential study. Stated that the VFPA will be providing capacity funding for Semiahmoo First Nation's participation in RBT2 consultation, noting that this includes activities or review to date and looking at upcoming materials. **20-Dec-2013, Meeting:** Discussed the EIS section on traditional use and offered to fund Semiahmoo First Nation Traditional Use Study.	**Addressed in EIS Appendix 7.2-B (#18):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. Indigenous groups were also provided draft community profiles and rights and Current Use information for their review and comments. Feedback received was incorporated into the EIS. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Traditional Use Study funding provided by the VFPA is insufficient. Stated that Semiahmoo First Nation are continually meeting on the VFPA's projects with limited funding and conducting piecemeal studies. Requested funding to support Semiahmoo First Nation's consultation and review of Project materials. Requested a broader funding agreement with the VFPA.		Stated that the funding provided to Semiahmoo First Nation is the maximum allotted to any one Indigenous group under the VFPA's current budget line for RBT2. Responded that the request for additional funding would be passed on and revisited in January 2014. Stated that there will be additional funding for regulatory working groups; designed to facilitate participation in the regulatory process. **17-Mar-2014, Letter from the VFPA:** Offered Semiahmoo additional participation funding. **31-Mar-2014, Letter from Semiahmoo First Nation:** Accepted funding. **12-May-2014, Letter from the VFPA:** Offered Semiahmoo funding for a TLMUS. **30-May-2014, Letter from Semiahmoo First Nation:** Accepted funding. **09-Jul-2014, Letter from the VFPA:** Acknowledged receipt of signed funding agreement for TLMUS and requested study by 31-Aug-2014 in order to incorporate into the EIS. (The VFPA received the TLMUS from Semiahmoo on 18-Sep-2014.) **22-Aug-2014, Letter from the VFPA:** Offered Semiahmoo additional participation funding. **18-Sep-2014, Letter from Semiahmoo First Nation:** Accepted funding. **11-May-2015, Letter from the VFPA:** Offered Semiahmoo participation funding to support participation in Project-related consultation activities, including marine shipping study. **22-May-2015, Letter from Semiahmoo First Nation:** Accepted funding. **07-Mar-2016, Letter from the VFPA:** Offered Semiahmoo additional participation funding to support ongoing involvement in consultation activities. **23-Sept-2016, Letter from Semiahmoo First Nation:** Accepted funding. **27-Sept-2017, Letter from the VFPA:** Offered funding to support discussions of a Mutual Benefits Agreement. **29-Sept-2017, Letter from Semiahmoo First Nation:** Accepted funding. **04-Oct-2017, Letter from the VFPA:** Offered additional funding for participation in consultation activities for RBT2; null and void if not returned by November 21, 2017. **14-Dec-2017, Letter from Semiahmoo First Nation:** Received after null and void date. **21-Dec-2017, Letter from the VFPA:** Re-issued offer of additional funding for participation in consultation activities for RBT2; null and void if not returned by January 19, 2018.	directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. Participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups, and were designed to support the consultation process for the Project. Additional agreements were reached to support Indigenous groups in the collection of Current Use information and Indigenous traditional knowledge (ITK) to inform Project planning, effects assessment, and identification of proposed mitigation measures. Throughout the consultation process, the VFPA has provided Indigenous groups with reasonable opportunities to present and communicate their interests and issues in relation to the Project to both the VFPA and relevant regulatory agencies.	

Table 6: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-6.1	Requested to review the technical studies.	08-Oct-2014, Preliminary EIS Workshop #2 04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**18-Jun-2014, Letter from the VFPA:** Provided a list of the Technical Reports (TRs) and Technical Data Reports (TDRs) carried out as part of the assessment. Stated that the VFPA is prepared to provide summaries of the TDRs and TRs to interested Indigenous groups, pending the signing of a confidentiality agreement. **08-Oct-2014, Workshop:** Responded that the final versions of the studies are not all complete. Stated that they will all be included in the EIS. **04-Dec-2014, Workshop:** Stated that the information being presented is preliminary. Stated that the VFPA is looking for feedback from Semiahmoo. **01-Apr-2015, Letter from the VFPA:** Provided Semiahmoo First Nation with the EIS, which contained all relevant technical studies.		
SFN-6.2	Commented that current environmental conditions are unacceptable and further projects should not go forward until existing problems are fixed.	11-Jun-2015, Meeting	**11-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#25):** Decisions on Project approval will be made by the federal and provincial governments following recommendations by the independent review panel.	**MSA** Appendix 5-B Aboriginal Issues and Interests

Table 7: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-7.1	Asked if there are studies related to shellfish contamination in Semiahmoo Bay.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Stated that the shellfish assessment included clams, cockles, and mussels at Roberts Bank and Boundary Bay. Boundary Bay was used as a reference point because it was further from the Project area. The VFPA collected samples from parts of Boundary Bay. We can give you more information on what was studied. The Human Health Risk Assessment (HHRA) looked at whether the current levels of various chemicals in edible crab tissues, mussels or bivalve tissues are acceptably low relative to human thresholds. There are currently no plans to do additional studies beyond what has been done in the HHRA. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **01-May-2017, Email from the VFPA:** Hemmera, on behalf of the VFPA, plans on conducting a study in May or June 2017 to measure contaminant levels in shellfish collected at Roberts Bank. The study will consist of collection of Dungeness crab and Macoma clams from three locations at Roberts Bank, and laboratory analysis for a suite of contaminants including polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and trace elements. This study, in conjunction with past shellfish studies, will further strengthen the existing understanding of shellfish contaminant levels at Roberts Bank. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents for review: • IR4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Appendix 7.2-B (#134):** The focus of the Shellfish Harvesting Potential and Contaminant Related Consumption Risks study was port-related contaminants at Roberts Bank, and the information gathered on contaminants in crab muscle and edible bivalve tissues for the areas sampled at Roberts Bank were specifically intended to capture worst-case conditions based on historical and current port activities. Bivalve shellfish samples were collected in intertidal areas at Roberts Bank, from the BC Ferries Terminal in the south to Canoe Passage in the north, and included Boundary Bay as a reference site. The Dungeness crab study area encompassed shallow subtidal areas at Roberts Bank, from the BC Ferries Terminal in the south towards Canoe Passage in the north, including a reference site near Canoe Passage. For both bivalve shellfish and crab, areas closer to the Westshore Terminals were the focus of sampling. The study focused on determining whether historical and current port activities on Roberts Bank are resulting in contaminant uptake to safe or unsafe levels. **Addressed in responses to IR4-34 and IR4-33:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the VFPA's response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	**EIS** Appendix 7.2-B Aboriginal Group Issues and Interests Table 27.0 Human Health Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)
SFN-7.2	Asked whether the Human Health section looks at each Aboriginal group individually	04-Dec-2014, Health & Aboriginal	**04-Dec-2014, Workshop:** Responded that the team tried to look at that, but that there is limited information available.	**Addressed in EIS Appendix 7.2-B (#128):** The health assessment included a focus on Indigenous communities, and relied upon information from various consultation and engagement activities	**EIS** 7.0 Engagement and Consultation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	and whether the gap between Aboriginal and non-Aboriginal populations was considered.	Rights Workshop - Semiahmoo First Nation	Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	(described in EIS Appendix 7.2-A). It also relied upon written sources of information provided by Indigenous groups directly, as well as information from the First Nations Health Authority. Information about traditional food consumption was gathered through existing literature (summarised in EIS Section 27.0) as well as engagement activities (summarised in EIS Section 7.0). A summary of the traditional foods consumed by each Indigenous group is included in EIS Section 32.2. A discussion of study methods is included in the EIS, including a summary of the HHRA and health impact assessment (HIA). These studies relied on information provided directly from Tsawwassen First Nation during consultation and through a community well-being study provided to the VFPA, as well as other published information and data sources related to health in B.C. Indigenous communities. The human health assessment considered the subsistence food consumption of individual Indigenous groups, as summarised in EIS Section 32.2. This information was included in the evaluation of potential effects on food security, as well as health inequity. **Addressed in response to IR-7.31.15-28:** As noted in the VFPA's response to IR-7.31.15-28, (the EIS presents an assessment of the effects of the Project on human health in a manner that differentiates between Indigenous and non-Indigenous people. EIS Section 27.0 and EIS Section 32.2 address potential effects of the Project related to human health. Within the human health section, information is presented separately for both Indigenous and non-Indigenous populations, for both existing conditions and for effects of the Project on human health, except where those distinctions are not practical. Within the Current Use section, all information is pertaining to Indigenous populations. Table IR28-1 summarises how the relevant EIS sections address differential conditions and effects between the Indigenous and non-Indigenous populations, and provides a rationale for why aspects may be presented together for those instances in which a distinction is not made.	7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Group Issues and Interests Table 27.0 Human Health 27.4 Information Sources 27.4.2 Desktop and Field Studies 27.5.7 Food Security 27.6 Future Conditions with the Project – Potential Project-related Effects Appendix 27-A Air Quality HHRA Technical Report; Appendix 27-B Noise and Vibration HHRA Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes **Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314)
SFN-7.3	Commented that it is unacceptable to maintain the status quo with cumulative impacts to traditional foods from port activities. Stated that current proposed mitigation measures for health effects resulting from the Project are insufficient. Requested prevention and restoration measures to enable the shellfish fishery to be re-opened. Stated their concerns regarding cumulative effects to Semiahmoo First Nation traditional territory and their food security.	20-Dec-2013, Meeting 04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation 20-Sep-2017, Meeting	**20-Dec-2013, Meeting:** Responded that studies are being undertaken that consider health and well-being. **04-Dec-2014, Workshop:** Referred to additional information having been provided in the Onsite Habitat Mitigation Options presentation made at workshop #1 (07-Oct-2014). Responded that as a result of predicted loss of habitat, the VFPA has plans to do habitat compensation. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **16-Jun-2017, Email from the VFPA:** The VFPA is interested in initiating discussions with Semiahmoo First Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project	**Addressed in EIS Appendix 7.2-B (#139):** The EIS provides an assessment of potential Project-related effects on shellfish harvesting, and proposes mitigation for the specific adverse effects expected to directly or indirectly result from the Project. This includes measures to avoid, reduce or offset potential effects by: • Placing marine terminal in subtidal waters to eliminate direct effects to intertidal habitats; • Minimising causeway widening and optimising the footprint within the upper intertidal zone; • Rounding of the northwest terminal corner to reduce the potential area of scour; • Incorporating rocky shoreline in portions of the terminal perimeter and causeway perimeters; • Creating onsite habitat, including eelgrass, intertidal marsh, mudflat, and sandy gravel beach; and • Implementing various Construction Environmental Management Plans (EMPs) and Operation EMPs. Further details on mitigation measures for potential Project-related effects on marine invertebrates are included in the EIS. **Addressed in EIS Section 32.2:**	**EIS** Appendix 7.2-B Aboriginal Group Issues and Interests Table 11.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas, or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives, and priorities of Indigenous groups involved in the RBT2 Project. We welcome input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. With that in mind, we request a meeting with Semiahmoo First Nation to hear about your community's priorities in relation to this funding. **21-Jul-2017, Meeting:** Met with Semiahmoo to discuss the legacy benefits. Discussed how funds are proposed to be allocated for environmental protection and aquatic revitalisation. Requested input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. **20-Sep-2017, Meeting:** Noted that the VFPA is working on crab mitigation measures, and provided a summary on proposed mitigation measures to date. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	Examines potential Project-related and cumulative effects that are relevant to traditional food consumption and nutritional health. These potential effects are related to access to preferred locations for harvesting preferred food resources, availability of preferred food resources, and quality of preferred food resources. Based on information considered in the Current Use assessment (EIS Section 32.2), there are no anticipated residual effects to most traditional food sources, including marine vegetation, marine fish, coastal birds, marine mammals, and most marine invertebrates, including bivalve shellfish and Dungeness crab.	
SFN-7.4	Interested in food security and health studies on the different nutritional value between traditional foods and store-bought foods. Concerned with the lack of access to traditional foods. Many of the most prevalent chronic diseases in the Semiahmoo First Nation	20-Dec-2013, Meeting 04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**20-Dec-2013, Meeting:** Stated that studies are being undertaken that consider health and well-being. **04-Dec-2014, Workshop:** Stated that the difference in nutritional value between traditional foods and store-bought foods was taken into account directly and indirectly. For example, when examining the effects of the Project on fish, those fish species that are important from a traditional food and Indigenous perspective, were a	**Addressed in EIS Appendix 7.2-B (#150):** The human health assessment of potential Project-related effects on food security considered the difference in nutritional value between traditional foods and store-bought foods in that a reduction in consumption of traditional foods, as compared to store bought alternatives, would be considered an adverse health effect, due to the high nutritional value of traditional foods. **Addressed in MSA Appendix 5-B (#52):** The assessment of potential effects of marine shipping associated with the Project on marine fish and fish habitat (MSA Section 8.1) addresses potential effects on the availability of marine resources. The assessment of human health	**EIS** Appendix 7.2-B Aboriginal Group Issues and Interests Table 27.0 Human Health 27.5.7 Food Security 27.6.1 Rationale for Determination of Negligible Effects

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	community may be linked to loss of traditional foods.	11-Jun-2015, Meeting	focus: Chinook, coho, and other salmonid resources. There was also a focus on invertebrates, in particular those that provide traditional food. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **11-Jun-2015, Meeting:** Acknowledged this concern, and stated that it is important for Semiahmoo First Nation to note where Current Use is restricted, or lower than desired, and it can be taken into account in the VFPA's assessment. Committed to bring this concern back to the team.	(MSA Section 9.1) includes consideration of consumption of marine resources. The assessment of Current Use (MSA Section 9.5) also addresses the potential effects on availability of, and ability to harvest, marine resources. **Addressed in response to IR-7.31.15-28:** In response to IR-7.31.15-28, on 26-Oct-2015 the VFPA provided Table IR28-1 that summarises how the relevant EIS sections address differential conditions and effects between the Indigenous and non-Indigenous populations, and provides a rationale for why aspects may be presented together for those instances where a distinction is not made. **Addressed in response to IR-7.31.15-31:** In response to IR-7.31.15-31, on 26-Oct-2015 the VFPA provided an explanation of how the assessments in the EIS were based on the best available sources of information related to food reliance, as relevant to the identified pathways of effects from the Project. In response to AIR-7.31.15-31, on 19-Feb-2016 the VFPA provided information on the efforts made to gather additional information on country food reliance specific to each of the Indigenous groups listed in the *EIS Guidelines*.	27.6.5 Potential Effect #4 – Adverse Health Outcomes due to Changes in Health Inequity **MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 9.1 Human Health 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314) Response to Information Request #31 (IR-7.31.15-31 of CEAR Document #314) Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #388) Appendix AIR31-A Summary of Reliance on Country Foods by Aboriginal Group
SFN-7.5	Commented that the data describing food security/insecurity, purchasing power, traditional food consumption, and anticipated residual effects to human health is overgeneralized and does not accurately reflect Semiahmoo First Nation or the Aboriginal population. Commented that the finding that the residual effects to human health are not significant.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Appendix 7.2-B (#128):** The health assessment included a focus on Indigenous communities, and relied upon information from various consultation and engagement activities (described in EIS Appendix 7.2-A). It also relied upon written sources of information provided by Indigenous groups directly, as well as information from the First Nations Health Authority. Information about traditional food consumption was gathered through existing literature (summarised in EIS Section 27.0) as well as engagement activities (summarised in EIS Section 7.0). A summary of the traditional foods consumed by each Indigenous group is included in EIS Section 32.2. A discussion of study methods is included in the EIS, including a summary of the HHRA and HIA. These studies relied on information provided directly from Tsawwassen First Nation during consultation and through a community well-being study provided to the VFPA, as well as other published information and data sources related to health in B.C. Indigenous communities. The human health assessment considered the subsistence food consumption of individual Indigenous groups, as summarised in Section 32.2. This information was included in the evaluation of potential effects on food security, as well as health inequity. **Addressed in EIS Appendix 7.2-B (#149):** The following are highlights of the human health assessment: • Seven potential mechanisms for human health effects were assessed: air emissions, noise and vibration, shellfish contamination, stress and annoyance, employment and income, food security, and health inequity;	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Issues and Interests Table 27.0 Human Health 27.4 Information Sources 27.4.2 Desktop and Field Studies 27.5.7 Food Security 27.6 Future Conditions with the Project – Potential Project-related Effects Appendix 27-A Air Quality HHRA Technical Report Appendix 27-B Noise and Vibration HHRA Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of EMPs and additional mitigation measures; • The Project is not expected to result in any significant adverse residual effects on human health; and • The Project is not expected to result in measurable incremental residual cumulative effects to human health. With mitigation, all potential Project-related effects are expected to be negligible (not measurable), with the exception of residual effects on human health related to exposure to air emissions during construction, and exposure to noise during construction and operation. These effects are predicted to be not significant. A rationale for the determination is provided in EIS Section 27.0. **Addressed in response to IR-7.31.15-28:** In response to IR-7.31.15-28, on 26-Oct-2015 the VFPA provided Table IR28-1 that summarises how the relevant EIS sections address differential conditions and effects between the Indigenous and non-Indigenous populations, and provides a rationale for why aspects may be presented together for those instances in which a distinction is not made.	32.2 Current Use of Land and Resources for Traditional Purposes **Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314) Table IR28-1 Summary of Health Effects Assessment for Aboriginal and Non-Aboriginal People

Table 8: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-8.1	Concerned about the scope or methods of the labour market and economic development studies, particularly the exclusion of Indigenous members and/or communities located outside the Metro Vancouver region.	21-May-2015, Meeting	**21-May-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Appendix 7.2-B (#111):** The LAA for labour market and economic development was defined as Metro Vancouver. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measurable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measurable or detectable.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 19.0 Labour Market 19.3.1 Spatial Boundaries 20.0 Economic Development 20.3.1 Spatial Boundaries

Table 9: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-9.1	Interested in the consultation process proposed in the EIS for addressing the potential displacement of harvesters as a result of the Project. Asked whether the consultation process would take place through the VFPA or DFO.	03-Aug-2016, Issues Workshop – Métis Nation British Columbia, Semiahmoo First Nation, Tsleil-Waututh Nation	**03-Aug-2016, Workshop:** Stated that consultation could take place through a number of mechanisms. One being considered involves the VFPA working with DFO regarding commercial and recreational harvesters. Stated that a separate consultation component related to Indigenous harvesting (non-commercial and non-recreational) could take place in parallel. Stated that it is anticipated that a number of consultation mechanisms will be put into place. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS, and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area. Discussions are ongoing.	**Addressed in EIS Appendix 7.2-B (#119):** The EIS describes potential effects on fishing activity (EIS Sections 21.0 and 24.0) and effects in other areas (e.g., Boundary Bay) that are not otherwise directly affected by the Project but that may be affected by displacement are considered in EIS Section 32.2. Mitigation measures to reduce effects on outdoor recreation include: • Working with DFO to engage with recreational crab harvesters to identify and implement feasible mitigation measures; and • Implementing construction EMPs related to construction phase communication and crab salvages. Mitigation measures to reduce effects on marine commercial use include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementing construction and operation EMPs related to construction phase communication, construction monitoring and crab salvages.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 21.0 Marine Commercial Use 21.7.1 Seafood harvesting - Mitigation Measure #1 - Changes in Area, Harvest and Revenue 24.0 Outdoor Recreation 24.7.1 Recreational Seafood Harvesting Mitigation Measure #1 – Changes in Harvesting Area Use and Displacement 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

Table 10: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-10.1	Concerned with ship strikes to returning salmon.	11-Jun-2015, Meeting	**11-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#38):** The assessment of potential effects of marine shipping associated with the Project on marine fish, including salmon, is included in MSA Section 8.1. Physical disruption or vessel strikes of salmon are not anticipated to be a form of interaction between marine shipping and marine fish, and therefore these aspects are not included in the assessment.	**MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects
SFN-10.2	Concerned that the assessment study area for salmon stops at the American border and excludes Semiahmoo Bay, where Semiahmoo First Nation historically practiced reef net fishing. Stated that historically it is understood that salmon entered/held in Semiahmoo Bay before migrating up the Fraser River.	03-Aug-2016, Issues Workshop – Métis Nation British Columbia, Semiahmoo First Nation, Tsleil-Waututh Nation	**03-Aug-2016, Workshop:** Stated that a similar concern regarding sockeye using Roberts Bank as a holding area, has been brought up and looked into. The current understanding of sockeye migration is that most fish enter the Fraser River through the northern route at Johnstone Strait. A smaller portion (the diversion rate) comes up through Juan de Fuca Strait. The holding area is quite large; evidence of a defined and discrete area upon which boundaries can be applied could not be found. The holding area includes the Sunshine Coast, the Gulf Islands, the port area, Point Roberts, Semiahmoo Bay. It is an expansive area that the fish mill about in before heading up the river. From a Project effects perspective, the Project footprint itself is a tiny portion of this expansive area and what is known about sockeye on their return migration is that they tend to enter the river with little or no delay. Taken together, this suggests limited potential for interaction with holding salmon. Stated that the VFPA believes the EIS has captured potential interactions with sockeye and the Project; the EIS considers changes in habitat, geomorphology, light, water quality, acoustic profile. The VFPA believes that the pathways that would affect sockeye as they are holding is captured and considered in the EIS. The VFPA referred to Traditional Knowledge (TK) workshops held with Musqueam First Nation and Tsawwassen First Nation. Requested Semiahmoo share information on the holding area and specific sources to be considered if it is available.	**Addressed in EIS Appendix 7.2-B (#30):** During the selection of Local Assessment Areas (LAAs) for marine vegetation, marine invertebrates, marine fish, marine mammals, and coastal birds, the predicted extent of changes from any physical changes and the resultant anticipated effects to the VC and its sub-components were taken into consideration. Therefore, the selection of spatial boundary limits depends upon the area of anticipated Project effects, and the characteristics of the VC being assessed. **Addressed in EIS Section 13.3.1:** Description of the LAA for marine fish: • Roberts Bank, from the north side of the BC Ferries Terminal causeway to Canoe Passage, and from the high-water mark seaward to -100 m depth CD; • Includes all areas where Project-related effects (direct or indirect) to marine fish are expected to occur, and is based on life history information and spatial extent of Project-related influences (e.g., zones of acoustic effect or disturbance, TSS levels, sediment dispersion predictions); • Project-related effects on marine fish are not expected to extend into U.S. waters; as such, the LAA does not extend across the U.S. border; and • Localised spatial and temporal movements of focal groups or species have been considered based on general life history information, current and past data from Roberts Bank, and traditional use information. Description of the regional assessment area (RAA) for marine fish: • The Fraser River estuary from Boundary Bay to Sturgeon Bank and from the high-water mark seaward to -100 m CD, plus the Fraser River North and Main arms and main stem to Hope; and • DFO Pacific Fisheries Management sub-areas included are 29-6 to 29-17, waters of the Pitt River bounded by sub-area 29-15 are also included. **Addressed in response to AIR-12.04.15-10:** In response to AIR-12.04.15-10, on 19-Feb-2016 the VFPA provided Appendix AIR10-A - Table 1, which lists local and regional fish habitat maps by VC and sub-component (or representative species in some cases) included in the EIS. The VFPA also provided Appendix AIR10-B, which illustrates habitat features for Pacific salmon at a regional scale (i.e., within the marine fish RAA and beyond into the Strait of Georgia). The response may be accessed on the CEA Agency Registry for the Project: https://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=107580	**EIS** Appendix 7.2-B Aboriginal Issues and Interests Table 13.0 Marine Fish 13.3.1 Spatial Boundaries Table 13-3 Spatial Boundary Definitions for Marine Fish **Information Requests** Additional Information Request #10 (AIR-12.04.15-10 of CEAR Document #388) Appendix AIR10-A - Table 1 Local and Regional Fish Habitat Maps by Valued Component Appendix AIR10-B - Figure AIR10-1 Important Areas for Pacific Salmon in the LAA, RAA, and Strait of Georgia

Table 11: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-11.1	Concerned with contamination to marine invertebrates caused by coal dust.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **07-Aug-2014, Email from the VFPA:** Stated that the VFPA is undertaking a study related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. This black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **09-Jul-2015, Letter from the VFPA:** Provided Semiahmoo with a memo detailing the results of black crab testing. The memo provided the conclusions of the study: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions or damage in the crab shells). **01-May-2017, Email from the VFPA to Semiahmoo First Nation: Shellfish Sampling and Analysis Study** Hemmera, on behalf of the VFPA, plans on conducting a study in May or June 2017 to measure contaminant levels in shellfish collected at Roberts Bank. The study will consist of collection of Dungeness crab and Macoma clams from three locations at Roberts Bank, and laboratory analysis for a suite of contaminants, including PCBs, PAHs, and trace elements. This study, in conjunction with past shellfish studies, will further strengthen the existing understanding of shellfish contaminant levels at Roberts Bank. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders.	**Additional information provided by the VFPA:** The proposed Project is a container terminal and does not include any coal-related elements. The Project will not contribute to coal dust. **Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the cause of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). **Addressed in Appendix 7.2-B (#133):** Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the characterisation of air quality existing conditions and the assessment of potential cumulative changes to air quality. Release of coal dust into the environment is not Project-related; however, re-suspension of sediments containing historical coal dust deposits may occur during the construction phase, potentially leading to short-term uptake of contaminants by both bivalve shellfish and Dungeness crab. To address concerns about the health of these species, studies on both bivalve shellfish (including clams) and Dungeness crabs examined the edible tissue concentrations of coal dust-derived contaminants (including PAHs and heavy metals). Results from lab analyses demonstrate that bivalve shellfish (including clams) do uptake PAHs found in the surrounding sediments; however, a HHRA found concentrations in edible tissues were not high enough to pose a consumption risk. The assumptions used to estimate the consumption risk (i.e., total Incremental Lifetime Cancer Risk (ILCR)) are relatively conservative: the maximum observed PAH tissue concentration and a very high annual shellfish consumption rate. The total ILCR for exposure to potentially carcinogenic PAHs was estimated to be approximately on the order of magnitude lower than 1 in 100,000, the valued considered by Health Canada and the B.C. Ministry of Environment to be an acceptable low risk potential. On this basis, it was concluded that PAHs in Roberts Bank edible bivalve tissues pose a negligible consumption human health risk. **Addressed in responses to IR4-34 and IR4-33:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the VFPA's response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.5.4 Exposure to Shellfish Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Provided the following documents review: • IR 4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	
SFN-11.2	Stated that Semiahmoo First Nation is having a hard time harvesting crabs. Worried that T2 may increase pressure on their crab resources further as more people harvest in their waters. Concerned that as a result of the Project, availability of fish and crab in the Project area will decrease, resulting in increased demand for fish and crab in Semiahmoo Bay and Boundary Bay, which are already constrained. Stated that due to overfishing, Semiahmoo First Nation cannot harvest enough salmon or crab, which negatively impacts diet and traditional practice and use.	23-Nov-2012, Meeting 25-Aug-2014, Meeting 03-Aug-2016, Issues Workshop – Métis Nation British Columbia, Semiahmoo First Nation, Tsleil-Waututh Nation	**23-Nov-2012, Meeting:** Recorded comment for consideration by the Project team. **25-Aug-2014, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **03-Aug-2016, Workshop:** Responded that to change harvesting locations from Roberts Bank to Boundary Bay, Area I licence holders would have to apply for an Area J licence. Licence holders have the ability to apply for an alternative location every five years. Stated that the potential for the moving of harvesters from Area I to J was considered in the EIS. Noted that there are consultative mechanisms proposed in the EIS to monitor that. Requested feedback and suggestions on how best to put that consultation mechanism into place. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures, and will implement construction and operation EMPs related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operation. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues.The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 21.7.1 Seafood harvesting - Mitigation Measure #1 - Changes in Area, Harvest and Revenue 24.0 Outdoor Recreation 24.7.1 Recreational Seafood Harvesting Mitigation Measure #1 – Changes in Harvesting Area Use and Displacement 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined not to be significant. **Addressed in EIS Appendix 7.2-B (#119):** The EIS describes potential effects on fishing activity (EIS Sections 21.0 and 24.0) and effects in other areas (e.g., Boundary Bay) that are not otherwise directly affected by the Project but that may be affected by displacement are considered in EIS Section 32.2. Mitigation measures to reduce effects on outdoor recreation include: • Working with DFO to engage with recreational crab harvesters to identify and implement feasible mitigation measures; and • Implementing construction EMPs related to construction phase communication and crab salvages. Mitigation measures to reduce effects on marine commercial use include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementing construction and operation EMPs related to construction phase communication, construction monitoring, and crab salvages. **Addressed in EIS Appendix 7.2-B (#162):** Potential effects on access to traditional foods are addressed in EIS Section 27.0, in terms of potential effects on food security, stress and annoyance, and health inequity. These sub-components address the potential effects of the absence of a traditional food source from the diet. Potential effects related to access to traditional foods are also assessed in EIS Section 32.2.	32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-related Effects
SFN-11.3	Stated that the DFO bivalve shellfish closure in Fisheries Management Area 29 is arbitrary, given that the Human Health Risk Assessment technical report on shellfish contamination determines shellfish are safe to eat.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Responded that this is outside the scope of the VFPA's effects assessment, and is DFO's regulatory jurisdiction. Noted that the VFPA understands the perception that sanitary shellfish closures are imposed arbitrarily, but that is part of a broader discussion outside the scope of the Project. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Appendix 7.2-B (#136):** DFO determines the validity of shellfish closures. Food safety associated with edible bivalve consumption requires that the bivalve tissues be safe based on all three of the following: • General absence of toxins produced by harmful algal blooms that can result in paralytic shellfish poisoning (PSP) and amnesic shellfish poisoning (ASP); • General absence of microorganisms in the shellfish tissues (viruses, bacteria, protistans) that are potentially pathogenic to humans; and • Presence of trace elements (e.g., cadmium) and chemical contaminants such as petroleum hydrocarbon residues at levels lower than thresholds of unacceptable health risk if consumed by humans. The shellfish consumption risk assessment directly addresses the third of these factors. In contrast, the DFO Area 29 sanitary shellfish closure is driven largely by concerns associated with the second of these factors.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 27.0 Human Health Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank: 5.1 Human Health Risk Assessment, Context

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-11.4	Concerned with impacts to eelgrass and resulting impacts to crabs. Noted the lack of eelgrass and shellfish, and their desire to fix the issue or see no impact not just mitigation of impacts.	25-Aug-2014, Meeting 20-Sep-2017, Meeting	**25-Aug-2014, Meeting:** Recorded comment for consideration by the Project team. **29-Oct-2014, Aboriginal Group EIS Workshop #3:** The preliminary assessment results for marine vegetation (including eelgrass) and marine invertebrates (including crabs) were discussed during Aboriginal Group EIS Workshop #3. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **20-Sep-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#68):** Potential effects on eelgrass habitat, as well as on crabs and other species that use eelgrass habitat, are described in the EIS. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass is a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and EMPs, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates 12.6 Future Conditions with the Project 12.6.2 Negligible Effects 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish 13.6.2 Negligible Effects
SFN-11.5	Expressed their frustration with Semiahmoo Bay not being included in the study area for crabs.	20-Sep-2017, Meeting	**20-Sep-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Sections 8.0 and 12.3.1:** As noted in EIS Section 8.1.3, spatial assessment boundaries were identified for each VC based on the spatial characteristics of the Project and the VC (e.g., location, distribution, range), and the areas within which Project-VC interactions and effects are expected to occur. When determining the spatial boundary, the Project team also considered, as applicable, available community knowledge and ITK, information on current land and resource use by Indigenous groups, and other pertinent ecological, technical, social, and cultural considerations, as well as input from government, Indigenous groups, and the public. As noted in EIS Section 12.3.1, the marine invertebrates LAA (approximately 5,416 ha) was established to encompass the area within which the Project is expected to interact with, and potentially have an effect on, marine invertebrates. In determining LAA boundaries, consideration was given to the nature and characteristics of marine invertebrates, historical and current traditional use activities, as well as the maximum extent of potential adverse effects on marine invertebrates.	**EIS** 8.1.3 Establishment of Assessment Boundaries 12.0 Marine Invertebrates 12.3.1 Spatial Boundaries

Table 12: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-12.1	Shared information about grey whale sightings in White Rock.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that they do occur, but they are not particularly common. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Section 14.0:** The marine mammal sub-component, baleen whales, including grey whale, are represented by humpback whales in the marine mammals assessment.	**EIS** 8.0 Effects Assessment Methods 8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process Appendix 8-A Valued Component Selection Rationale 14.0 Marine Mammals
SFN-12.2	Asked what the conclusions were of the marine study on orcas carried out as part of the Deltaport Third Berth (DP3) Project. Asked about a study from DP3 that was submitted to BCEAO that stated that monitoring was occurring. Asked about a transient and local whale population study that looked at impacts on SRKW food and way of life. Remembered reading the report but can no longer find it. Stated that it was a submission from a biologist submitted during Deltaport Third Berth review.	06-Jun-2014, Valued Components Workshop #1 21-May-2015, Meeting 11-Jun-2015, Meeting 29-Jul-2015, Meeting 21-Jul-2017, Meeting	**06-Jun-2014, Workshop:** Responded that the VFPA has undertaken a number of orca studies over the years, and these studies are listed on the Project website. The Hemmera team is looking at all studies produced for the VFPA for past projects as part of the RBT2 environmental assessment. **01-Apr-2015, Letter from the VFPA:** Provided the EIS for the proposed Project, including EIS Section 14.4 Information Sources. **21-May-2015, Meeting:** Noted that an initial step for discipline leads was to look at all existing information, so if there was a particular report for DP3 it most likely would have been looked at. Committed to confirm. **11-Jun-2015, Meeting:** Followed up with Semiahmoo to gather more information on the referenced DP3 study. **29-Jul-2015, Meeting:** The VFPA Adaptive Management Strategy (AMS) annual reports on DP3 mitigations available at the following link: http://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/. **21-Jul-2017, Meeting:** Committed try and locate the study. **16-Aug-2018, Email from the VFPA:** Stated that the VFPA is uncertain about which document the commenter is referring to. However, all technical documents submitted to the B.C. Environmental Assessment Office (EAO) are posted to the EAO Project Information and Collaboration site: https://www.projects.eao.gov.bc.ca/project.	**Addressed in EIS Section 14.4:** As noted in EIS Section 14.4, information sources used in the marine mammal assessment included previous environmental assessments and monitoring reports (e.g., DP3) and ambient noise measurements (Stantec 2010); underwater noise predictive modelling study to determine the extent of the area of disturbance for southern resident killer whales in the vicinity of the vibro-densification and dredging activities (Jacques Whitford AXYS and JASCO Research Ltd. 2007a and 2007b, Jacques Whitford AXYS et al. 2007); and surveys for marine mammals conducted before and during construction from 2003 to 2008 (Triton Environmental Consultants Ltd. 2004, Stantec 2010). See EIS Section 14.13 for a full list of references related to the assessment of marine mammals.	**EIS** 14.0 Marine Mammals 14.4 Information Sources 14.13 References

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			The commenter may be referring to the marine mammal monitoring program reports located here: https://projects.eao.gov.bc.ca/p/deltaport-third-berth/docs?folder=509		
SFN-12.3	Concerned with the commitments made as part of past projects are not monitored or addressed.	11-Jun-2015, Meeting	**11-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **20-Sep-2017, Meeting:** Met with Semiahmoo First Nation to discuss the Follow-up Program. The presentation provided lessons learned on DP3, including the DP3 Marine Mammals monitoring work. The VFPA also included a proposed approach to developing the RBT2 Follow-up Program.	**Addressed in EIS Section 33.5:** An adaptive management approach will be taken as indicated in EIS Section 33.5. The VFPA's Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and comment on the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation.	**EIS** 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program
SFN-12.4	Concerned with marine mammals strikes. Stated that Semiahmoo First Nation has found evidence of strikes to sea lions, grey whales, and humpbacks.	11-Jun-2015, Meeting	**11-Jun-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#89):** The Appendix considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable or measurable residual adverse effects from vessel strikes are predicted for marine mammals. The marine mammal assessment considers the potential for cumulative effects with respect to the potential residual effect (i.e., increased underwater noise produced by container ships and support tugs during Project operation), in combination with other projects and activities within the RAA, including underwater noise from incremental marine vessel traffic outside VFPA jurisdiction. **Addressed in MSA Appendix 5-B (#44):**	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 14.0 Marine Mammals 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.3 Potential Effects of the Project on North Pacific Humpback Whale 14.6.4 Potential Effects of the Project on Steller Sea Lions Table 14-19 Injury and Disturbance Radii for Steller Sea Lions during Impulsive Construction Noise

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The assessment of marine mammals (MSA Section 8.2) includes consideration of potential effects on whales, including vessel strikes by Project-associated vessels. Overall, the assessment notes potential residual effects on marine mammals, which include behavioural disturbance and masking due to changes to the acoustic environment and physical disturbance from vessel strikes, from Project-associated vessel transit activities are expected to be not significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either southern resident killer whales or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of southern resident killer whales, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales other than southern resident killer whales. The assessment concludes that since past activities and projects have had a significant adverse effect on southern resident killer whales, Project-associated vessel activities in combination with existing and future vessel activity are expected to result in a significant cumulative effect to marine mammals. **Addressed in response to IR5-41:** The VFPA's response to IR5-41 discusses the combination of lines of evidence used to support conclusions regarding the frequency and effects of vessel strikes on marine mammals in the marine shipping area. In summary, it was concluded that incremental effects of vessel strikes from RBT2-associated vessel traffic would be moderate in magnitude and occur infrequently above and beyond strikes occurring during existing conditions, and were determined to be not significant. These predictions were based on the multiple lines of evidence as described in the response. Note the response focuses on baleen whales (represented by humpback whales) as it is unlikely that container ships associated with the Project would strike a toothed whale (represented by southern resident killer whale) or a pinniped (represented by Steller sea lion), resulting in injury or mortality (MSA Section 8.2.6.3).	14.10 Cumulative Effects Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 8.2 Marine Mammals 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes 8.2.7.2 Mitigation – Vessel Strikes 8.2.8.2 Residual Effect #2 – Physical Disturbance from Vessel Strikes 8.2.8.4 Summary of Residual Effects and Significance 8.2.9 Cumulative Effects Assessment **Information Requests** Response to Sufficiency Information Request #41 (IR5-41 of CEAR Document #1159)
SFN-12.5	Expressed an interest in learning more about the VFPA's (Enhancing Cetacean Habitat and Observation) ECHO Program.	01-Feb-2017, Meeting	**01-Feb-2017, Meeting:** Committed to provide more information on ECHO. **10-May-2017, Email from the VFPA:** Attached the ECHO Program annual report for 2016. The ECHO Program is a VFPA-led collaborative initiative aimed at better understanding and managing the cumulative impacts of shipping activities on at-risk whales throughout the southern coast of B.C.	**Addressed in response to IR4-10:** As noted in the VFPA's response to IR4-10, in 2014, the VFPA-led ECHO Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous groups, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	**Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

Table 13: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-13.1	Stated that the VFPA should be working to improve the current state of fisheries, not working to mitigate effects (i.e., there should not be any effects).	01-Feb-2017, Meeting	**01-Feb-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 17.0:** Habitat offsetting plans are addressed in EIS Section 17.3.2). The VFPA undertakes several environmental programs and initiatives aimed towards protecting the environment. More information on this topic can be found on the VFPA's website: http://www.portmetrovancouver.com/environment/	**EIS** 17.0 Mitigation for Marine Biophysical Valued Components
SFN-13.2	Stated that there should be accommodation for the land transfer.	01-Feb-2017, Meeting	**01-Feb-2017, Meeting:** Responded that they would take back the request and get back to Semiahmoo First Nation.	**Additional information provided by the VFPA:** A recent land transaction with the Provincial government resulted in the Federal government acquiring additional land and water lots in the vicinity of Roberts Bank that the VFPA believes will be needed to accommodate future development to facilitate growing trade through Roberts Bank now and into the future at existing, or if permitted, new terminals. Therefore, there has been an increase in federal ownership within the asserted traditional territory of Semiahmoo First Nation, not a diminution. The VFPA's view is that there is no potential that the conduct in question (land transfers) may adversely affect an Aboriginal claim or right. The VFPA's conclusion in the EIS is that there will be no adverse impacts to Aboriginal or treaty rights from the Project. If it is subsequently determined that RBT2 will adversely impact asserted or established Aboriginal or treaty rights, accommodation will be negotiated with the affected Indigenous groups.	

Table 14: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-14.1	Asked what could be done if noise exceeded predicted levels.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Responded that the EIS describes predicted changes in noise levels. Noted that the presentation does not include the list of the proposed mitigation measures around noise. Sections in the EIS will include such matters under 'Human Health'. A monitoring study is one of the proposed activities, essentially follow-up monitoring to measure the noise levels in the future, for comparison with the VFPA's predictions. If predictions prove to be inaccurate, the plan is to work with the responsible parties to see what the sources of noise are, and what can be done to reduce them. Given the nature of a quantitative cumulative change analysis, it is difficult to predict exactly what the noise contribution from other projects and traffic will be. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **14-Jun-2016, Letter from the VFPA:** Semiahmoo First Nation was notified and provided with the revised version of EIS Section 27.0 and EIS Appendix 27-B.	**Addressed in EIS Appendix 7.2-B (#32):** An adaptive management approach will be taken as indicated in EIS Section 33.5. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. **Addressed in EIS Appendix 7.2-B (#43):** Suggested mitigation measures were considered in the development of proposed mitigation for Project-related changes in noise. Noise Management Plans will be developed for construction and operation phases and will integrate with the VFPA's existing noise monitoring programs. Mitigation of construction-related noise could include: • Scheduling of higher-noise generating activities during weekdays, and during the daytime; • Shutdown of equipment and vehicles when not in use; • Utilisation of equipment that produces less noise; and • Awareness and training for construction crews. Mitigation for operation-related noise could include: • Optimised tonality of equipment alarms to limit audibility on shore while meeting safety requirements; • Operator awareness and training; and • Regular maintenance of equipment (e.g., lubrication of pulleys and other moving parts, replacement of deteriorated exhaust mufflers, maintaining efficiencies of engines through servicing). **Addressed in response to AIR-12.04.15-13:** In responding to AIR-12.04.15-13, it was determined that the correct and measurable noise effect (sleep impairment) in EIS Section 27.0 had not been carried forward for a significance determination of the residual effect, and for a cumulative effects assessment. Revisions were made to EIS Section 27.0 and EIS Appendix 27-B to provide supporting analysis. The section also includes revisions related to the comparison of noise levels to international thresholds for speech comprehension and sleep impairment. The overall conclusions of the assessment did not change.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.3 Noise and Vibration 9.3.6 Methods 9.3.7 Existing Conditions 9.3.9 Future Conditions with the Project 9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities 27.0 Human Health (revised June 2016) Appendix 27-B Noise and Vibration Human Health Risk Assessment Technical Report (revised June 2016) 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
SFN-14.2	Expressed concern with increased noise related to rail traffic and cumulative effects, and requests a percentage breakdown of where rail traffic	04-Dec-2014, Meeting	**04-Dec-2014, Meeting:** Responded that that information may have been included in the Project overview presentation from workshop #1 (07-Oct-2014).	**Addressed in EIS Section 9.3:** EIS Section 9.3 presents the assessment of atmospheric noise and vibration potential effects of the project. In the upland study area, Project-related increases in average annual noise levels are, for the most part, expected to be minor and not perceptible, with the following exceptions: • During certain months, construction activities are anticipated to result in perceptible increases in noise.	**Information Requests** Response to Sufficiency Information Request #3 (IR1-03 of CEAR Document #897) Appendix IR1-03-A Container Traffic Forecast Study – Port of

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	generated by RBT2 is travelling to.		Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	• The number of intermittent noises related to cargo handling and train shunting during operation would increase, but the noise levels perceived from shore would be the same or lower than noise levels from the existing Roberts Bank terminals, since the new marine terminal would be located further from shore. In the marine study area, noise levels during construction and operation would vary depending on the distance from the terminal, ranging from increases of 13 A-weighted decibels (dBA) within 1 kilometre away from the terminal, to no increase 10 kilometres away from the terminal, with the largest increases predicted to occur at locations within 1 kilometre of the marine terminal. The construction and operation of the Project is not expected to result in perceptible increases in levels of ground-borne vibration. It is expected that there would be minimal incremental cumulative changes in noise levels as a result of the combination of Project-related noise and with additional road and rail activity on the expanded causeway and on the upland road and rail corridors within the study area. **Addressed in response to IR1-03:** In the VFPA's response to IR1-03, the VFPA presents the *Container Traffic Forecast Study – Port of Vancouver, 2016* by Ocean Shipping Consultants (Appendix IR1-03-A). Past and projected future rail-based container movement data from the Port of Vancouver is presented by destination, including western Canada, 'other' Canada, and the U.S.A. Appendix IR1-03-A forecasts that containers carrying cargo to or from the U.S.A. will remain steady at 23% of imports.	Vancouver, 2016 by Ocean Shipping Consultants

Table 15: Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-15.1	Concern raised that sockeye salmon and eulachon are not considered in the assessment. Stated that sockeye and eulachon harvesting are already constrained by scarcity and DFO restrictions. Stated that Semiahmoo First Nation is unable to meet their cultural needs.	03-Aug-2016, Issues Workshop – Métis Nation British Columbia, Semiahmoo First Nation, Tsleil-Waututh Nation	**03-Aug-2016, Workshop:** Responded that from a biological productivity perspective, Chinook and chum represent a more conservative assessment. From a purely hypothetical ecological point of view, if sockeye had been selected, the biologists would have concerns that potential effects were underrepresented because effects to rearing and migration patterns would not have been considered. Stated that sockeye were looked for in relation to the DP3 when a lot of field work was done in the Roberts Bank area, and no sockeye were caught. Similarly, when field studies for RBT2 were undertaken no sockeye or eulachon were caught. Responded that it is not that they were purposefully excluded; there is evidence backing up the approach that they are not the best representative species. These studies were done in seasons and timings when eulachon and sockeye should have been present, so the findings suggest their use of the area is limited. Expressed an interest to hear any suggestions that Semiahmoo may have for how the VFPA could move forward on this issue.	**Addressed in EIS Appendix 7.2-B (#103):** Sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in this section (EIS Section 21.0). **Addressed in EIS Appendix 7.2-B (#106):** While recognising that other fisheries have historically occurred or currently occur at or near Roberts Bank, the assessment of Project-related effects on the ongoing productivity of commercial, recreational, and Aboriginal fisheries focuses on fisheries that are most likely to interact with the Project or for which there is sufficient site-specific data on presence and habitat use at Roberts Bank to permit assessment. For these reasons, fisheries such as those for eulachon, sturgeon, shrimp, and octopus are not directly included in the commercial, recreational, and Aboriginal fisheries assessment. **Addressed in response to IR5-15:** In response to IR5-15, the VFPA specifically discusses existing conditions related to eulachon and describes the status and management practices associated with the species. Rationale as to how eulachon were assessed via use of Pacific herring and surf smelt as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect eulachon, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in IR5-15 response. Potential effects on eulachon resulting from changes in the acoustic environment are assessed as minor, based on the low potential of eulachon to interact with the Project during terminal construction (adult eulachon presence in the LAA has not been confirmed, and eulachon larvae rear in the Strait of Georgia outside LAA boundaries). With implementation of mitigation measures (specifically IR5-26 Noise Management Plan), no residual effect on eulachon productivity is anticipated. In the same response, the VFPA specifically discusses existing conditions related to sockeye salmon and describes the status and management practices associated with the species. Rationale as to how sockeye salmon were assessed via use of Chinook and chum as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sockeye, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in IR5-15 (CEAR Document #1078).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 13.0 Marine Fish 13.2.1 Sub-components 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2.1 Sub-components 21.0 Marine Commercial Use 21.5 Existing Conditions 21.5.2 Aboriginal Commercial Fishing and Seafood Harvesting 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #975)
SFN-15.2	Requested that the distinction between FSC permits and commercial fishing licenses be clearer.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Appendix 7.2-B (#118):** The marine commercial use effects assessment includes commercial marine fish and seafood harvesting, including activities under communal commercial licences held by Indigenous groups. Fish and seafood harvesting for food, social, ceremonial, and domestic purposes (as per the Aboriginal Fishing Strategy) by Indigenous groups is considered in EIS Section 32.0.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 21.0 Marine Commercial Use 21.5.2 Aboriginal Commercial Fishing and Seafood Harvesting 32.0 Potential or Established Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
					and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-related Effects
SFN-15.3	Stated that there can be no more development and effects to the Fraser River and Salish Sea until fish stocks are back up to past standards.	01-Feb-2017, Meeting	**01-Feb-2017, Meeting:** Asked if it would be helpful to return with a marine expert. Stated that the VFPA has heard a lot of concerns related to fish going to the Fraser River, and monitoring and mitigation suggestions. **09-Jul-2017, Letter from the VFPA:** Asked about arranging meetings on specific topics of interest in Semiahmoo. **17-Jul-2017, Phone Call:** Spoke to Semiahmoo First Nation about their ongoing interests and concerns and agreed to arrange a meeting to discuss further. **20-Sep-2017, Meeting:** The VFPA, with the biophysical technical environmental assessment lead, met with Semiahmoo to discuss the Follow-up Program as well as their concerns regarding the Project.	**Additional information from the VFPA:** As part of the VFPA's approach to environmental stewardship and sustainability, we have been proactively enhancing local habitat for more than 20 years. Since 1991, the VFPA has been creating, restoring, and enhancing fish and wildlife habitat—including salt water marshes, intertidal marshes, and eelgrass beds—to help maintain a balance between a healthy environment and future development that may be required for port operations. The Habitat Enhancement Program (HEP), which was formalised through a 2012 Working Agreement with DFO, improves the VFPA's ability to offset potential impacts of development. The program consists of projects around the Lower Mainland, through which the VFPA ensures the viability and sustainability of new and enhanced habitat. Further information concerning HEP is available at: https://www.portvancouver.com/environment/water-land-wildlife/habitat-enhancement/	**https://www.portvancouver.com/environment/** **https://www.portvancouver.com/environment/water-land-wildlife/habitat-enhancement/**

Table 16: Port Operations

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-16.1	Concerned with the VFPA's ability to regulate its tenants and/or operators. Concerned that this will affect the VFPA's ability to implement and/or enforce Project mitigation.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Appendix 7.2-B (#192):** Describes the proposed environmental management framework, including compliance monitoring and reporting requirements to federal and provincial environmental regulators for both the construction and operation phases. The VFPA is committed to implementing all mitigation recommended by the Minister of Environment if the Project is approved. The VFPA takes a precautionary approach and upholds a high level of environmental protection within VFPA jurisdiction that meets or exceeds legislative requirements. **Addressed in EIS Section 4.0:** Describes the construction components of the marine terminal that will be the Infrastructure Developer's responsibility, while the Terminal Operator will be responsible for constructing and installing terminal infrastructure from the pavement up. Breaches of contractual terms are governed by the agreements' terms as well as by the common law. **Addressed in response to IR1-01:** The VFPA's response to IR1-01 discusses more broadly how the VFPA asserts its authority in the context of RBT2's construction and operation via berth corridor agreements and land leases.	**EIS** 33.0 Environmental Management Program **Information Requests** Response to Sufficiency Information Request #01 (IR1-01 of CEAR Document #897) http://www.portvancouver.com/development-and-permits/project-and-environmental-reviews/

Table 17: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-17.1	Concerned with the effects of an oil spill to flyover and resident birds, eelgrass and crab habitat.	11-Jun-2015, Meeting	**11-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. **Addressed in MSA Section 10.5.8:** MSA Section 10.5.8 assesses the potential effects on marine birds caused by the identified plausible worst-case accidents or malfunctions arising from marine shipping associated with the Project. The residual effect of a heavy oil spill on marine birds is determined to be not significant. It is considered unlikely that a spill in Boundary Passage (or elsewhere in the LAA) of 7,500 m^3 will compromise population integrity for marine bird sub-components and species within the LAA. **Addressed in MSA Appendix 5-B (#101):** The potential effects of an oil spill on resident and migrant marine birds, eelgrass, and crab habitat are considered within the assessment of potential accidents or malfunctions (MSA Section 10.0). MSA Section 10.5.6 assesses the potential effects on marine fish and fish habitat caused by the identified plausible worst-case accidents or malfunctions arising from marine shipping associated with the Project. A significant adverse residual effect to marine fish and fish habitat is defined as one that causes a decline in abundance or change in distribution to a level at which a species or habitat cannot maintain itself, and long-term population or habitat integrity is compromised. For a significant residual adverse effect, the following applies: • Re-establishment through natural recruitment (e.g., reproduction or immigration from unaffected areas) is not expected to occur; and • Recovery of population, Conservation Unit (Pacific salmon), or habitat integrity is expected to take longer than two generations. For the reasons outlined above, the effect of a heavy fuel oil spill on marine fish and fish habitat is determined to be not significant.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.5.6 Marine Fish and Fish Habitat 10.5.8 Marine Birds
SFN-17.2	Interested in major disaster and spill response planning. Asked how long it takes to respond to an incident and what the process is for responding to spills along the US-Canada.	11-Jun-2015, Meeting 18-Sep-2015, Meeting	**11-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **13-Aug-2015, Email:**	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 30.0 Potential Accidents or Malfunctions 30.3.3 VFPA Practices and Procedures

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Pages 4 and 5 of the Transport Canada Marine Response Organizations Standards document (http://www.tc.gc.ca/media/documents/marinessafety/tp12401e.pdf) provide information on the minimum requirements for response times, which vary by spill quantity and area. Western Canada Marine Response Corporation (WCMRC), as the responsible party for spill response, could better speak to typical response times. **14-Oct-2015, Email:** The MSA includes a section on potential accidents and malfunctions, including information on spill response outside of VFPA jurisdiction. EIS Section 30.0, as well as EIS Appendix 30-A, provide information regarding disaster and spill response within VFPA jurisdiction.	**Addressed in MSA Appendix 5-B (#102):** Details on spill response, including responsibilities of various parties, response timelines, and equipment requirements, are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0). WCMRC is the Transport Canada-certified Response Organisation for the west coast of Canada. Upon request of a Responsible Party of upon direction of the designated authority (i.e., Canadian Coast Guard or Transport Canada), WCMRC would executive the spill containment and clean-up. As a Response Organisation pursuant to the *Canada Shipping Act, 2001*, WCMRC is required to demonstrate to Transport Canada that logistical arrangements are in place to meet Response Time Planning Standards within its Geographic Area of Response. Detailed Oil Spill Response Plans are prepared and executed by the WCMRC, and submitted to Transport Canada. Additional information is available here: http://wcmrc.com/. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan, which includes information on spill response and environmental protection.	Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures Table 10-2 Spill Response Procedure Summary 10.4.4.3 Geographic Area of Response and Standard Response Times **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
SFN-17.3	Referenced the distance of the Semiahmoo area from emergency responders. Stated that in the event of a spill of hazardous material, the Port would not notice a spill in the Semiahmoo area until it was too late to be effective. Semiahmoo Bay is far away from the nearest emergency management services meaning response time would be slow.	11-Jun-2015, Meeting	**11-Jul-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Addressed in MSA Appendix 5-B (#102):** Details on spill response, including responsibilities of various parties, response timelines, and equipment requirements, are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0). WCMRC is the Transport Canada-certified Response Organisation for the west coast of Canada. Upon request of a Responsible Party of upon direction of the designated authority (i.e., Canadian Coast Guard or Transport Canada), WCMRC would executive the spill containment and clean-up. As a Response Organisation pursuant to the *Canada Shipping Act, 2001*, WCMRC is required to demonstrate to Transport Canada that logistical arrangements are in place to meet Response Time Planning Standards within its Geographic Area of Response. Detailed Oil Spill Response Plans are prepared and executed by the WCMRC, and submitted to Transport Canada. Additional information is available here: http://wcmrc.com/. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response and environmental protection.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 30.0 Potential Accidents or Malfunctions 30.3.3 VFPA Practices and Procedures **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures Table 10-2 Spill Response Procedure Summary 10.4.4.3 Geographic Area of Response and Standard Response Times **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 18: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-18.1	Stated that that Tsawout First Nation and Lummi Nation members have sites at Roberts Bank where they used to fish. Asked if the VFPA was engaging with Lummi Nation. Noted they should be included as a transboundary nation for consultation; Semiahmoo First Nation explained they have members south of the bother who are part of Lummi.	11-Jun-2015, Meeting 01-Feb-2017, Meeting 20-Sep-2017, Meeting	**11-Jun-2015, Meeting:** Responded that marine shipping in this area (south of the border) may affect Semiahmoo First Nation, but the VFPA has no power to regulate this area. **01-Feb-2017, Meeting:** Responded that the VFPA is not engaging with Lummi, and is following directions from the *EIS Guidelines*. **20-Sep-2017, Meeting:** Stated that the VFPA has not engaged with any Indigenous groups across the border. Stated that the VFPA is following the CEA Agency guidelines, which has no direction to engage with U.S. groups.	**Additional information provided by the VFPA:** The CEA Agency is responsible for Crown consultation under the CEA Agency process, including identification of Indigenous groups for inclusion in the *EIS Guidelines*. The VFPA has engaged and consulted with Indigenous groups as listed in the *Updated EIS Guidelines*. Where available, information related to Indigenous groups in the U.S.A. has been considered (see MSA Section 8.1.5.4).	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.5 Existing Conditions 8.1.5.4 Marine Invertebrates 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*CEAR Document #177*)**
SFN-18.2	Stated that if Semiahmoo First Nation were able to practice reefnet fishing at Point Roberts as they did in the past, they would be impacted by the Project. Stated that Semiahmoo First Nation has village sites around Point Roberts and protecting Point Roberts is important. Stated that the process of determining effects to current use is unfair as Semiahmoo First Nation's current use is currently restricted by environmental concerns, regulatory restrictions, etc. Concerned that the current use assessment excludes past use from consideration.	04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation 21-May-2015, Meeting 11-Jun-2015, Meeting	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2014, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **21-May-2015, Meeting:** Recorded comment for consideration by the Project team. **11-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#81):** Concern is noted. The VFPA acknowledges that reported Current Use in a given area does not necessarily reflect past levels of use or desired future use by Indigenous groups, and this is reflected in the assessment wherever relevant as indicated by an Indigenous group. The assessment of potential adverse effects on Aboriginal and treaty rights is primarily based on the results of the Current Use analysis and effects assessment, as well as the results of the Indigenous group consultation undertaken for the Project. The assessment of Current Use does not limit the assessment of Aboriginal and treaty rights. The assessment of rights includes all Aboriginal and treaty rights, regardless of whether they are being currently exercised. **Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project are described in EIS Section 8.0. These methods are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency. The rationale for the determination of negligible residual effects to Current Use is included in the EIS. Information sources used in EIS Section 32.0 are listed in Section 32.2.3, with Project-specific studies appearing in Section 32.2.3.1. A full list of references cited appears in Section 32.4. Information related to factors limiting Semiahmoo First Nation current use, and desired future use, is incorporated into EIS Section 32.2.1.3. **Addressed in EIS Appendix 7.2-B (#151):** A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past uses is directly linked to the type of physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights **EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2.1.3 Semiahmoo First Nation 32.2.4 Existing Conditions
SFN-18.3	Concerned that they were not consulted on most of the studies identified as information sources for Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current	04-Dec-2014, Health & Aboriginal Rights Workshop -	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Sep-2014, Email from the VFPA:** Provided Semiahmoo First Nation with draft EIS Section 32.0 for review and comment.		

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Use of Lands for Traditional Purposes. Committed to review the information sources and provide confirmation/information to the VFPA.	Semiahmoo First Nation	**06-Jan-2015, Email from the VFPA:** Followed-up on the provision of EIS Section 32.0, requesting any comments before January 15.		
SFN-18.4	Stated that Semiahmoo First Nation does not agree with the conclusion that the Project is not expected to adversely impact Semiahmoo First Nation Current Use or Rights and Related Interests and requested a cumulative effects assessment that includes previous developments.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Responded that the information being presented is preliminary. Stated that the VFPA wants to share it with Semiahmoo First Nation prior to studies being done and mitigation planning so the VFPA can get Semiahmoo First Nation's feedback before finalising the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. The effects of other projects and activities that have been carried out are reflected in the existing (and expected) conditions of the ICs and VCs, and in EIS Section 32.0. By assessing potential Project-related effects against those conditions, the cumulative effects of the Project and other past projects and activities are inherently considered. The EIS also includes historical data, where available and applicable, to assist interested parties to understand the potential effects, including cumulative effects, of the Project. The EIS does not include an assessment of historical infringements on the ability of Indigenous groups to exercise rights or impacts to traditional use. **Addressed in response to AIR-12.04.15-30:** In response to AIR-12.04.15-30, on 19-Feb-2016 the VFPA provided additional rationale, beyond that presented in the EIS, for the conclusions of the effects assessment for Current Use. The VFPA recognises that there is a high level of subjectivity associated with establishing the degree to which Project-related changes may be experienced as measurable or non-measurable by a given Indigenous group. For these reasons, the VFPA proposed mitigation measures to address potential Project-related effects on Current Use not only for potential effects identified as measurable, but also for potential effects identified as non-measurable, and specifically by proposing mechanisms for ongoing consultation (see EIS Section 32.2.7). The response may be accessed on the CEA Agency Registry for the Project: https://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=107580 As part of the review process for the Project, concerns and feedback may also be submitted directly to the review panel for consideration.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-related Effects 32.2.7 Mitigation Measures **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Table AIR30-1 Rationale for Predicted Level of Effect
SFN-18.5	Asserted Aboriginal title to the Project area. Stated that Aboriginal title needs to be considered in the assessment and a strength of claim assessment be undertaken.	25-Aug-2014, Meeting 04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**25-Aug-2014, Meeting:** Recorded comment for consideration by the Project team. **04-Dec-2014, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#193):** Potential Project-related effects on asserted Aboriginal title are not directly assessed in the EIS; however, the asserted traditional territory of each Indigenous group (other than Tsawwassen First Nation) is identified in the EIS. Potential Project-related effects to areas that are or have been used for fishing, hunting, or otherwise using resources, including access to those areas, are considered in EIS Section 32.0.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes
SFN-18.6	Advised that the VFPA has referenced an out-of-date map	04-Dec-2014, Health & Aboriginal	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 32.0:** The EIS includes the map showing asserted traditional territory, which was updated to show the entire extent of that territory (i.e., including area in the U.S.A.): EIS	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	showing Semiahmoo First Nation's Traditional Territory. Requested the new one be used that shows the extension of the Territory over the international border.	Rights Workshop - Semiahmoo First Nation	**06-Jan-2015:** Semiahmoo First Nation provided the VFPA with the above-mentioned map. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Figure 32-3 Semiahmoo First Nation Asserted Traditional Territory and Local Assessment Areas of Linked Biophysical VCs.	Figure 32-3.	Related Interests, including Current Use of Lands and Resources for Traditional Purposes Figure 32-3 Semiahmoo First Nation Asserted Traditional Territory and Local Assessment Areas of Linked Biophysical VCs
SFN-18.7	Stated that Active Pass is a travel route for Semiahmoo First Nation to the Gulf Islands and Victoria. Stated that access to islands (and burial grounds) is important to Semiahmoo First Nation.	11-Jun-2015, Meeting	**11-June-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#68):** The assessment of Current Use (MSA Section 9.5) considers cultural practices, such as use of travel routes and the use of waterways. MSA Section 9.5 includes an assessment of several aspects related to cultural practices, including potential changes to the following: • Access to preferred Current Use locations; and • Quality of Current Use experience.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5 Potential Interactions and Effects 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use

Table 19: Project Benefits

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-19.1	Indicated that Semiahmoo First Nation want to discuss an Impact Benefits Agreement. Requested an Impact Benefits Agreement guaranteeing opportunities such as employment for First Nations. Stated that the Tsilhqot'in decision should be reflected in the assessment to Aboriginal rights, and Semiahmoo First Nation should have an opportunity to meaningfully benefit from their lands. Stated that the Impact Benefits Agreement should cover RBT2 and previous port projects that Semiahmoo First Nation feels they were not properly consulted on. Stated that it is beyond revenue sharing and accommodation dollars - it is the Aboriginal right to benefit from the land. Asked about the VFPA's procurement policy. Expressed interest in direct benefits such as access to training, employment and infrastructure. Expressed interest in revenue sharing, business opportunities and direct awards, capacity building, and regaining their fishing grounds across the border. Requested funding to support the negotiation of a Mutual Benefits Agreement.	19-Jul-2013, Meeting 04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation 01-Feb-2017, Meeting 21-Jul-2017, Meeting	**19-Jul-2013, Meeting:** Stated that it is too early for these discussions. Noted that the Project has not even entered the environmental assessment process, and that it will be some time before being able to determine whether there are any Project impacts or not and to explore options for mitigation. **04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation. **12-May-2016, Letter from the VFPA:** Preliminary employment opportunities information was provided to Semiahmoo First Nation for discussion. The VFPA will continue to provide information about Project-related employment opportunities as it becomes available. **01-Feb-2017, Meeting:** Responded that procurement for the Project is still in development and the VFPA can consider Semiahmoo First Nation's input. Noted that one of upcoming meetings with Semiahmoo First Nation can be focused on Project benefits, as it will require time to fully discuss this aspect. **16-Jun-2017, Letter from the VFPA:** The VFPA is interested in initiating discussions with Semiahmoo First Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas, or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives, and priorities of Indigenous groups involved in the RBT2 Project. We welcome input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. With that in mind, we request a meeting with Semiahmoo First Nation to hear about your community's priorities in relation to this funding. In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with	**Addressed in EIS Appendix 7.2-B (#215):** The VFPA proposes to assist Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, Hwlitsum, and Métis Nation British Columbia in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Semiahmoo First Nation regarding a potential mutual benefits agreement (MBA) for the Project. **21-Jul-2017:** Committed to arranging a meeting to discuss a MBA. **13-Sep-2017:** The VFPA and Semiahmoo First Nation met to discuss a MBA. Discussions are ongoing. **27-Sep-2017, Letter from the VFPA:** Provided Semiahmoo First Nation with funding to support the involvement of Semiahmoo First Nation in activities related to negotiation of a MBA. The agreement was signed on 29-Sep-2017.		
SFN-19.2	Asked what the projected revenues are.	21-Jul-2017, Meeting	**21-Jul-2017, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The VFPA earns its revenues through port fees charged to port users and rents charged to tenants who occupy the federal lands that it manages within its jurisdiction. Although the actual rents we charge are confidential, we look to the local real estate market to guide the amount of rent we charge for the use of our lands. Rent for industrial and commercial tenures is generally reviewed every three years. Canadian Port Authorities pay an annual stipend to the federal government based on its gross revenue. A payment in lieu of property taxes for vacant lands and waters is also made to bordering municipalities within its jurisdiction. Canadian Port Authorities do not have authority to collect taxes. As part of project development, the VFPA is undertaking two separate procurements for the Terminal Operator and for the Infrastructure Developer. The Terminal Operator will provide the port authority with regular payment of rent, as well as ongoing fees and charges, the form and amount of which will be one of the key selection criteria in the procurement process, which is currently underway. The Infrastructure Developer will likely be responsible for the designing, building, financing, and maintaining the terminal land and related infrastructure. Once the Project is constructed, and subject to ongoing availability and function of the terminal, the port authority will make regular payments to the Infrastructure Developer over the upcoming decades, to compensate them for designing, building, financing, and maintaining the terminal. The terms of these long-term agreements with the Terminal Operator and the Infrastructure Developer are commercially confidential and therefore are not available to the public. Any profit the VFPA earns on this Project will be primarily reinvested in infrastructure and other improvements in the gateway for the benefit of all Canadians.	
SFN-19.3	Asked who the terminal operator will be, and whether they could obtain a list of everyone who uses the port within their traditional territory. Requested a list of all procurement or subcontracting opportunities for the RBT2	04-Dec-2014, Health & Aboriginal Rights Workshop – Semiahmoo First Nation	**04-Dec-2014, Workshop:** At this time it is unknown who the Terminal Operator will be.		

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Project; and a list of qualified operators for the RBT2 Project. Asked who will operate the Project. Asked if Semiahmoo Development Corporation could.	21-Jul-2017, Meeting 25-Jul-2017, Email	**21-Jul-2017, Meeting:** Responded that it is unknown at this point who will operate it. Stated that there is the opportunity to invest in the Project. If that is of interest we can bring someone down to provide information to you. I will leave it up to you. What we do is not intended to make a profit. **30-Aug-2017, Email from the VFPA:** Subject to receiving the required environmental permits and approvals, as well as a final investment decision, the VFPA intends to procure the construction of the Project under a construction contract. The successful proponent will likely be a consortium made up of large contractors, supported by numerous specialty sub-contractors, as well as engineering, finance, and maintenance firms. The exact make-up of these consortiums will be left to the market to decide; however, the VFPA intends to work to identify and develop suitable economic opportunities for Indigenous groups during the RBT2 construction period as well as ongoing RBT2 operations. It is expected an open Request for Qualifications will be issued to the market in mid-2018, to form a short-list of proponents who will then receive the Request for Proposals package in late 2018 or early 2019. In November 2015, the VFPA shortlisted five qualified teams to participate in the competitive process to select a Terminal Operator for the proposed RBT2 Project. For a list of the teams that were shortlisted, please see the link to our website: http://www.robertsbankterminal2.com/news-updates/terminal-operator-procurement/. In late 2016, the VFPA selected a preferred proponent. Commercially confidential negotiations with the preferred proponent are ongoing.		

Table 20: Project Overview and Description

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-20.1	Concerned that RBT2 could be used for shipping oil and/or coal if other proposed projects do not proceed.	06-Jun-2014, Valued Components Workshop #1 04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**06-Jun-2014, Workshop:** Explained that the VFPA puts a concept forward (container terminal), and regulators determine what needs to be assessed. The *EIS Guidelines* specify exactly what this process is according to the project description, so if it were to change another environmental assessment would have to occur. **04-Dec-2014, Workshop:** Responded that the assessment is specific to the transport of containers, and we do not know if oil and/or coal would be considered for transport in the future, nor what the requirements of making such a shift would be. The question has been noted. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS for the proposed Project, including EIS Appendix 7.2-B, which provides responses to questions raised by Semiahmoo First Nation.	**Addressed in EIS Appendix 7.2-B (#6):** There are no plans to modify the Project to handle bulk oil or coal. **Addressed in EIS Section 4.0:** As noted in EIS Section 4.0, the Project is a container terminal.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Issues and Interests Table

Table 21: Traffic / Transportation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
SFN-21.1	Concerned with increased traffic through Semiahmoo First Nation territory, and the effect on members.	20-Dec-2013, Meeting 06-Jun-2014, Valued Components Workshop #1 04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**20-Dec-2013, Meeting:** Committed to confirm if there is any container traffic on BNSF. **06-Jun-2014, Workshop:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** BNSF does not transport containers to and from DP3. The effects of truck and train traffic beyond the Roberts Bank causeway is not within the scope of the Project environmental assessment as defined by the *EIS Guidelines*.	**EIS** 4.0 Project Description 8.0 Effects Assessment Methods Table 8-8 Project and Activity Inclusion List ***Updated EIS Guidelines***
SFN-21.2	Asked for information about a grounding vessel.	04-Dec-2014, Health & Aboriginal Rights Workshop - Semiahmoo First Nation	**04-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **09-Nov-2015:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered-grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Accidents and Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation
SFN-21.3	Expressed concern with increased truck traffic from the Terminal and air emissions. Noted that current traffic already causes concern for emergency management from accidents and access to the reserve being cut off due to accidents.	01-Feb-2017, Meeting	**01-Feb-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in excerpts from the EIS Appendix 7.2-B (#42):** The assessment concludes that: Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits, such as improvements in fuel, are described based on their anticipated level of benefit to future air quality emissions.	**EIS** 4.2.2.2 Causeway Road Additions and Improvements Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Existing Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report Appendix A – Emissions Inventory Appendix B – Existing Air Quality Appendix C – Air Dispersion Modelling Appendix F – Ships Underway Appendix H – Westshore Coal Dust Assessment

APPENDIX IR10-01-C4

TSLEIL-WAUTUTH NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-1.1	Asked who regulates the turnover and replacement of automobiles and related equipment to comply with air quality standards.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Stated that the turnover of automobiles and equipment is not regulated, but it does happen. For example, in 1988, new standards came in for automobiles on the road, explaining it took about 4 or 5 years before the benefits of those new standards were realised (before enough old cars were replaced by new ones meeting the new standards). The same thing occurred when new standards were implemented in 1996: benefits were not realised until about 2000 or 2001. Stated that there is a natural progressive replacement of trucks, as old ones wear out.	**Addressed in response to IR6-32:** The Vancouver Fraser Port Authority (VFPA) is working with terminal operators and railway companies operating within VFPA jurisdiction to progressively reduce emissions from their operations, as it does not own or operate any cargo handling equipment, drayage trucks, or locomotives. The VFPA sets targets and objectives for emission reduction through its participation in the Northwest Ports Clean Air Strategy (NWPCAS). The objectives are developed collaboratively by the VFPA, the Port of Seattle, and the Port of Tacoma. Specific programs and initiatives are then developed by each port in partnership with terminal operators, shipping lines, and railways, where possible, to encourage the achievement of emission reductions (NWPCAS 2017). For more information about the specific programs and initiatives, please see the VFPA's response to IR6-31. **Additional information provided by the VFPA:** New regulations adopted by Transport Canada in June 2017 formally require that new and rebuilt locomotive engines meet the same standards as those mandated by the U.S. Environmental Protection Agency. Previously, members of the Railway Association of Canada voluntarily worked to meet the U.S. standards under a Memorandum of Understanding first signed in 2011. Because all heavy duty diesel trucks are now built exclusively in the U.S.A., new engines must meet emission standards for these types of vehicles. Similarly, emission standards for heavy duty diesel engines also apply to cargo handling equipment such as would be used to replace older equipment at the Deltaport and Westshore terminals when their equipment reaches the end of its useful life. The International Maritime Organization has defined regulations for ocean going vessel fuel quality as part of the North American Emission Control Area (ECA) that reduce emissions of sulphur dioxide and fine particulate matter, and all ships built after 2016 must meet new emission standards for NO_x emissions. The BC Ferries has voluntarily chosen to replace two older ferry vessels operating out of the Tsawwassen ferry terminal with new dual fuel vessels that can operate either on ultra-low sulphur diesel (ULSD) or liquefied natural gas (LNG), and is upgrading the two largest vessels at this terminal to operate as dual fuel vessels. In addition, three other ferry vessels operating out of the Tsawwassen ferry terminal are expected to be replaced before 2025.	**Information Requests** Response to Sufficiency Information Request #31 (IR6-31 of CEAR Document #1188) Response to Sufficiency Information Request #32 (IR6-32 of CEAR Document #1188)
TWN-1.2	Asked if there is a Regional Study Area for air quality.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that there is not a regional study area for air quality because it is expected that beyond the local study area, emissions concentrations related to the Project would decline to levels so low that they are unmeasurable. For example, the $PM_{2.5}$ concentration predictions image (referenced slide 21) shows the 12.5 micrograms per cubic meter contour line, which is essentially the background concentration measured at the Tsawwassen air quality monitoring station T39. Over land, concentrations with Roberts Bank Terminal 2 (RBT2 or Project) are predicted to be 1 or 2 micrograms per cubic meter, which is so low it is within the measurement uncertainty of $PM_{2.5}$ monitoring instruments.	**Addressed in EIS Section 9.2.5:** As noted in EIS Section 9.2.5, the focus of the assessment included locations on land where people may be exposed to contaminants and also included areas over water. The local study area was a 19 km by 16 km area and captured the extent to which the Project would have an influence on air quality. Meteorological modelling was carried out over a larger (26 km by 24 km) area to support the predictions of Project-related and cumulative changes to air quality.	**Environmental Impact Statement (EIS, CEAR Document #181)** 9.2 Air Quality 9.2.5 Methods 9.2.5.2 Study Area
TWN-1.3	Concerned with cumulative effects on air quality and the	08-Oct-2014, Preliminary	**08-Oct-2014, Workshop:** Responded that in that area of the Fraser Valley, one of the biggest sources of	**Addressed in EIS Section 9.2.8:** Potential impacts to air quality are discussed in EIS Section 9.2.8. The air quality assessment concludes that:	**EIS** 9.0 Physical Setting 9.2 Air Quality

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	ability of wind to carry them into the valley (Chilliwack).	EIS Results Workshop #2	particulate matter is ammonia from the agricultural activities, combining with NO_x (nitrogen oxide) emissions from industry, as well as emissions generated by transportation activities along Highway 1, and forming ammonium nitrate. The same thing happens with sulphates, resulting in ammonium sulphate. It is a combination—it is not just emissions from the western part of the Fraser Valley, it is emissions from that part of the valley as well. The amount of NO_2 originating from Roberts Bank that reaches Chilliwack is very small, whereas the amount of ammonia being emitted from agricultural activity is large.	• Air quality in the region will improve in the future, with or without the Project, as a result of improvements in engine technologies as older equipment is replaced by newer equipment at the three existing marine terminals and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected improvements in future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants, but will be mitigated through the use of emission reduction measures to limit fugitive dust emissions and a monitoring program to guide construction activity in the event that ambient air concentration exceed defined criteria threshold levels. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminants (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below ambient air quality criteria on land, with limited exceptions. The exceptions for predicted nitrogen dioxide levels near the causeway are considered to be an artefact caused by the conservative methods used in the air quality assessment, and are not expected to actually exceed established ambient air quality criteria. • The Project is expected to have a negligible effect on future ozone levels. • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality because air quality is expected to improve. During operation, it is unlikely that Project-related exposures to air emissions would result in measurable health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits in improved air quality, such as improvements engine technology and fuel quality, are described based on their anticipated level of benefit to future air quality emissions. **Additional information provided by the VFPA:** The VFPA leads a suite of initiatives that reduce air emissions associated with key port activities: ships, trucks, cargo-handling equipment, and terminal activities. The VFPA's approach is to collaboratively work with industry and stakeholders in each sector to develop programs that respond to their unique operating context and meet industry leading environmental objectives. Key initiatives include the EcoAction Program, the Northwest Ports Clean Air Strategy, Air Emissions Inventories, Energy Action Initiative, and environmental requirements through the Truck Licensing Program. Information regarding VFPA's Air, Energy and Climate Action initiatives can be found at: https://www.portvancouver.com/environment/air-energy-climate-action/. As part of the Deltaport Third Berth Project (DP3), the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings. The analysis of the data from this station indicates that there has been a reduction in both sulphur dioxide (SO_2) and fine particulate matter ($PM_{2.5}$) concentrations measured at this monitoring station after the implementation of the requirements for low sulphur fuels from ships under the North American ECA regulations. Currently, the levels of SO_2, $PM_{2.5}$, and ground-level ozone meet the Canadian Ambient Air Quality Standards (CAAQS). CAAQS for nitrogen dioxide have not yet been defined, but are still being developed. The levels of carbon dioxide are well below the ambient air quality objectives established by Metro Vancouver.	9.2.5 Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory and Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study: Appendix H Westshore Coal Dust Assessment

Table 2: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-2.1	Concerned that the draft Archaeological Overview Assessment is dismissive of the interests and rights of all First Nations other than Tsawwassen First Nation. Noted that the report does not mention Tsleil-Waututh Nation.	04-Feb-2014, Conversation-Comments on draft Archaeological Overview Assessment	**08-May-2014, Letter from the VFPA:** The ethnography section has been revised and also includes a listing of all First Nations that have a potential claim to the study area, according to GeoBC's Consultative Areas Database. EIS Appendix 28-A includes Tsleil-Waututh Nation and other First Nations as claiming an interest in the study area.	**Addressed in EIS Appendix 28-A:** As noted in EIS Appendix 28-A, the study area is located within the traditional lands of Tsawwassen First Nation, but other Indigenous groups also claim an interest to parts of the study area. According to GeoBC's Consultative Areas Database (CAD), the Hul'qumi'num Treaty Group, including the Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, and Stz'uminus First Nation claim an interest; as do Stó:lō Nation, including Seabird Island Band, Soowahlie First Nation, Stó:lō Tribal Council, Shxw'owhamel First Nation, Skawahlook First Nation; Semiahmoo First Nation; and Tsleil-Waututh Nation. Musqueam First Nation does not include the area in their Statement of Intent but are being included in discussions with the port authority due to the proximity of their claim. Hwlitsum has also expressed an interest in the study area.	**EIS** Appendix 28-A Archaeological Overview Assessment
TWN-2.2	Requested that "cultural importance of resources" be changed to read: "cultural importance of land, waters, and resources."	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 32.0:** Cultural importance of 'land and waters' are included as part of the assessment of current use of lands and resources for traditional purposes (Current Use), which includes information from a Tsleil-Waututh Nation Traditional Use Study.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes
TWN-2.3	Requested that their archaeological permitting process be included in the archaeology section.	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Preliminary Field Reconnaissance and Archaeological Overview Assessment (AOA) work commissioned directly by the VFPA met all applicable/required laws/guidance. In this case, Millennia Research Limited and the VFPA were not required under any federal or provincial laws to obtain a permit for the Preliminary Field Reconnaissance nor AOA work; the resulting report (see EIS Appendix 28-A) notes it is a "Non-Permitted Report." Tsleil-Waututh Nation or Indigenous permitting processes in general have not been discussed in the AOA or environmental assessments. As noted in EIS Table 35-2, the VFPA will ensure that required statutory permits, approvals, and authorisations are in place prior to the commencement of the activity or activities to which they pertain.	**EIS** Appendix 29-A Roberts Bank Terminal 2 Technical Report, Archaeological Overview Assessment Table 35-2 Proposed Mitigation Measures and Commitments
TWN-2.4	Requested that 'Port Lands Best Practices' be added, as much of the ground disturbance may occur on federal Port Lands, where the provincial *Heritage Conservation Act* does not apply.	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 28.0:** The applicability of the provincial legislation on federal lands is addressed in EIS Section 28.0, p. 3: "Although the B.C. *Heritage Conservation Act* applies only to provincial lands and does not apply to federal lands, the assessment has also been conducted in general conformance with the B.C. Archaeological Impact Assessment Guidelines (B.C. Archaeology Branch 1998)."	**EIS** 28.0 Archaeological and Heritage Resources 28.1 Component Overview and Regulatory Setting
TWN-2.5	Asked about archaeological potential in the subtidal zone, and for additional information about the deep water surveys carried out in the past.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 28.0:** Rationale for the spatial boundaries of the assessment of archaeological and heritage resources is included in EIS Section 28.0 and in the AOA that was conducted to support the EIS. The draft AOA was provided to Indigenous groups for review. The deep water subtidal zone, including the berth pocket, was not inspected as part of the AOA for this assessment because of its inaccessible depth, and the findings of previous assessments, which indicate low archaeological potential in an adjacent area (EIS Section 28.5.2.2). Archaeological survey coverage during the preliminary field reconnaissance was limited to a 100-m buffer outside the Project footprint. Sub-surface testing of the intertidal zone was not undertaken as the saturated sediments would have made testing any large area infeasible.	**EIS** 28.0 Archaeological and Heritage Resources 28.5.2.2 Archaeological Potential

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-2.6	Concerned with the ability to assess impacts to intangible heritage sites, and how the assessment was conducted. Concerned with the lack of an effects assessment and/or mitigation measures for impacts to intangible cultural heritage. Stated that in Volume 5, section 32.3.2.2, does not identify Tsleil-Waututh's concerns with the sacred landscape (especially the mystic tunnels and Stl'aleqem site and associated cultural practices). Stated that in Volume 5, section 32.3.2.2, the disruption to use of Tsleil-Waututh's sacred areas by the Project are described in terms of food harvesting activities only. Stated that in EIS Volume 1, Section 7.7.2.5 Summary of Aboriginal Group Issues and Interests, the effects to intangible cultural heritage (as described in the 2014 Tsleil-Waututh Nation Knowledge Study) is excluded. Stated that these cultural impacts are not described in 32.3.3.4 Outstanding Aboriginal Issues, despite their clear importance to Tsleil-Waututh. Requested funding to support an intangible cultural heritage study. Requested an increase of funding. Requested that the report be confidential.	29-Oct-2014, Preliminary EIS Workshop #4 15-Jun-2015, Letter to the Canadian Environmental Assessment Agency (CEA Agency; CEAR Document #249) 09-May-2017, Email 04-Mar-2018, Phone call	**29-Oct-2014, Workshop:** Responded that those matters are addressed in EIS Section 32.0. Stated that the potential effects to culture are assessed in the section on Aboriginal Rights and Interests. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency has requested additional information on cultural heritage in its letter of July 31, 2015 to [the VFPA] (page 13, #29)."* **21-Aug-2017, Letter from the VFPA:** Offered funding to Tsleil-Waututh Nation on the following terms and conditions: a) to undertake community consultation, engaging with community members, council and knowledge holders to understand the extent of Tsleil-Waututh Nation's intangible cultural heritage at Roberts Bank; and b) to write a report for the VFPA describing the findings of this community engagement with a focus on potential impacts from the Project to Tsleil-Waututh Nation's intangible cultural heritage at Roberts Bank. The report should include recommendations for how the VFPA could mitigate any potential impacts the Project may have on this intangible cultural heritage. **13-Oct-2017, Letter from the VFPA:** Increased the funding offer to Tsleil-Waututh Nation as requested. **01-Nov-2017, Letter from Tsleil-Waututh Nation:** Accepted funding. **09-Apr-2017, Email from the VFPA**: Provided draft confidentiality language in relations to the report. **30-May-2017, Email from the VFPA:** Integrated feedback from Tsleil-Waututh Nation and provided an updated draft of the confidentiality language.	**Addressed in EIS Appendix 7.2-B (#179):** Cultural considerations, including culturally and/or spiritually important sites are included in EIS Section 32.0, where information relating to these sites was provided by Indigenous groups, in accordance with CEA Agency technical guidance (May 2014). Tsleil-Waututh Nation provided a Traditional Use Study to the VFPA for incorporation into EIS Section 32.0. Tsleil-Waututh Nation was provided with an opportunity to review the VFPA's summary of existing conditions for Tsleil-Waututh Nation for the EIS and provide comments prior to finalisation. **Addressed in responses to IR-7.31.15-29 and AIR-121.04.15-29:** As identified in EIS Section 32.2.8 "[w]ith the implementation of mitigation measures, residual Project-related effects on Current Use are expected to be negligible (i.e., not measurable or detectable), and are not assessed further." This conclusion applies equally to cultural heritage, based on the analysis provided in the EIS and in the VFPA's response to information requests. As no measurable residual effects are predicted, a significance determination is not required. **Addressed in response to IR13-19:** The VFPA's forthcoming response to IR13-19 will further discuss potential effects of shoaling on shoreline structures and sites of physical and cultural heritage importance.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes 32.2.8 Characterisation of Residual Effects and Context **Information Requests** Response to Information Request #29 (IR-7.31.15-29 of CEAR Document #314) Response to Additional Information Request #29 (AIR-12.04.15-29 of CEAR Document #388) Sufficiency Information Request #19 (IR13-19)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Jun-2018: Tsleil-Waututh Nation submitted a report entitled "Intangible Cultural Heritage – Potential Impacts to Sacred Tunnels from the Proposed Roberts Bank Terminal 2 Project".		
TWN-2.7	Stated that in Volume 4, Section 28.5.1.3, Regional Archaeological Studies, Table 28-4: The description of DgRs 2 (the Tsawwassen site) is inaccurate and not up-to-date (see Areas 1996). Requested that it be updated.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information from [the VFPA] on this item. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*		

Table 3: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Initial Proponent Response	Additional Information	Document and Section providing Additional Information
TWN-3.1	Concerned with bird strikes, particularly with respect to bird-vehicle collisions. Requested information on mitigation measures.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that there are a couple of kinds of mitigation, one of them being the use of bird diverters along power lines, which makes the power lines more visible, so birds can avoid them. Stated that while bird diverters would not address bird-vehicle collisions, "additional mitigation will minimise effect" refers to a commitment to look at what other mitigation measures would be useful to address bird-vehicle collisions, such as reduced speed. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#99):** Vehicle collision-related mortalities are expected to be very low compared to population size and are not expected to affect the short- and long-term population viability of coastal birds, with the exception of barn owls. In the absence of mitigation, minor effects to the productive potential of the local assessment area (LAA) to support barn owl are predicted. The VFPA will work with transportation authorities and the Canadian Wildlife Service to develop and implement measures to mitigate potential effects to barn owls from vehicle collisions.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds Table 15-12 Summary of Mitigation Measures to Address Adverse Project-related Effects on Coastal Birds
TWN-3.2	Asked if the results for predicted increases and decreases in productivity for bird species is based on ecosystem modelling. Requested additional information about the models used in the assessment.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Responded that two models were used for predicting productivity for birds. Post Meeting Note shared with Tsleil-Waututh Nation on 30-Nov-2014 stated: The models referred to in the assessment for coastal birds are the Shorebird Foraging Opportunity Models (EIS Volume 3, Appendix 15-B and Appendix 15-C, and the Roberts Bank Ecosystem Model (described in EIS Volume 3, Section 10.3). **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 15.0 on Coastal Birds.	**Addressed in EIS Section 15.0:** The scope and methods of the coastal birds assessment is described in the EIS. The Shorebird Opportunity Model evaluates food availability (biofilm and benthic invertebrates) for foraging shorebirds under different levels of predation risk, and assesses changes in physical factors (e.g., water velocity, wave height) on their ability to forage. The Ecosystem Productivity Model is discussed in EIS Section 10.3, EIS Appendices 10-B, -C, and -D.	**EIS** 10.3 Overview of Assessing Ecosystem Productivity Appendix 10-B Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis 15.0 Coastal Birds Appendix 15-C Overwintering Dunlin Foraging Opportunity
TWN-3.3	Stated that in Volume 3, Section 15.1.1, Cumulative Effects on Coastal Birds, and Appendix 15-F, Tsleil-Waututh requires a rationale for the exclusion of all coastal birds, except diving birds, in the cumulative effects assessment of coastal birds.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 8.1.9:** As noted in EIS Section 8.0, an assessment of future cumulative effects was conducted when a measurable adverse residual effect was predicted to occur to a valued component (VC) due to a Project-related interaction. The assessment was conducted to determine whether the Project's residual effect on the component could interact with the effects of other certain and reasonably foreseeable projects and activities. In EIS Section 15.0, productivity loss for diving birds is identified as the only measurable residual effect to coastal birds after mitigation, and therefore it was carried forward into a cumulative effects assessment. The assessment determines that cumulative effects are considered not measurable and therefore negligible, and no mitigation measures are proposed to reduce cumulative effects of the Project on coastal birds.	**EIS** 8.0 Environmental Assessment Methods 8.1.9 Cumulative Effects Assessment 15.0 Coastal Birds 15.9.1 Residual Effect - Characterisation of Loss of Productivity 15.11.3.1 Changes to Diving Bird Productivity

Table 4: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-4.1	Concerned with the cumulative effects of wave action from increased vessel traffic. Asked whether the coastal geomorphology study considered the interaction between physical processes and vessel traffic. Stated that Tsleil-Waututh Nation is of the view that there are impacts to Aboriginal interests along the shoreline as a result of the cumulative impacts of vessel traffic, recreational boating, escort vessels, and other boating in and around the area.	03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation	**03-Aug-2016, Workshop:** Stated that ship traffic arriving at the terminal was not assessed as part of the wave study. The reason for that is a typical ship generates three waves if it is moving quickly. By the time ships that are calling at RBT2 are within a few kilometres of the terminal, they are moving quite slowly, and only small waves are generated. If the wind is blowing at a good velocity, over an hour there might be a wave every four seconds. The number of waves is in an order of magnitude more than the number of waves created by ship wake. Something like one hour of wind-generated waves amounts to the same amount of waves caused by all ships in the port in an entire year. It could be considered, but it would amount to a miniscule addition to the wave environment. Responded that the Project itself is not going to change recreational boating, and from an observer point of view, when you observe wake arriving at the shore, you will notice it on calm day; when you consider over a 12-month period how much geomorphic work (i.e., the moving of sediment and disturbing of the bed) happens over long windy periods, the science concludes that wake does not account for much of that work at all. As an example, it is noted that ship wake might have an effect on the collection of fish on a calm day, but that was not part of the coastal geomorphology assessment. Responded that the first and ultimate mitigation and avoidance measure was the relocation of the terminal out to subtidal water.	**Addressed in MSA Section 7.2:** As noted in MSA Section 7.2, an assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project to wake-generated waves. Ship wake that is less than 10 cm in height is considered to be well within the range of natural conditions and therefore defines the threshold for consideration in the assessment. In Segment A (southern Strait of Georgia), the estimated Project-associated vessel wave heights are predicted to be equal to or less than 0.03 m due to the slow vessel speed observed in this segment. Thus, the vessel wake from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators in the southern Strait of Georgia during calm conditions. **Addressed in response to IR7-21:** As noted in the VFPA's response to IR7-21, although the probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves. **Addressed in response to IR7-22:** The VFPA's response to IR7-22 discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area. For all segments discussed in the marine shipping area, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators. The vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators, including operators undertaking fishing activities, because of the existing energetic wave climate.	**Marine Shipping Addendum (MSA, CEAR Document #316)** 7.2 Wave Environment **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1049) Response to Sufficiency Information Request #22 (IR7-22 of CEAR Document #1049)
TWN-4.2	Interested in a follow-up meeting to discuss coastal geomorphology in more detail.	03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation	**03-Aug-2016, Workshop:** Committed to follow-up. **12-Sep-2016, Meeting with Tsleil-Waututh Nation and Musqueam First Nation:** The VFPA held an issues workshop and discussed coastal geomorphology. Discussed the concerns raised to date on coastal geomorphology.		
TWN-4.3	Interested in whether there will be impacts from geomorphology processes in the U.S., and if the VFPA or the CEA Agency is engaging with the U.S. Asked who would be appointed for consultation with the U.S.	22-Oct-2013, Meeting	**22-Oct-2013, Meeting:** Stated that the current scope does not extend into the U.S.A., but regulators may ask for greater depth or input from the U.S.A. Stated that the VFPA cannot comment on the CEA Agency's process. **06-Jan-2014, Letter from the VFPA:** *"[The VFPA] does not yet know whether the CEA Agency intends to consult with U.S.A. regulators regarding the proposed Roberts Bank Terminal 2 Project. [The VFPA]*	**Addressed in EIS Appendix 7.2-B (#54):** Project-related changes to coastal geomorphology in the U.S.A. are not anticipated. The VFPA has undertaken initial engagement with the U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology by introducing the Project and the VFPA. Project information was shared through key website links (Project website and the CEA Agency Project website). In addition, the VFPA discussed the Project with the U.S. EPA (Region 10) and offered to provide additional information about the Project, if requested.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #17 (IR2-17 of CEAR Document #961)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			anticipates that we will receive further information from the CEA Agency once the EIS Guidelines are issued and the formal environmental assessment commences."	The VFPA will take direction from the CEA Agency and the B.C. Environmental Assessment Office (EAO) regarding trans-boundary engagement with U.S. agencies during all phases of the proposed Project. **Addressed in response to IR2-17:** The VFPA's response to IR2-17 includes additional clarification concerning the expected extent of changes to coastal geomorphology related to the proposed Project. Changes to coastal geomorphology and hydrodynamic conditions in areas on the south side of the existing Roberts Bank causeway, including the inter-causeway area and areas south of the BC Ferries terminal, that are related to the Project components on the north side of the causeway are not anticipated because areas on the south side are hydrodynamically isolated from the north side of the Roberts Bank causeway by deep water and the presence of the existing causeways. The only Project component expected to influence coastal geomorphology or hydrodynamics in the inter-causeway area is the expanded tug basin, which is expected to result in localised changes to the existing coastal landforms in that area. Changes to coastal geomorphology in the U.S.A. are not anticipated.	
TWN-4.4	Requested a better understanding of the geomorphology and impacts that may occur with Fraser River plume. Noted that the geomorphology scope looks limited.	22-Oct-2013, Meeting	**22-Oct-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 9.5 and EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project. The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology Technical Advisory Group. The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration has been modified to reduce the potential for a number of adverse changes to geomorphology during Project construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur during construction only, and will be temporary and reversible. As noted in EIS Table 35-2, the VFPA is committed to ensuring potential adverse effects of temporary channel formation related to tidal waters drainage during causeway dyke construction are reduced through detailed design. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project Table 9.5 5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint Appendix 9.5-A Roberts Bank Terminal 2 Technical Report, Coastal Geomorphology Study 9.6 Surficial Geology and Marine Sediment 9.6.8 Future Conditions with the Project. 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project. 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of lands and resources for traditional purposes 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				No incremental cumulative changes in coastal geomorphology are anticipated as a result of the Project in combination with other projects and activities. The spatial distribution of fresh water (carried by the Fraser River plume) in the area on the north side of the causeway is expected to change as a result of the Project. As a result of the terminal footprint, localised changes in salinity and turbidity are predicted in the intertidal zone, but within the natural ranges currently experienced. The Project is not expected to result in incremental cumulative changes to marine water quality.	
TWN-4.5	Asked if a contamination assessment has been done on materials potentially used for dredging and disposal at sea.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Stated that this will be part of the EIS. The material used as fill will be Fraser River sand that would otherwise be disposed of at sea. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#55):** Dredging and disposal at sea (DAS)-related activities are described in the EIS and considered in the assessment of potential effects on marine physical and biophysical components. As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. **Addressed in EIS Appendix 7.2-B (#56):** Current levels and potential changes in marine sediment and water quality, including changes in salinity and contaminants, were evaluated as described in the intermediate component (IC) assessment sections (EIS Sections 9.6 and 9.7). Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. Sediment that will be re-suspended or disposed of during construction activities are not contaminated. With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation, marine invertebrates, marine fish, and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40:** Based on information provided by Environment and Climate Change Canada (ECCC; CEAR Document #564), discharge of supernatant containing unsettled fines from the containment dykes during filling is not expected to be subject to DAS permitting. For further information concerning this change, please see Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.6 Surficial Geology and Marine Sediment 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality **Information Requests** IR Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928)
TWN-4.6	Asked about consultation for DAS, and additional information.	08-Jun-2016, Meeting	**08-Jun-2016, Meeting:** Stated that the VFPA is working on putting information together for DAS and it will be ready in the coming months. Offered to provide sections of EIS with DAS information.	**Addressed in PCU:** As requested by the RBT2 Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule;	**Project Construction Update (PCU; CEAR Document #1210)** 1.0 Introduction 2.0 Revised Project Description and Schedule

			17-Jun-2016, Email from the VFPA: Below, I have listed the EIS sections where DAS is discussed. 4.0 Project Description • 4.4.1 Project Activities, Construction Phase Activities • Table 4-5 Source and Quantities of Material Requiring Disposal at Sea • Figure 4-21 Intermediate Transfer Pit and Disposal at Sea Candidate Locations 8.0 Effects Assessment Methods • Table 8-1 Intermediate Component and Valued Component Linkages 9.0 Physical Setting • 9.6 Physical Setting, Surficial Geology and Marine Sediment • 9.6.5 Methods • 9.6.6 Surficial Geology and Marine Sediment, Existing Conditions • 9.6.8 Future Conditions with the Project • Appendix 9.6-C Roberts Bank Terminal 2 Technical Report, Dredging Studies – Dispersion Modelling • 9.7 Physical Setting, Marine Water Quality 11.0 Marine Vegetation • 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates • 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish • 13.6.3 Potential Effect – Changes in Productivity **26-Jun-2017, Letter from the VFPA:** *"I am pleased to confirm that as a result of work undertaken over the past year to address concerns raised by Tsleil-Waututh Nation and other Aboriginal groups, and to reduce potential environmental effects from the proposed Roberts Bank Terminal 2 ("RBT2") Project, we have determined that the intermediate transfer pit ("ITP") is no longer required as a temporary storage location to support project construction.* *The concerns brought forward by Tsleil-Waututh Nation with regard to Dungeness Crabs and disposal at sea highlighted the need for the Vancouver Fraser Port Authority ("the port authority") to re-evaluate our planned construction approach and use of the ITP as a part of the RBT2 Project. The RBT2 Project Team has been actively exploring alternative construction methods to address concerns raised by Aboriginal groups and regulatory agencies since the development of the Environmental Impact Statement in 2014.* *After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the Coasting Trade Act as a result of approving the Canadian European Trade Agreement, the port authority determined that the RBT2 Project could proceed without the use of an*	• Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	3.0 Summary of Changes to the Environmental Impact Statement **Information Requests** From the Vancouver Fraser Port Authority to the Review Panel re: Project Construction Update (See Reference Document #995) – CEAR #1210

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			ITP. In addition, the elimination of the ITP, along with other changes will result in a Project that does not require a Disposal at Sea permit."		
TWN-4.7	Asked how long it will take for the sediment to accumulate and how will it be managed.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Confirmed that the question is in reference to the area of scour and zone of deposition identified in slide 32. Stated that it may take up to ten years for sediment to stop moving around and reach a relatively stable geometry. Explained that this area needs to scour because flow is accelerating. However, as the bed gets progressively deeper, the average velocity gets slower and slower and eventually everything stops moving. As such, once it has adjusted to the new condition it will not move anymore. Suggested mitigation has been to pre-dredge that area so sediment is not available to re-distribute, but the VFPA does not know what effect that will have on the seabed. Further investigation and information is required by the people studying other ecological functions. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 9.5 and EIS Appendix 9.5-A:** EIS Section 9.5 presents the technical studies that describe the adjustments to the seabed that are expected to occur in response to the proposed terminal. **Addressed in EIS Appendix 7.2-B:** The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration has been modified to reduce the potential for a number of adverse changes to geomorphology during Project construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project Appendix 9.5-A Roberts Bank Terminal 2 Technical Report, Coastal Geomorphology Study
TWN-4.8	Requested clarification as to whether or not escort vessels were included in the wake effects assessment, individually and cumulatively. Concerned about any potential impacts to shoreline archeological features. If escort vessels were not included, this is a gap to be remedied.	18-Dec-2015, Letter to the CEA Agency (CEAR Document #379)	**12-May-2016, Letter from the CEA Agency (CEAR Document #399):** *"The Agency did not request additional information regarding VC selection since there is already some information provided in the marine shipping addendum. Section 4.2.2.7 indicates that no escort vessels will be required."* **04-Feb-2016, Email from the VFPA:** *"Project-related tugboat activities do not occur within marine shipping area, and as such, tugboat activities were not assessed in the [MSA]. Escort tugs will be used to safely assist ships into and out of the berth (See EIS Section 3.2.2.1 Container Ship Manoeuvres and Figure 4-26 Container Ship and Tug Support Key Locations Map), and these activities occur within the original Project area and [the VFPA's] jurisdiction.* *In the EIS, Section 9.5 Coastal Geomorphology assesses considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project, including changes to natural processes from the Project footprint in subtidal and intertidal areas. A detailed analysis of potential changes to geomorphology at Roberts Bank from ship (or tug boat) wake was not conducted as the number and size of waves generated by the additional shipping in the area was anticipated to be very small relative to the overall wind-induced wave climate in the area."*	**Addressed in MSA Section 4.2.2.7:** Container ships do not require tugboat escort while transiting through Segments A to D. It is anticipated that the same will apply to the additional container ships associated with RBT2. All tugboat activity for the Project-associated container ships will be near the terminal as described in EIS Section 4.4.2.1. **Addressed in MSA Section 7.2:** As noted in MSA Section 7.2, an assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project on wake-generated waves. Available data suggest that predicted wake wave heights arriving at shorelines within the LAA are well within the range of natural wave conditions, and are not distinguishable from the spectrum of wind-generated waves, except in non-calm conditions. **Addressed in response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples. **Addressed in response to IR10-23:** The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm.	**MSA** 4.2.2.7 Tugboat Escort 7.2 Wave Environment **Information Requests** Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #23 (IR10-23)

Table 5: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-5.1	Concerned with the process for determining cumulative effects, including the assessment of impacts "in silos" by VCs which results in the exclusion of VCs from the cumulative effects assessment. Concerned with the determination of no adverse cumulative effects.	15-Dec-2015, Meeting	**15-Dec-2015, Meeting:** Responded that cumulative effects were assessed in accordance with the methods laid out in the *EIS Guidelines*. Stated that the VFPA studied all of the VCs through an ecosystem model.	**Addressed in EIS Appendix 7.2-B (#34):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act* (*CEAA*), *2012*, Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. In most cases, the assessment of future cumulative effects was conducted within the boundaries of the regional assessment area (RAA) identified for the VC. For certain VCs, however, the cumulative effects assessment boundaries differed. In all cases, the rationale supporting the selection of spatial boundaries for the assessment of cumulative effects or changes on a VC or IC is provided in the corresponding section of the EIS. Where the Project was predicted to contribute to incremental cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods ***Updated Guidelines for the Preparation of an Environmental Impact Statement (EIS Guidelines*; CEAR Document #177)**
TWN-5.2	Asked about the study area for the cumulative effects assessment.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that the study area is the same as the regional study area; limited to what is happening in the Strait of Georgia, and on the Fraser River.	**Addressed in EIS Section 8.0:** In most cases, the assessment of future cumulative effects was conducted within the boundaries of the RAA identified for the VC (see EIS Section 8.1.3). For certain VCs, however, the cumulative effects assessment boundaries differed from those of the RAA. In all cases, the rationale supporting the selection of spatial boundaries for the assessment of cumulative effects or changes on a VC or IC, respectively, is provided in the corresponding section.	**EIS** 8.0 Effects Assessment Methods
TWN-5.3	Interested in the selection process for proxy (representative) species. Asked whether it is normal to assess species by proxy.	03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation	**03-Aug-2016, Workshop:** Responded that in the context of the marine fish assessment, to be as conservative as possible, the species that spent the greatest amount of the time in the Project area were selected. Also, existing literature was reviewed to inform the decision to select Chinook and chum since they are most likely to interact with the Project. Assessing species by proxy is normal in the context of an environmental assessment. It is explained that ecosystems are	**Addressed in EIS Section 8.0:** Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for their ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and Indigenous traditional knowledge (ITK), and during consultation and engagement, and assessment planning. **Addressed in Information Request Package 5 – Response to Information Requests Relating to Represented Species:** Representative species and their use in the assessment is further discussed in the VFPA's response to Information Request Package 5. The representative species approach was taken as it would be impractical to characterise existing conditions and	**EIS** 8.0 Effects Assessment Methods **Information Requests** Information Request Package 5 – Response to Information Requests Relating to Represented Species (CEAR Document #1078)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			incredibly complex and it is not feasible to look at every single species. The species list for Roberts Bank is long and where possible, effort was made to group things.	assess effects a on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions.	
TWN-5.4	Asked whether there were maps that could show the distribution of species for each VC, including eelgrass. Stated that providing general areas would be helpful to gain a better understanding.	06-Jun-2014, Valued Components Workshop #1	**06-Jun-2014, Workshop:** The *Zostera marina* bed is lower in the intertidal area, and *Zostera japonica* is closer to shore. Noted that huge beds of *Zostera marina* are present on the east side of the causeway where it is calmer. Noted that the VFPA has maps for some species, one is being worked on for inclusion in the EIS, and added that it is challenging in such a dynamic system. Reviewed location of macroalgae, biomat, and biofilm. Also reviewed the LAA and RAA for marine vegetation VC. **28-Oct-2014:** Marine vegetation was discussed during Aboriginal Group EIS Workshop #3 and included a map on the existing conditions of marine vegetation, including eelgrass. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Figure 11-2.	**Addressed in EIS Section 11.0:** Figure 11-2 depicts distribution of marine vegetation sub-components.	**EIS** 11.0 Marine Vegetation
TWN-5.5	Asked about the distinction between intermediate components (ICs) and valued components (VCs).	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that ICs inform the VCs, for which we then look at the effects, and what mitigation applies. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 8.0 on Effects Assessment Methods.	**Addressed in EIS Section 8.0:** The distinction between VCs and ICs is further explained in the EIS. VCs are the physical, biophysical, and human environment that may be affected by the Project that have been identified to be of concern by the proponent, government agencies, Indigenous peoples, and the public. The components along the pathway through which the effect is transmitted are referred to as ICs for the purposes of this assessment. Linkages between the ICs and VCs are shown in EIS Table 8-1.	**EIS** 8.0 Effects Assessment Methods 8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process Figure 8-2 Example of Pathway of Effects Table 8-1 Intermediate Component and Valued Component Linkages

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-5.6	Stated that Tsleil-Waututh Nation is looking for examples and best practices that can be carried forward to a new and improved CEA Agency process. Commented that the food web modelling is good material.	03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation	**03-Aug-2016, Meeting:** Committed to sending Tsleil-Waututh Nation more information on the food web model. Responded that the overall effects assessment in the EIS used a multiple lines of evidence approach; there are limitations to modelling and a certain amount of uncertainty. Certain project interactions could not be captured by the model and they had to be addressed qualitatively. The model was used because it provides quantitative output, and enables quantification of effects within a given area. Other factors considered were traditional knowledge and professional judgment. These multiple lines of evidence were integrated and considered to make the final assessment conclusions.	**Addressed in response to Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40: In its response to Information Request Package #3 (Part 1 Ecosystem Modelling (IR3-01 to IR3-24)), the VFPA provides further discussion concerning the Roberts Bank ecosystem model (food-web model). Specifically, *Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model* provides further context and background to the VFPA's responses on the Roberts Bank ecosystem model. As noted in the response, the Roberts Bank ecosystem model supports the VFPA's overall conclusions about potential effects of RBT2, including the following: • Changes in productivity from the terminal and causeway footprint are relatively small, especially in the context of the Strait of Georgia basin; • Before mitigation (including offsetting), the Project increases overall productivity within Roberts Bank; • Primary losses in productivity, as determined by the Roberts Bank ecosystem model are in the subtidal (and this is intuitive given the terminal is primarily located in the subtidal region); and • The Strait of Georgia's environment (e.g., currents, water quality, species distribution or abundance) will continue to influence the Roberts Bank ecosystem, with or without RBT2.	**Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 (CEAR Document #984)
TWN-5.7	Concerned with the CEA Agency's decision that marine shipping activities are not going to be assessed as part of the designated project under *CEAA 2012*. Concerned that marine shipping will not be considered in the panel's evaluation of the Project.	15-Dec-2015, Meeting	**15-Dec-2015, Meeting:** Recorded comment for consideration by the Project team. **30-Sep-2017, Letter from the VFPA:** Provided Tsleil-Waututh Nation with a copy of the AIMSA, including Appendix 2-B summarised issues raised by Tsleil-Waututh Nation and the VFPA's responses.	**Addressed in AIMSA Appendix 2-B (#5):** The scope of the Project to be assessed is defined by the CEA Agency. The VFPA advised the CEA Agency of this concern through Appendix 2-B (#5) of the AIMSA. **Addressed in *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Additional information provided by the VFPA:** The VFPA understands that marine shipping associated with the Project outside of VFPA's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction.	**Additional Information to the MSA – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA; CEAR Document #572)** Appendix 2-B Aboriginal Issues and Interests
TWN-5.8	Stated that Tsleil-Waututh Nation is not limited by the Canadian-United States border in the past, present or future.	27-Jun-2016, Email	**27-Jun-2016:** Recorded comment for consideration by the Project team. **30-Sep-2017, Letter from the VFPA:** Provided Tsleil-Waututh Nation with a copy of the AIMSA, including Appendix 2-B	**Addressed in AIMSA Appendix 2-B (#5):** As requested by Tsleil-Waututh Nation, the VFPA has added a clarifying statement to this effect in AIMSA Section 7.2.2.1: *"An overview of Tsleil-Waututh's past and current marine resource use for traditional purposes is presented in Section 32.2.4.4 of the EIS (pp. 32-65 to 32-66). As described in that section, Tsleil-Waututh's Consultation Area, shown in Figure 7-2, overlaps a portion of Segment E of the Marine Shipping Area, and specifically Canadian waters within Boundary Bay. Tsleil-Waututh Nation have clarified that their use is not limited by the international border, whether in the past, present, or future."*	**AIMSA** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 7.2.2.1 Marine Resource Use

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			summarised issues raised by Tsleil-Waututh Nation and the VFPA's responses.		
TWN-5.9	Requested that "Aboriginal groups" be included in point 2.1c (pg. 1) or the TOR so that it is changed to: "comments from Aboriginal groups and the public that are received in accordance with *CEAA 2012*".	22-Sep-2014, Letter to the CEA Agency (CEAR Document #128)	**24-Apr-2015, Letter from the CEA Agency (CEAR Document #283):** *"Section 2.1 is based on the wording in the* Canadian Environmental Assessment Act 2012*, and as such, Aboriginal groups would be included under the term 'the public'. However the Minister of the Environment has set up sections 3.6 to 3.11 to reflect the unique obligations related to Aboriginal consultation between the Crown and Aboriginal groups."*		
TWN-5.10	Requested that in the spirit of meaningful engagement with Aboriginal groups, point 2.1i (pg. 2) of the TOR be changed to: "as provided in subsection 19(3) of *CEAA 2012*, the environmental assessment by the Review Panel shall meaningfully take into account community knowledge and Aboriginal traditional knowledge".	22-Sep-2014, Letter to the CEA Agency (CEAR Document #128)	**24-Apr-2015, Letter from the CEA Agency (CEAR Document #283):** *"The wording in section 2.1(i) reflects the requirements in* CEAA 2012 *to consider [ITK]. For further information, see the Canadian Environmental Assessment Agency's (Agency) website for additional clarity on inclusion of Aboriginal traditional knowledge in the EA process: http://www.ceaa-acee.gc.ca/default.asp?Lang=en &n-C3C7EOD3-1 &offset-& toe-hide"*		
TWN-5.11	Requested that "Aboriginal groups" be included in point 3.2c (pg. 2) of the TOR, so that it is changed to: "hold hearings in a manner that offers any interested party, including Aboriginal groups, an opportunity to participate in an environmental assessment''.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #128)	**24-Apr-2015, Letter from the CEA Agency (CEAR Document #283):** *"The wording in 3.2 reflects the requirements of* CEAA 2012*. In the Terms of Reference, Part 4- The Environmental Assessment Process under section Stage 2- Public Hearing gives direction to the Review Panel to consider the preferences of Aboriginal groups when setting up the public hearings."*		
TWN-5.12	Requested that "Aboriginal groups" be included in point 3.2dii (pg. 2) of the TOR, so that it is changed to: "a summary of any comments received from Aboriginal groups, the public, and any other interested parties".	22-Sep-2014, Letter to the CEA Agency (CEAR	**24-Apr-2015, Letter from the CEA Agency (CEAR Document #283):** *"Section 3.10 directs the Review Panel to provide a summary of*		

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
		Document #128)	*the information received from Aboriginal groups in the Review Panel Report."*		
TWN-5.13	Requested that "Aboriginal groups" be included in the last sentence of section 4.3 (pg. 4) of the TOR, so that it is changed to: ''The Review Panel shall notify Aboriginal groups and the public of any clarifications to its terms of reference". Requested that "Aboriginal groups" be included in the last sentence of section 4.4 (pg. 4) of the TOR, so that it is changed to: ''The Review Panel shall notify Aboriginal groups and the public of any clarifications to its terms of reference". Requested clarification on section 4.7 (pg. 4) of the TOR, regarding the statement. Asked who is the Agency making the EIS review and comment period available for? If "the public", Tsleil-Waututh requests that "Aboriginal groups" are also included as separate from the public in this statement. Requested that "Aboriginal groups" be included in the first sentence of section 4.20 (pg. 6) of the TOR, so that it is changed to: "The Review Panel shall notify Aboriginal groups and the public of experts retained by the Panel, and any documents obtained or created by experts that are submitted". Requested that "Aboriginal groups" be included in section 4.32 (pg. 7) of the TOR, so that it is changed to: "Upon receiving the report submitted by the Review Panel, the Minister will advise Aboriginal groups and the public that the report is available".	22-Sep-2014, Letter to the CEA Agency (CEAR Document #128)	**24-Apr-2015, Letter from the CEA Agency (CEAR Document #283):** *"The proposed change[s] [have] been made."*		
TWN-5.14	Requested that the following projects are included in Appendix 11-A and Appendix 12-B of the EIS: Fraser Surrey Docks Direct Coal Transfer Facility (Surrey, BC), George Massey Tunnel Replacement Project (Richmond and Delta, BC) and the Vancouver Airport Fuel Delivery Project (Richmond, BC). Stated that it is negligent to assume that these projects will not have an exponential adverse effect for Marine Vegetation (Appendix 11-A) and Marine Invertebrates (Appendix 12-B).	22-Sep-2014, Letter to the CEA Agency (CEAR Document #128)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Appendices 11-A and 12-B:** Rationale for exclusion of these projects is provided in EIS Appendix 11-A: Fraser Surrey Docks Direct Coal Transfer Facility: No potential for cumulative interaction with marine vegetation due to the project's distant location from Roberts Bank. George Massey Tunnel Replacement Project: The Project is potentially relevant to marine vegetation through potential water quality and sedimentation effects (i.e., elevated total suspended solids (TSS) levels and sedimentation during construction from removal of existing tunnel or changes to riverbed morphology and sediment redistribution following tunnel removal). Due to the preliminary stage of this project, publicly available information is limited but it is assumed that mitigation will be implemented. Any influence or change to the physical environment from this project is therefore likely to be negligible relative to the RBT2 scale of influence. Vancouver Airport Fuel Delivery Project: Potentially relevant to the marine vegetation assessment, but any influence or change to the physical environment from this project is likely to be negligible relative to the RBT2 scale of influence.	**EIS** Appendix 11-A Rationale for Exclusion of Other Certain and Reasonably Foreseeable Projects and Activities in the Cumulative Effects Assessment of Marine Vegetation Appendix 12-B Rationale for Exclusion of Other Certain and Reasonably Foreseeable Projects and Activities in the Cumulative Effects Assessment of Marine Invertebrates

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Rationale for exclusion of these projects is provided in the EIS Appendix 12-B: Fraser Surrey Docks Direct Coal Transfer Facility: No potential for cumulative interaction with marine vegetation due to the project's distant location from Roberts Bank. George Massey Tunnel Replacement Project: Project is potentially relevant to marine invertebrates through potential water quality and sedimentation effects (i.e., elevated TSS levels and sedimentation during construction from removal of existing tunnel or changes to riverbed morphology and sediment re-distribution following tunnel removal). Due to the preliminary stage of this project, publicly available information is limited but it is assumed that mitigation will be implemented. Any influence or change to the physical environment from this project is therefore likely to be negligible relative to the RBT2 scale of influence. Vancouver Airport Fuel Delivery Project: Potentially relevant to this marine invertebrates assessment, but any influence or change to the physical environment from this project is likely to be negligible relative to the RBT2 scale of influence.	
TWN-5.15	Requested that the George Massey Tunnel Replacement Project, Pattullo Bridge Replacement Project, Woodfibre LNG, and Burnco Aggregate Project be included in the cumulative effects assessments of Marine Fish (Appendix 13-C) and Marine Mammals (Appendix 4-A).	22-Sep-2014, Letter to the CEA Agency (CEAR Document #128) 18-Dec-2015, Letter to the CEA Agency (CEAR Document #379)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **12-May-2016, Letter from the CEA Agency (CEAR Document #399):** *"The Agency requested additional information on cumulative effects in AIR #6 Additional Projects to be Considered and AIR #7 Reasonably Foreseeable Projects and Activities."*	**Addressed in EIS Appendices 13-C and 14-C:** Rationale for exclusion of these projects is provided in the EIS Appendix 13-C: George Massey Tunnel Replacement Project: Project relevant to marine fish assessment through potential water quality and sedimentation effects. Mitigation will likely be implemented; however, a lack of pertinent publicly available information limits its inclusion as part of this assessment. Pattullo Bridge Replacement Project: Project relevant to marine fish assessment through potential water quality and sedimentation effects (i.e., elevated TSS and sedimentation anticipated during construction as a result of dredging for access by construction equipment and barges and installation of bridge support structures). Mitigation will likely be implemented; however, a lack of pertinent publicly available information limits its inclusion as part of this assessment. Woodfibre LNG: No potential for cumulative interaction due to distant location from Roberts Bank, and number of vessels in the Strait of Georgia is anticipated to be small compared to overall traffic (EIS Table 8-8); therefore, any cumulative change is not anticipated to be measurable. Burnco Aggregate Project: No potential for cumulative interaction due to distant location from Roberts Bank, and number of vessels in the Strait of Georgia is anticipated to be small compared to overall traffic (EIS Table 8-8); therefore, any cumulative change is not anticipated to be measurable. Rationale for exclusion of these projects is provided in the EIS Appendix 14-A: George Massey Tunnel Replacement Project: No potential for cumulative interaction due to Project location upstream on Fraser River. Pattullo Bridge Replacement Project: Not relevant to VC assessment due to land-based nature of project. Woodfibre LNG: Potential for cumulative interaction with RBT2 as the project will contribute to underwater noise from vessel traffic within the Strait of Georgia; however, the number of vessels is anticipated to be small compared to overall traffic (EIS Table 8-8), and any cumulative change is not anticipated to be measurable. Burnco Aggregate Project: No potential for cumulative interaction due to distant location from Roberts Bank, and number of vessels in the Strait of Georgia is anticipated to be small compared to overall traffic (EIS Table 8-8); therefore, any cumulative change is not anticipated to be measurable. **Addressed in response to IR4-09:**	**EIS** Appendix 13-C Rationale for Inclusion/Exclusion of Other Certain and Reasonably Foreseeable Projects and Activities in the Cumulative Effects Assessment of Marine Fish Appendix 14-A Rationale for Inclusion/Exclusion of Other Certain and Reasonably Foreseeable Projects and Activities in the Cumulative Effects Assessment of Marine Mammals **Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). As part of this update, Woodfibre LNG Project vessel projections are updated. However, because the Burnco Aggregate project's activities fall outside the marine shipping area, it is not updated as part of the response.	
TWN-5.16	Stated that the natural landscape and Tsleil-Waututh Nation connection to it is sacred. Stated that the natural landscape (historic ecological conditions) is considered 'baseline' by Tsleil-Waututh Nation and not the current, existing conditions.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Noted existing impairment of asserted rights to the access of trails and travel ways in the Project vicinity (BC Ferries terminal, existing Roberts Bank facility). Stated that the VFPA does not expect that the Project is going to result in an additional impact because of its location. Stated that if Tsleil-Waututh Nation would like to share additional information about how the Project might further impact access to trails and travel ways, please advise the VFPA.	**Addressed in response to AIR-12.04.15-13:** In the EIS, the IC and VC sections presenting existing conditions (i.e., baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in the response to AIR-12.04.15-13, including in that response's schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
TWN-5.17	Requested that all effects, including those generated by mitigation and adaption measures be included in the cumulative effects assessment. Without this, there is no way of knowing what the possible and real life effects may actually be once the Project starts its lifecycle.	03-Nov-2016, Letter to Panel (CEAR Document #888)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 8.0:** The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the *Operational Policy Statement Assessing Cumulative Environmental Effects Under the* Canadian Environmental Assessment Act, 2012, *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects*, the *Cumulative Effects Assessment Practitioners' Guide*, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. In most cases, the assessment of future cumulative effects was conducted within the boundaries of the RAA identified for the VC. For certain VCs, however, the cumulative effects assessment boundaries differed. In all cases, the rationale supporting the selection of spatial boundaries for the assessment of cumulative effects or changes on a VC or IC is provided in the corresponding section of the EIS. Where the Project was predicted to contribute to incremental cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures. **Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy (AMS) for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up	**EIS** 8.0 Effects Assessment Methods 33.5 Follow-Up Program

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project.	
TWN-5.18	Stated that the scope and methodology of assessing impacts from Marine Shipping need to include the lifespan of all shipping vessels, from origination to destination and so on. Stated that Tsleil-Waututh Nation expects that all projects in the area, such as those on the Fraser River, up Howe Sound and in the Burrard Inlet be included in the Cumulative effects assessment.	03-Nov-2016, Letter to Panel (CEAR Document #888)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 1.0:** On January 7, 2014, the CEA Agency issued *EIS Guidelines* pursuant to *CEAA, 2012* for RBT2, specifying the nature, scope, and extent of information to be included in the Project's EIS. As set out in the *EIS Guidelines*, part 1, section 3, the scope of the Project for the purposes of the environmental assessment includes the Project components, associated and ancillary works, transportation within the areas for which the proponent has jurisdiction, and other characteristics as necessary to assist in understanding the Project's environmental effects. On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition "environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea" (*Updated EIS Guidelines*, section 17). **Addressed in EIS Section 8.1.9:** Pursuant to the *Operational Policy Statement Assessing Cumulative Environmental Effects Under the* Canadian Environmental Assessment Act, 2012 (CEA Agency 2013), a Project and Activity Inclusion List (EIS Table 8-8) was compiled that identifies other certain and reasonably foreseeable projects and activities that will be carried out within the VC and IC spatial boundaries established for the assessment of Project-related cumulative effects. Locations of projects are shown in EIS Figure 8-3. In each IC and VC section, potential effects of the other certain and reasonably foreseeable projects and activities listed in EIS Table 8-8 relevant to the IC or VC are identified, drawing on publicly available information sources such as other environmental assessments and regulatory submissions and proponent websites. The assessment of future cumulative effects included consideration of the potential for an interaction between a potential Project-related residual effect on a VC and the potential effects of other certain and reasonably foreseeable projects and activities on that VC. Each assessment section presents an explanation of the rationale for including or excluding other specific projects and activities from the VC-specific cumulative effects assessment. **Addressed in MSA Section 6.7:** Each assessment in MSA Sections 7.0, 8.0, and 9.0 includes an assessment of potential additional future cumulative interactions between the residual effects anticipated for the VC (or residual changes for an IC), if any, and effects associated with additional marine shipping activity in the marine shipping area in 2030 related to reasonably foreseeable projects and activities. Projected future marine shipping traffic volumes are provided in MSA Table 4-7. These traffic volumes are associated with certain and reasonably foreseeable projects and activities listed in MSA Appendix 6-A (which also provides rationale for exclusion or inclusion in the cumulative effects assessments). The significance determination for any residual cumulative effects is made using the same significance threshold as defined for the assessment of residual effects. Potential interactions with future certain or reasonably foreseeable marine-based projects are limited to increases in vessel traffic associated with those projects. The projects identified in EIS Table 8-8 include those that have been publicly announced and for which information regarding project scope and timing is publicly available. Projects were identified by reviewing publicly available information sources, including the following: • The CEA Agency Registry; • B.C. EAO's online Project Information Centre; • B.C. Major Projects Inventory;	**EIS** 1.0 Introduction 1.1 Purpose of the Environmental Impact Statement 8.0 Environmental Assessment Methods 8.1.9 Cumulative Effects Assessment 8.1.9.1 Identification of Other Certain and Reasonably Foreseeable Projects and Activities **MSA** 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessment 7.0 Physical Environment 8.0 Marine Biophysical Environment Table 8-8 Project and Activity Inclusion List 9.0 Human Environment ***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Provincial government websites listing approved and applied-for tenures and licences (e.g., Ministry of Environment Stewardship Division, GeoBC, B.C. Oil and Gas Commission); • The VFPA's Projects and Planning website; • The VFPA's Land Use Plan; • Existing land and resource management plans and land use plans; and • Other publicly available information sources.	
TWN-5.19	Stated that the methodology of the Cumulative effects assessment is lacking in scope; the methodology used to assess human health effects lacks in assessing health effects to Aboriginal groups; and given the lack of a deep and holistic methodology, the methodology used to assess negligible effects is inherently flawed, and thus does not accurately assess effects.	03-Nov-2016, Letter to Panel (CEAR Document #888)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 8.0:** The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the *Operational Policy Statement Assessing Cumulative Environmental Effects Under the* Canadian Environmental Assessment Act, 2012, *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects*, the *Cumulative Effects Assessment Practitioners' Guide*, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. **Addressed in response to IR-7.31.15-28:** As noted in the VFPA's response to IR-7.31.15-28, the EIS presents an assessment of the effects of the Project on human health in a manner that differentiates between Indigenous and non-Indigenous people. EIS Section 27.0 and EIS Section 32.2 address potential effects of the Project related to human health. Within the human health section, information is presented separately for both Indigenous and non-Indigenous populations, for both existing conditions and for effects of the Project on human health, except where those distinctions are not practical. Table IR28-1 summarises how the relevant EIS sections address differential conditions and effects between the Indigenous and non-Indigenous populations, and provides a rationale for why aspects may be presented together for those instances in which a distinction is not made.	**EIS** 1.1 Purpose of the Environmental Impact Statement 8.0 Effects Assessment Methods **Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314) ***Updated EIS Guidelines***
TWN-5.20	Requested that inclusive methodology measures are utilised in relation to the EIS, MSA, and the Project as a whole, such as a methodology that incorporates the use of both qualitative and quantitative methods for all baseline reports.	03-Nov-2016, Letter to Panel (CEAR Document #888)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 8.1.4:** Descriptions of existing conditions relevant to each IC and VC were developed based on a review of available information and the results of baseline studies (e.g., desktop reviews, field studies, data analyses, modelling) undertaken during Project planning. The studies included collection of quantitative and qualitative data. Each effects assessment section includes information on data quality and reliability with respect to these studies, and any uncertainty or gaps in knowledge associated with the existing conditions of each VC. The influences of natural and human-caused trends that may alter conditions over time, irrespective of changes that may be caused by the Project or other projects and activities, are described with respect to specific ICs and VCs, where relevant. Some Technical Data Reports are appendices to EIS sections, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/ **Addressed in response to IR-7.31.15-08:** The VFPA's response to IR-7.31.15-08 presents a table that describes how ITK was considered in the development of the EIS.	**EIS** 8.0 Effects Assessment Methods 8.1.4 Description of Existing Conditions **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) **RBT2 website** http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/

Table 6: Effects of the Environment on the Project

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-6.1	Disagreed that there will be no negligible effects related to noise, air quality and edible marine resources, including the consumption of edible marine resources, water quality, traditional land use and climate change. Requested negligible effects to be re-calculated upon implementation of all other concerns.	03-Nov-2016, Letter to Panel (CEAR Document #888)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. Similar to the AMS for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Follow-Up Program

Table 7: Engagement and Consultation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-7.1	Requested Technical Advisory Group (TAG) reports. Asked whether field studies were discussed with the TAG, and why only four topics were addressed. Asked whether the TAG reports will list all scientists involved. Stated that Tsleil-Waututh was excluded from participating in the TAG.	22-Oct-2013, Meeting 15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**22-Oct-2013, Meeting:** Stated that a TAG was used for subjects with limited information and questions around the perception of what the issues and concerns were. It was an opportunity to have experts around the table discussing and providing guidance on how to move forward. Provided an example of productive capacity where the guidelines from regulators are not available. Noted that scientists around the TAG table helped to come up with methodology when uncertainty existed. **27-Nov-2013, Letter from the VFPA:** TAG reports were provided to Tsleil-Waututh along with the other Indigenous groups. This includes: • Productive Capacity; • Southern Resident Killer Whales; • Geomorphology; and • Shorebirds and Biofilm. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since the TAG process is a proponent run process and not a requirement of the EIS Guidelines. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Appendix 7.2-B (#23):** The VFPA established the TAG process in 2012 to engage and consult with leaders in the technical and scientific community to provide guidance on four key topic areas: southern resident killer whales, biofilm and shorebirds, coastal geomorphology, and productive capacity. The TAG terms of reference and summary reports are available on the Project website: http://www.robertsbankterminal2.com/information-centre/project-documents/. The following Indigenous groups were invited to contribute to the TAG process: • Tsawwassen First Nation; • Musqueam First Nation; • Semiahmoo First Nation • Tsleil-Waututh Nation; • Stó:lō Nation; and • Stó:lō Tribal Council The TAG process was also discussed in meetings with Indigenous groups, and summary reports on the TAG process were provided to all Indigenous groups for review and comment. **Additional information provided by the VFPA:** The VFPA sent Tsleil-Waututh Nation a letter on 31-Oct-2012, informing Tsleil-Waututh Nation about the TAG process and providing information on upcoming sessions. The letter enclosed an information sheet about the TAG process for RBT2, noting the 4 key topics to be examined, the objectives and key features of the TAG process, as well as information for potential TAG members (criteria, time requirements). In this letter, the VFPA acknowledged that given the subject matter, Tsleil-Waututh Nation may be interested in participating. The VFPA stated that they would follow-up to discuss how Tsleil-Waututh Nation may want to participate. On 12-Jul-2013, the VFPA followed up by letter providing an update on the TAG process and stating that the VFPA would like to share the TAG summaries with Tsleil-Waututh Nation.	**EIS** 7.0 Engagement and Consultation 7.4 Technical Advisory Group Process (2012 to 2013) Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Issues and Interests
TWN-7.2	Stated that the VFPA has not included nor addressed all of Tsleil-Waututh's comments in Appendix 7.2-B, specifically letters from Tsleil-Waututh dated 14-Aug-2014 and 15-Jan-2015. Stated that although Tsleil-Waututh finally received a response to these two letters in a letter dated 25-March-2015 from the VFPA, Tsleil-Waututh Nation does not feel that all comments have been addressed. Tsleil-Waututh Nation expects to see these letters and comments in the Appendix 7.2-B.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional response provided by the VFPA:** Tsleil-Waututh Nation's letter of 14-Aug-2014 provided comments to the VFPA on the draft community profile, which the VFPA provided to Tsleil-Waututh Nation on 14-Jul-2014. All requested changes to the draft were made with the exception of Tsleil-Waututh Nation's request not to reference the Tsleil-Waututh Nation Statement of Intent (SOI) boundary. This matter was addressed in EIS Appendix 7.2-B (#181). See excerpt below: The *EIS Guidelines* specifically require "a map of [Tsleil-Waututh Nation]'s asserted traditional territory." Unless it is withdrawn, the SOI is by definition [Tsleil-Waututh Nation]'s asserted traditional territory, therefore is required to be included in the EIS. Both the SOI and Consultation Area were shown on Figure 3-3 and 32-4 in the EIS. Tsleil-Waututh Nation's letter of 15-Jan-2015 provided comments to the VFPA on the following two draft EIS sections:	**EIS** Appendix 7.2-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Section 32.0: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes (with EIS Figure 32-4 - accompanying map); and • Section 21.1.1: Aboriginal Commercial Fishing and Seafood Harvesting. The VFPA provided these draft sections to Tsleil-Waututh Nation on 09-Dec-2014 for Tsleil-Waututh Nation's review and comment. The VFPA responded to Tsleil-Waututh Nation's letter on 25-Mar-2015, which included a table responding to each comment Tsleil-Waututh Nation provided on these draft sections.	
TWN-7.3	Concerned with lack of meeting notes from 2014 workshops. Stated that Tsleil-Waututh received little to no information from the VFPA regarding responses to our comments and questions during both Aboriginal groups VC workshops (June 6 and July 3, 2014) and the Fall 2014 workshops (October 7, 8, 28 and 29) and the November 20, 2014 meeting regarding the Project. Requested full meeting notes for all of these sessions, but were only provided Aboriginal groups' questions or comments. Stated that no responses from the VFPA, whether from the workshops or as a follow-up answer, were provided. Stated that although the meetings were audio recorded, we still have not seen the full meeting record from these sessions. Stated that in our letter dated January 15, 2015 to the VFPA, we indicated that we require the full meeting records and a revised final draft of the EIS sections with Tsleil-Waututh content to effectively review and provide input. We did not receive either of these documents from the VFPA. Stated that in reference to Appendix 7.2-B ID 15, we do not agree that these sessions should be weighted as a meaningful part of the consultation process but rather have been a one-sided information sharing session.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"This item is with respect to consultation between [the VFPA] and Tsleil-Waututh Nation. The Panel will determine whether it requires additional information or clarification with respect to Tsleil-Waututh Nation's input to [the VFPA] to inform its sufficiency review."* **14-Oct-2014, Email from the VFPA:** Attached draft notes from the 07-Oct-2014 and 08-Oct-2014 workshops, which summarised the comments and questions raised by participants as noted by the VFPA at last week's workshops. Asked for comments and feedback on documents. Provided draft comments and questions from Workshop 1 and 2. **03-Nov-2014, Email to Tsleil-Waututh Nation:** Attached two draft documents for Tsleil-Waututh Nation's review. Each document is a draft table of the comments and questions raised by participants as noted by the VFPA at last week's workshops. Provided draft comments and questions from Workshop 3 and 4. **14-Nov-2014, Email to Tsleil-Waututh Nation:** The VFPA will be providing Tsleil-Waututh Nation with the full meeting record for Aboriginal Workshops 1-4. We are currently in the process of ensuring we have accurately captured the questions, comments and responses from these sessions. As you have noted below, there can be inaccuracies with the transcription of comments and questions, which is why the VFPA has requested feedback directly from Tsleil-Waututh Nation and others (Indigenous groups, presenters, and other attendees who spoke) with respect to the accuracy of what we have transcribed prior to issuing the entire record. Please note that in addition to the information captured in the meeting record, the EIS will		

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			contain Tsleil-Waututh Nation's questions and full responses. **18-Nov-2014, Mail to Tsleil-Waututh Nation:** Provided Tsleil-Waututh Nation with a USB with the meeting notes. **30-Nov-2014, Email to Tsleil-Waututh Nation:** Please find attached a summary of Tsleil-Waututh Nation's comments and questions from our recent RBT2 workshop (20-Nov-2014 workshop)… We are seeking your input or direction on what is contained and request you make changes to any of the content that is either inaccurate or inappropriate for inclusion. **19-Apr-2016, Letter from the VFPA:** A package of meeting records, including those from the Fall of 2014, was sent to Tsleil-Waututh Nation.		
TWN-7.4	Requested to be included alongside the already-listed Aboriginal Groups in the assessment of potential effects on the current use of lands and resources for traditional purposes, and potential impacts to the exercise of asserted or established Aboriginal and treaty rights that may results from marine shipping associated with the Project.	18-Dec-2015, Letter to the CEA Agency (CEAR Document #379)	**12-May-2016, Letter from the CEA Agency (CEAR Document #399):** *"Thank you for your comment. The Agency directed Vancouver Fraser Port Authority (then Port Metro Vancouver) to consult with Tsleil-Waututh on the effects of the Project on January 13, 2016."*	**Additional response provided by the VFPA:** On 04-Oct-2016, the VFPA submitted the supplementary information related to the additional study and engagement that was undertaken regarding the MSA, per the CEA Agency's letter from January 13, 2016. This additional information summarises potential impacts of marine shipping associated with the Project as it relates to the exercise of potential or established Aboriginal or treaty rights of: • Musqueam First Nation; and • Tsleil-Waututh Nation.	
TWN-7.5	Notified the Panel that they are unable to provide comments by the requested deadline of November 15, 2017. Requested for an extension to February 28, 2018, unless otherwise notified due to unforeseen circumstances. Requested that their next submission be received, reviewed and incorporated by the panel prior to declaring sufficiency. Otherwise, Tsleil-Waututh Nation should be notified accordingly; this notification would need to include a discussion between the Panel and Tsleil-Waututh Nation to ensure enough time is provided for Tsleil-Waututh Nation to provide study outcomes and information that has not yet been provided; further information may provide new information to the Panel, as required during the sufficiency stage.	17-Nov-2017, Letter to Panel (CEAR Document #1103)	The VFPA understands that this comment is directed to the Panel. The VFPA has reviewed this letter and has no additional information to provide.		

Table 8: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-8.1	Asked whether the old *Fisheries Act* will be used for RBT2.	22-Oct-2013, Meeting	**22-Oct-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS.	**Addressed in EIS Table 35-2:** As noted in EIS Table 35-2, the VFPA will ensure that the design, construction, and operation of the Project is carried out in an environmentally responsible manner, and will employ standard management practices and comply with current federal, provincial, and municipal statutes, where applicable. The VFPA will ensure that required statutory permits, approvals, and authorisations are in place prior to the commencement of the activity or activities to which they pertain.	**EIS** 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments
TWN-8.2	Interested in the role of the Province of B.C. with respect to the Project.	09-May-2014, Meeting	**09-May-2014, Meeting:** Committed to sharing with Indigenous groups what the Province of B.C. announces with respect to the Project and associated environmental assessment process. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses	**Addressed in EIS Appendix 7.2-B (#8):** On November 5, 2014, the B.C. EAO stated the Project is reviewable under Part 8 of the Reviewable Projects Regulation, B.C. *Environmental Assessment Act*. On December 19, 2014, the B.C. Minister of Environment issued an order under s. 14 of the Act establishing the Province's procedures and methods for conducting the environmental assessment for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister as well as potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the B.C. EAO will principally rely on the environmental assessment to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and, the B.C. EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister. The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements. More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial environmental assessment for the Project can be found on the B.C. EAO's Project Information Centre (e-PIC) website at http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html	**EIS** 6.0 Environmental Assessment and Permitting Process 6.2 Provincial Involvement and Process Appendix 7.2-B Aboriginal Issues and Interests
TWN-8.3	Asked if the CEA Agency grants approvals with conditions, and if First Nations will have an opportunity to comment on these conditions.	06-Jun-2014, Valued Components Workshop #1	**06-Jun-2014, Workshop:** Stated that the Review Panel can recommend conditions in its report. Stated that comments can be provided to the Review Panel during the Review Phase.	**Additional information provided by the VFPA:** The *Updated EIS Guidelines* as issued by the CEA Agency directs the proponent (the VFPA) to provide sufficient data and analysis on any potential changes to the environment to permit a thorough evaluation of the environmental effects of the project by a Review Panel. The Review Panel is currently undertaking an assessment of the environmental effects of the project in a manner consistent with the requirements of *CEAA, 2012* and the Final Terms of Reference (CEAR Document #176). The Review Panel will prepare and submit a report to the federal environment Minister, who will in turn make a determination of the significance of potential environmental effects, potential impacts to Aboriginal treaty rights and decide whether the project should proceed. The Review Panel will prepare and submit a report to the federal environment Minister, who will in turn make a determination of the significance of potential environmental effects. If the Minister decides that the Project is likely to cause significant adverse environmental effects, the Minister must refer to the Governor-in-Council the matter of whether those effects are justified in the circumstances and the decision of whether the Project should be approved. Since the beginning of the environmental assessment process for RBT2, Indigenous groups have, and will continue to have opportunities to participate in, review, and comment on the potential effects of the Project, with records of comments being hosted publicly on the CEA Agency Registry. In addition, the Review Panel's report will contain the Review Panel's recommended conditions for the Project. The Crown will consult on the Review Panel's report, including those conditions, prior to the Minister or Governor-in-Council making a determination with respect to the Project.	***Updated EIS Guidelines*** ***FINAL Roberts Bank Terminal 2 Project Review Panel Terms of Reference (CEAR Document #176)***
TWN-8.4	Asked whether the VFPA would have to go through another	06-Jun-2014, Valued	**06-Jun-2014, Workshop:** Stated that the regulators determine what it is that needs to be assessed.	**Addressed in EIS Appendix 7.2-B (#6):** There are no plans to modify the Project to handle bulk oil or coal. It is likely that if oil was considered for transport at Roberts Bank, further assessment would be required by regulators.	**EIS** 4.0 Project Description

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	assessment if oil was considered for transport.	Components Workshop #1	Stated that the *EIS Guidelines* specify exactly what this process is according to the project description, so if that were to change they would have to re-assess. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.		Appendix 7.2-B Aboriginal Issues and Interests 9.2 Air Quality 27.0 Human Health
TWN-8.5	Concerned with the limited amount of time allowed for the EIS review.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Stated that the CEA Agency determines the time allotted for review. Stated that there will be approximately a total of five months for the CEA Agency to carry out their completeness review. Stated that in developing its requests, the CEA Agency will ask if information has been captured correctly, and Tsleil-Waututh Nation will have the opportunity to let the CEA Agency know if mistakes were made. Stated that outside of that process, the VFPA is willing to come and discuss any aspect of the document. **06-May-2015, EIS Orientation Workshop:** The VFPA hosted a session to provide an overview of and an orientation to the EIS and to provide an opportunity for questions about the structure and organisation of the EIS. Representatives from Tsleil-Waututh Nation were in attendance. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses	**Addressed in EIS Appendix 7.2-B (#18):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components, and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. Indigenous groups were also provided draft community profiles and rights and Current Use information for their review and comments. Feedback received was incorporated into the EIS. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. Participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups, and were designed to support the consultation process for the Project. Additional agreements were reached to support Indigenous groups in the collection of Current Use information and ITK to inform Project planning, effects assessment, and identification of proposed mitigation measures. Throughout the consultation process, the VFPA has provided Indigenous groups with reasonable opportunities to present and communicate their interests and issues in relation to the Project to both the VFPA and relevant regulatory agencies. **Additional information provided by the VFPA:** The EIS was submitted to the CEA Agency in March 2015. Indigenous groups have had, and will continue to have opportunities to participate in, review, and comment on the potential effects of the Project, with records of comments being hosted publicly on the CEA Agency Registry. Additional opportunities for participation will be available at the Review Panel Hearings.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process 7.2.3 Future Planned Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Issues and Interests
TWN-8.6	Asked about the CEA Agency's process, the panel process and timing.	15-Dec-2015, Meeting	**15-Dec-2015, Meeting:** Stated that questions regarding the process can be directed to the CEA Agency.	**Additional information provided by the VFPA:** More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054.	**http://www.ceaa-acee.gc.ca/050/evaluations/document/exploration/80054?**
TWN-8.7	Interested in pushing Environmental Assessment to the next level, and in thinking	03-Aug-2016, Issues Workshop - Tsleil-Waututh	**03-Aug-2016, Workshop:** Stated that the VFPA funded a study with the Pacific Salmon Foundation in collaboration with Tsawwassen First	**Addressed in EIS Sections 8.0 and 34.2:** The CEA Agency administers federal environmental assessments in accordance with *CEAA, 2012* as legislated by parliament. As stated in EIS Section 8.0, the methods for the environmental assessment	**EIS** 8.0 Effects Assessment Methods 34.2 Benefits of the Project

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	creatively and outside the box. Asked how this Environmental Assessment process could be used to address previous and current development on eulachon. Interested in ways for this work to inform other related projects down the road.	Nation, Métis Nation British Columbia, and Semiahmoo First Nation	Nation that looked at eulachon habitat use in the Fraser River. It examined the feasibility of using PIT tags to track eulachon. It was noted the study of Fraser eulachon is an emerging science, and efforts are being made to get it on the radar.	were developed to meet the requirements specified in the *EIS Guidelines* and are consistent with existing guidance documents and *CEAA, 2012*. However, through the extensive study programs undertake during preparation of this EIS, the VPFA has advanced understanding of environmental and socio-economic aspects in the vicinity of the Project. In particular, several important scientific advances were made by the VFPA in its study of the proposed Project (see EIS Table 34-8). These innovations in data collection, modelling, and analysis will benefit the scientific community, resource managers, and any future assessments within the region. As a result of this work, sustainable development and stewardship opportunities in the area have been enhanced. **Additional information provided by the VFPA:** The federal government is considering changes to the environmental and regulatory system. Further information can be found at: https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews.html	

Table 9: Environmental Management Program

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-9.1	Noted that environmental assessments enter into a very hypothetical world and Tsleil-Waututh Nation needs to be confident that the predicted effects are solid.	03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation	**03-Aug-2016, Workshop:** Recorded comment for consideration by the Project team. **30-Aug-2017, Meeting:** The VFPA hosted a Follow-up Program Workshop, and representatives from Tsleil-Waututh Nation attended. The VFPA discussed the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsleil-Waututh Nation on the Follow-up Program and asked what Tsleil-Waututh Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward.	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. A robust monitoring and follow-up program will be implemented to assess the effectiveness of mitigation measures. **Addressed in EIS Section 33.5:** The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the environmental impact statement. The Follow-Up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through VFPA's ongoing engagement initiatives. **Addressed in EIS Appendix 7.2-B (#32):** An adaptive management approach will be taken as indicated in EIS Section 33.5. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program

Table 10: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-10.1	Asked if access to traditional foods is addressed in the assessment, and how it links to food insecurity. Asked if food surveys were conducted with local First Nations to identify either quantitative or qualitative information. Stated that the Swinomish communities in Washington have carried out consumption rate studies and the results could apply to all Coast Salish Nations.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Responded that in general traditional food is more nutritious, and when people do not have access to traditional food, that is a factor that contributes to food insecurity. Stated that the VFPA drew upon information where it was available. Stated that based on consultation, the VFPA was able to assess how that would translate to food insecurity in the study area. Stated that the VFPA did not conduct a separate study on traditional food consumption; the results came from information obtained through other studies. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 27.0 on Human Health.	**Addressed in EIS Section 27.0:** Information about traditional food consumption was gathered through existing literature as well as engagement activities (summarised in EIS Section 7.0). The human health assessment considered the subsistence food consumption of individual Indigenous groups, as summarised in EIS Section 32.2. This information was included in the evaluation of potential effects on food security, as well as health inequity. Note the VFPA issued a revised version of EIS Section 27.0 and EIS Appendix 27-B (see CEAR Document #412).	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Groups Engagement and Consultation 27.0 Human Health 27.4 Information Sources 27.5.7 Food Security 27.6 Future Conditions with the Project – Potential Project-related Effects 32.2 Current Use of Land and Resources for Traditional Purposes
TWN-10.2	Concerned about the safety of bivalve and crab resources at Roberts Bank and asked whether this is considered in the assessment.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Stated that the safety of bivalve and crab resources at Roberts Bank was addressed in the human health risk assessment (HHRA), but not sure about the marine invertebrates VC assessment. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Jul-2015, Letter from the VFPA:** Attached a letter and memorandum regarding the studies undertaken by Hemmera in response to reports from Indigenous groups to the VFPA regarding blackening of Dungeness crab and concerns related to potential contamination. The memo provided the conclusions of the study: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for polycyclic aromatic hydrocarbons (PAHs), metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA:**	**Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA was submitted for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the causes of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). **Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the VFPA's response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C., and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5 Existing Conditions 12.5.3 Dungeness Crabs 12.6 Future Conditions with the Project 12.6.2 Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of polychlorinated biphenyls (PCBs), coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	
TWN-10.3	Asked whether health effects from exposure to contaminants in shellfish modelled were based on consumption rates for European Canadians, or Coast Salish people.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#137):** The consumption rates assumed for bivalves and crabs were based on the available information on west coast Indigenous diets; for example, as documented in the First Nations Food, Nutrition, and Environment Study (referenced in the human health assessment). The HHRA related to potential shellfish contamination assumes much higher routine and upper range consumption rates than typical for European Canadians.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 27.0 Human Health 27.5.4 Exposure to Shellfish Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank
TWN-10.4	Asked what the baseline for assessing contaminated shellfish is (i.e., pre- or post-sanitary closure). Asked if contamination for edible marine resources is not looked at as part of the EA baseline conditions.	20-Nov-2014, Health & Aboriginal Rights Workshop – Tsleil-Waututh Nation 27-Jun-2016, Email	**20-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **07-Jul-2016, Email from the VFPA:** Response to Tsleil-Waututh Nation's question regarding edible marine resources is as follows: Contamination of edible marine resources was looked at in the MSA, in the context of potential contamination from routine marine vessel traffic, as well as an accidental fuel spill (MSA Sections 9.1.4.3 and 10.5.9.4, respectively). Information related to the reliance by Indigenous groups on edible marine resources in the marine shipping LAA is included in MSA Section 9.5, and also in our response to the AIR-12.04.15-31, which includes a summary of available information by Indigenous group. As indicated in the existing conditions summary you recently reviewed, no additional information on Tsleil-	**Addressed in EIS Appendix 7.2-B (#135):** Commercial and recreational crab harvesting closures associated with the Roberts Bank terminals are considered in EIS Section 21.0 and EIS Section 24.0. DFO bivalve harvesting closures related to proximity to sanitary outfalls are considered in EIS Appendix 27-C. An assessment of current shellfish harvesting potential and contaminant-related consumption risks is provided in EIS Section 27.0 and EIS Appendix 27-C. The VFPA conducted two studies of levels of potential contaminants of concern (related to the Project) in edible shellfish tissue in 2014. A field study was conducted in early 2014, including sampling and lab analysis of bivalve shellfish and crabs. External examination of both external and internal surfaces of Dungeness crab did not yield any indication of coal particulate accumulation. However, twelve crabs did have external black spots on their shell, indicative of shell disease that is routinely observed in Dungeness crabs following cuticle damage as a result of fights with other crabs or other species. The VFPA also has been working with Indigenous groups to collect additional crab samples to investigate the presence and composition of the black material reported by Indigenous crab harvesters at Roberts Bank. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs (related to coal), metals, and fungus. **Addressed in AIMSA Appendix 2-B (#16):**	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 21.0 Marine Commercial Use 24.0 Outdoor Recreation 27.0 Human Health 27.5.4 Exposure to Shellfish Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant- Related Consumption Risks at Roberts Bank Technical Report **AIMSA; CEAR Document #572** Appendix 2-B Aboriginal Issues and Interests 3.0 Human Health 3.1.2.4 Contamination in Edible Marine Resources

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Waututh Nation's country food reliance specific to the marine shipping area was available from the sources we reviewed. If you have any additional information you would like to be included in this submission, please provide it and we will ensure it is included.	Contamination for edible marine resources in the Roberts Bank area were included in the existing conditions section of the human health assessment in the EIS. Contamination for edible marine resources in the marine shipping area was considered in the existing conditions section of the human health assessment in the MSA and the AIMSA.	
TWN-10.5	Asked how mitigation for health inequity will be determined to be successful.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Stated that the VFPA could only obtain qualitative information, and make predictions on a population level, such as asking whether or not the effects would be evenly distributed. Stated that the HHRA looks at both the Indigenous population as well as the general population, but for the most part results are at the general population level. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses as well as Section 27.0 on Human Health.	**Addressed in EIS Appendix 7.2-B (#130):** As discussed throughout EIS Section 27.0, the Project is expected to result in both positive effects (such as economic benefits) and adverse health effects (such as potential effects on cultural activities such as subsistence food harvesting), and the distribution of these effects may vary across population groups. This raises the concept of health inequity: the extent to which the distribution of positive and adverse health effects is fair and equitable. Concerns related to health inequity are addressed in the human health effects assessment; however, the assessment of potential effects on health inequity does not rank the relative importance of the various determinants of health (e.g., purchasing power and cultural activities). Cultural aspects related to subsistence gathering are considered in EIS Section 32.2. **Addressed in response to IR13-15:** The VFPA's forthcoming response to IR13-15 will further discuss the assessment of health inequity within the human health assessment.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 27.0 Human Health 27.6.5 Potential Effect #4 – Adverse Health Outcomes due to Changes in Health Inequity 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes **Information Requests** Response to **Sufficiency Information Request#15 (IR13-15)**
TWN-10.6	Concerned that human health is restricted to biophysical health elements in the EIS, and does not include cultural health or an aboriginal perspective of health, such as the attachment to land. Requested that health to be assessed from a holistic view that includes overall health, cultural health and vibrancy. Stated that the human health assessment focuses on biophysical determinants of health and does not include a cultural health assessment for Aboriginal groups. Stated that cultural health is not limited to harvesting traditional foods but also the connection to cultural heritage (sometimes intangible) and other sacred places. Stated that they have provided the VFPA on 15-Dec-2015 with a recognized and published methodology for conducting Aboriginal cultural health studies and would like to collaboratively pursue the necessary	20-Nov-2014, Health & Aboriginal Rights Workshop – Tsleil-Waututh Nation 15-Jun-2015, Letter to the CEA Agency (CEAR Document #249) 15-Dec-2015, Meeting 18-Dec-2015, Letter to the CEA Agency (CEAR Document #379) 03-Nov-2016, Letter to Panel (CEAR Document #888)	**20-Nov-2014, Workshop:** Stated that in the absence of physical attributes associated with the sites that could be avoided, the VFPA is unsure how to address the sites other than to say there is potential for impact, and to continue to pursue opportunities to discuss this further with Tsleil-Waututh Nation. Stated that in terms of impacts to health, the information presented today makes up the main areas of focus. Stated that the HHRA and the socio-economic areas of study are considered a comprehensive approach. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 13, IR #29). Tsleil-Waututh is encouraged to bring up concerns in this regard to the Panel once appointed."*	**Addressed in EIS Appendix 7.2-B (#127):** An assessment was conducted to determine potential Project-related effects on human health. The assessment was carried out using both a quantitative HHRA and a qualitative health impact assessment and considered: • Exposure to air emissions; • Exposure to noise and vibration; • Exposure to shellfish contamination; • Stress and annoyance; • Employment and income; • Food security, including potential changes in availability of traditional food; and • Health inequity, referring to the distribution of Project-related risks and benefits. The sub-component of health inequity assessed potential effects related to unequal distribution of Project-related benefits and Project-related adverse effects. The sub-components of stress and annoyance and employment and income assessed factors related to mental wellbeing. The rationale for selection of VC sub-components and indicators is provided in the EIS. The human health assessment concludes that: • The Project is not expected to result in any significant adverse effects on human health. Incremental adverse cumulative effects to human health are expected to be negligible.	**EIS** 27.0 Human Health 27.6.1 Rationale for Determination of Negligible Effects 27.6.5 Potential Effect #4 – Adverse Health Outcomes due to Changes in Health Inequity Appendix 7.2-B Aboriginal Issues and Interests **AIMSA** Appendix 2-B Aboriginal Issues and Interests 3.0 Human Health 3.1.2 Tsleil-Waututh Nation 7.0 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 7.2.2.3 Other Cultural Practices and Considerations 7.3 Potential Interactions and Effects on Current Use **Information Requests**

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	studies and results integration into the EIS and MSA. Stated that in order for a Human Health assessment to be sufficient it must include Aboriginal Groups. Stated that the assessment must include an appropriate baseline to assess effects from. Stated that an Aboriginal specific health assessment needs to be calculated in the human health chapter to ensure that these effects are properly calculated into the cumulative effects assessment. Requested that an Aboriginal Group specific Health Assessment is incorporated into the Project. Stated that for Tsleil-Waututh Nation, overall quality of life, health, and ability to function are measured far beyond the factors of overweight/obesity, diabetes, mortality, personal health behaviours and high blood pressure. Stated that the health and well-being of Tsleil-Waututh Nation is equally tied to the physical, spiritual, cultural, and economic connection to ancestral lands and waters, and the place names, language, beliefs, and stories associated with those areas. Stated that the concept of health relates to Tsleil-Waututh Nation's position within or relation to a holistic and functioning ecosystem – and Tsleil-Waututh Nation's ability to access and use the ecosystem, without any concern about the adverse impacts from pollution or contamination. Stated that there is a substantial gap in the health assessment (Section 27) in the EIS for Aboriginal groups. Stated that cultural health is not only limited to harvesting traditional foods, but also the connection to cultural heritage and other sacred places. For example, the impacts to health from the Project are not only biophysical in scope, but can also be mental, socio-cultural, spiritual and emotional due to impacts on key cultural values.		**12-May-2016, Letter from the CEA Agency (CEAR Document #399):** *"The Agency requested additional information on cultural heritage in AIR #10 Cultural Heritage Assessment, which may partially address these concerns.* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	• Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of environmental management plans (EMPs) and additional mitigation measures. • The Project would result in measurable residual effects for exposure to air emissions during construction and exposure to noise during construction and operation. Mitigation is expected to reduce all other residual effects to a negligible (i.e., not measurable) level. **Addressed in AIMSA Appendix 2-B (#15):** The concept of health as described here is acknowledged within the human health assessment in the MSA, and in the AIMSA specific to Tsleil-Waututh Nation. The information provided on Tsleil-Waututh's concept of health was included in AIMSA Section 3.1.2. • While the human health effects assessment in AIMSA Section 3.0 addresses a limited number of biophysical health effects, effects on cultural health can be inferred from the assessment of Current Use. The Current Use assessment draws on the conclusions of all relevant biophysical assessments of the effects of marine shipping associated with the Project on land and water, and considers the connection between access to, and use of, ancestral lands and waters and the intangible cultural heritage (e.g., place names, language, beliefs, and stories) associated with those lands and waters. The assessment infers that an effect on the ability to access and use those lands and waters could also affect quality of Current Use experience or cultural heritage associated with those lands and waters. An effect on intangible cultural heritage could in turn affect cultural health. **Addressed in response to MSA IR-02.24.16-10:** Further information on how the EIS and MSA address cultural heritage is discussed in the VFPA's response to MSA IR-02.24.16-10. **Addressed in response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity, and spirituality**.** **Addressed in response to IR13-19:** The VFPA's forthcoming response to IR13-19 will further discuss potential effects of shoaling on shoreline structures and sites of physical and cultural heritage importance.	Response to MSA Additional Information Request #10 (MSA IR-02.24.16-10 of CEAR Document #386) Response to Sufficiency Information Request#22 (IR10-22) Response to Sufficiency Information Request#19 (IR13-19)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that Tsleil-Waututh views the lack of an effects assessment and associated mitigation measures on cultural health, which is indicated as a component of the EIS as a gap in the EIS.				

Table 11: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information

TWN-11.1	Asked whether the VFPA has spoken to Crab Management Area I commercial DFO license holders.
	Asked about potential harvester displacement, and whether DFO is going to compensate by putting license holders in other areas.
	Asked about whether consultation with commercial crab harvesters would involve DFO.
		20-Nov-2014, Health and Aboriginal Rights Workshop – Tsleil-Waututh Nation
		03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation
			20-Nov-2014, Workshop:
			Responded that the VFPA will take this question back. Recalled that the marine commercial use effects assessment considers how the Project will affect those licence holders, in terms of commercial fishing.
			01-Apr-2015, Letter from the VFPA:
			Provided a copy of the EIS, which included EIS Section 21.0 on Marine Commercial Use.
			03-Aug-2016, Workshop:
			Stated that from the commercial perspective, the commercial crab fishery was looked at in the Project area. It is known that commercial crab harvesting takes place in Management Area I and in subareas in proximity to the Project. The EIS acknowledges the displacement of harvesters from two areas: the terminal footprint itself, and the expansion of the navigational closure area (implemented for navigational and marine safety).
			The VFPA acknowledges that there will be displacement, with an understanding that it could affect harvest and revenue generation. The intent is to meet with harvesters, discuss mitigation, and consult directly with them to discuss the displacement effect. Details for this plan have not been determined yet, but the VFPA will be consulting with commercial crab harvesters. In the EIS, the VFPA said that it would work with DFO on this topic.
			The EIS discusses the potential for licence holders in Area I to apply for licences in another management area. That is a potential outcome, and hence the requirement for mitigation to see what implications there might be in relation to the commercial crab harvest.
			With regard to Current Use and rights, unlike the commercial crab harvest, there is no discussion in the EIS of moving licences. The existing navigational closure area is an exclusive use area for food, social, and ceremonial (FSC) harvesters, in that Indigenous FSC harvesters can use the area without floats. That area would be expanded with the new terminal, resulting in a doubling of the area closed to commercial and recreational crab harvesters. The intent is that access for Indigenous groups with FSC or domestic licences would extend into that expanded area. The VFPA is willing to work with DFO to continue to support the current arrangement in an expanded closure area.
			The VFPA is interested in hearing suggestions, feedback, and input into concepts for mitigation related to the displacement of commercial harvesters.
			12-Apr-2018, Letter from the VFPA:
			Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to
				Addressed in EIS Section 21.0:
				Crab Management Area (CMA) I representatives were interviewed and was reported in EIS Section 21.0.
				Additional information provided in IR7-34:
				The VFPA is committed to continue working with DFO, commercial crab harvesters, and Indigenous groups to share information and provide opportunities for questions and discussion.
				A summary of consultation and engagement activities that have been undertaken post-EIS submission and are ongoing with the following stakeholders, Indigenous groups, and regulatory agencies is provided below:
				• Commercial crab harvesters: Meetings with Area I Crab Fisherman Association directors to discuss mitigation options, access of additional electronic monitoring data, and additional data analysis (as presented in the VFPA's responses to IR7-33 and IR7-35);
				• Individual Indigenous groups with CMA I Commercial Crab Licences, including Tsawwassen First Nation, Musqueam First Nation, and Malahat Nation;
				• Indigenous groups:
				  ○ Meetings and workshops with the *W̱SÁNEĆ* to discuss additional input (*Additional Information to the Environmental Impact Statement – W̱SÁNEĆ Nation*, CEAR Document #930);
				  ○ Invitations to post-EIS meetings and workshops extended to all identified Indigenous groups (*Updated EIS Guidelines*, April 17, 2015) to review EIS results and obtain input on potential mitigation measures to address Project effects, which included effects on commercial crab harvesting;
				  ○ Meetings held with individual Indigenous groups where individuals or administration has expressed an interest in further discussion regarding commercial crab harvesting; and
				  ○ RBT2 Follow-up Program planning workshops with Indigenous groups;
				• Regulatory agency: Discussions with DFO regarding consultation activities with crab harvesters and evaluation of suggested additional mitigation measures; and
				• Recreational crab harvesters and public consultation: See the VFPA's response to IR7-43.
				Addressed in response to IR13-16:
				The VFPA's forthcoming response to IR13-16 will further provide an update concerning ongoing consultation related to crab harvesting.
				Addressed in response to IR13-23:
				The VFPA's forthcoming response to IR13-23 will further discuss Indigenous groups' ability to harvest crab for FSC purposes.
					EIS
					21.0 Marine Commercial Use
					Information Requests
					Response to Sufficiency Information Request #33 (IR7-33 of CEAR Document #1049)
					Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1049)
					Response to Sufficiency Information Request #35 (IR7-35 of CEAR Document #1049)
					Response to Sufficiency Information Request #37 (IR7-37 of CEAR Document #1049)
					Response to Sufficiency Information Request #13 (IR13-16)
					Response to Sufficiency Information Request #23 (IR13-23)
					Updated EIS Guidelines

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.		
TWN-11.2	Stated that although socio-economic condition studies were conducted for other Aboriginal groups (Appendices 18-A and 18-B), no socio-economic conditions study was offered to or conducted with Tsleil-Waututh Nation. Stated that only limited and dated socio-economic information is provided for Tsleil-Waututh Nation in Volume 4 (e.g., the Tsleil-Waututh Nation Comprehensive Community Plan is five years old and only pertains to Tsleil-Waututh Nation reserve lands}. From Tsleil-Waututh Nation's perspective, Aboriginal Peoples, of the EISG has not been completed in the EIS. Concerned with the socio-economic assessment, and particularly the section concerning commercial seafood harvesting. Concern that the socio-economic assessment did not include input from all Aboriginal groups.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #249) 15-Dec-2015, Meeting	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 12, #26)."* **15-Dec-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#116):** A description of the scope and methods of the marine commercial use assessment is provided in EIS Section 21.0. • EIS Section 21.0 considers potential effects on marine fish harvesting, seafood harvesting (including crab), guided sport fishing, and marine-based tourism. • The rationale for the selection of the spatial boundaries is provided in the EIS. • Relevant information was sought from all Indigenous groups that hold commercial fishing licences. • The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including those in the lower Fraser River. **Addressed in response to IR-7.31.15-26:** The economic sections (including EIS Sections 19.0, 20.0, 21.0, and 22.0) and the socio-community sections (including Sections 23.0 and 24.0) present general social and economic conditions of Indigenous communities that might be affected by the Project, where there were identified differentiating existing conditions for these communities. Existing conditions was also presented in these sections for the aggregated Indigenous population (i.e., not for individual Indigenous groups) where this aggregated presentation of existing conditions is relevant and applicable to the specific socio-economic VC. General social and economic conditions were presented separately for Tsawwassen First Nation and Musqueam First Nation, where there are identified differentiating conditions, because both groups: • Were identified by the CEA Agency as being at the "high end of the consultation spectrum"; • Have either treaty or reserve lands or communities located in close proximity to the Project; • Have community, social, and/or economic activities occurring at, or in close proximity, to the Project; and • Exercise established rights (including treaty rights) at or in close proximity to the Project. Table IR26-1 summarises where differential existing socio-economic conditions are presented for Tsawwassen First Nation, Musqueam First Nation, and for other Indigenous groups, and a rationale for presentation of existing information for certain Indigenous groups.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 8.1.9 Cumulative Effects Assessment 21.0 Marine Commercial Use 21.2 Selection of Marine Commercial Use Valued Component 21.3.1 Spatial Boundaries **Information Requests** Response to Information Request #26 (IR-7.31.15-26 of CEAR Document #314) Response to Sufficiency Information Request #07 (IR10-07) Response to Sufficiency Information Request #14 (IR10-14) Response to Sufficiency Information Request #27 (IR10-27) Response to Sufficiency Information Request #28 (IR10-28)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in responses to IR10-07, IR10-14, IR10-27, and IR10-28: The VFPA's responses to IR10-07, IR10-14, IR10-27, and IR10-28, as requested by the Review Panel, further discuss aspects of socio-economic conditions of Indigenous Peoples.	
TWN-11.3	Stated that in Volume 4, Section 21.1.1, Aboriginal Commercial Fishing and Seafood Harvesting, the VFPA failed to address our concern related to this section in their letter dated March 25, 2015, only directing us back to Section 21, which appears to be unchanged. We restate our concern and require a response: "In Section 2.1.1, the focus on fish licenses and the aspects of fisheries that are accessed by First Nations through agreements with the Department of Fisheries and Oceans (DFO), is a significant gap. Tsleil-Waututh considers a much more holistic definition of fisheries in comparison to this draft section, which includes such elements as habitat, broader conservation concerns, longterm impacts of climate change and shifting food webs, access for current and future generations, and planning. Tsleil-Waututh considers these elements in relation to the cultural connections to the Fraser River and surrounding landscape. Through cultural connections and beliefs of Tsleil-Waututh the fisheries are and have been viewed as a way of life for our people and other Coast Salish Nations since time immemorial. Tsleil-Waututh current and desired fisheries practices and uses expand well beyond what is accessed through DFO agreements, and is not defined by DFO."	15-Jan-2015, Letter 15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**25-Mar-2015, Letter from the VFPA:** Directed Tsleil-Waututh Nation to EIS Section 21.0 for further information in relation to the concern. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 21.0 on Marine Commercial Use. **13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 21.0:** Sources of information for the marine commercial use assessment included the following: • Review of secondary sources and analysis of information with respect to marine commercial use within the LAA and RAA; and • Analysis of information gathered through the VFPA's public and stakeholder consultation and Indigenous group consultation processes. Secondary information sources included DFO harvesting statistics and fishing management plans, as well as relevant studies and reports produced by DFO, Pacific Whale Watch Association (PWWA), Nelson Bros Fisheries Ltd., and academic sources. The Tsawwassen First Nation Final Agreement and Harvesting Agreement and Musqueam First Nation's comprehensive fisheries agreement were reviewed with respect to commercial allocations. Secondary sources cited are listed in EIS Section 21.15. In 2013, the VFPA initiated desktop and primary data collection studies to support the assessment of effects on marine commercial use that were designed to address known data gaps. The objectives of the relevant studies are summarised in EIS Table 21-4. Building on available secondary information, interviews were conducted with key subject matter experts, including industry participants, for the following purposes: • Clarifying data obtained through secondary sources; • Acquiring additional information; • Identifying potential interactions of the Project with marine commercial use; and • Identifying marine commercial use interests and concerns related to the Project. Information obtained from interviewees is referenced within the text of the assessment and in EIS Section 21.15.	**EIS** 21.0 Marine Commercial Use 21.4 Information Sources 21.4.1 Desktop and Field Studies 21.15 References Table 21-4 Studies to Support Assessment of Marine Commercial Use

Table 12: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-12.1	Requested that 'impact to critical life history stages of fish' is added.	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 13.0 on Marine Fish.	**Addressed in EIS Section 13.0:** This comment was considered and incorporated into EIS Section 13.0. The critical life history stages are described for five fish sub-components (including 13 representative species) by life history requirements, habitat use, and the factors influencing growth, reproduction, survival, food web interactions, and prey availability of marine fish.	**EIS** 13.0 Marine Fish
TWN-12.2	Concerned with the effect of noise on species other than marine mammals, and asked how this has been assessed.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Stated that the effects of underwater noise on fish was assessed. Stated that with fish there is more of a concern for injury as opposed to behavioural disturbance. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 9.8 and EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain construction activities. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed. With mitigation, including implementation of Underwater Noise Management Plans during Project construction and operation, potential effects (i.e., injury and behavioural change) to marine fish from changes in the acoustic environment are considered negligible. A residual effect is identified for Pacific herring; however, it is assessed as not significant as the disturbance is anticipated to occur only if impact piling is employed, it will be temporary and restricted to a relatively small area around the sound source. **Addressed in the PCU:** As requested by the RBT2 Review Panel, the VFPA submitted the PCU on June 12, 2018, providing	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project **Project Construction Update (PCU, CEAR Document #1210)** 1.0 Introduction 2.0 Revised Project Description and Schedule 3.0 Summary of Changes to the Environmental Impact Statement

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	
TWN-12.3	Asked why/how some forage fish, in particular herring, are expected to experience a slight to moderate increase in productivity.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Stated that the Roberts Bank Ecosystem Productivity VC presentation explained the development of a model that was used for the Project's assessment. The assessment models existing and predicted conditions without and with the Project prior to mitigation, based on inputs such as changes in currents and salinity (for example). The productivity for forage fish was a conclusion of the model. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 13.6.3.3 on Changes in Productivity of Forage Fish.	**Addressed in EIS Section 13.6.3.3:** EIS Section 13.6.3.3 discusses biotic interactions that contribute to predictions of a minor decrease in overall forage fish productivity. Biotic interactions play a key role in shaping forage fish productivity at Roberts Bank, with forage fish being important conduits of energy in the marine food web between planktonic communities and higher trophic-level predators. Direct Project-related effects on prey, predators, and competitors, along with more complex indirect trophic interactions, are predicted to cause increases and decreases in forage fish at Roberts Bank The decrease in overall forage fish predicted by the ecosystem model (i.e., –1%, –11 tonnes (t)) is negligible as changes less than 5% are judged to fall within the uncertainty of the model; sensitivity analyses indicate this value is robust, but that there may be small over- or under-estimations, depending on the representative species.	**EIS** 13.0 Marine Fish 13.6.3.3 Changes in Productivity of Forage Fish
TWN-12.4	Requested additional information about the presence of reef fish as a result of artificial habitat created as part of the Deltaport Third Berth (DP3) Project. Asked if reef fish existed there before.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Responded that DP3 habitat compensation included the creation of an artificial reef, which has attracted reef fish such as lingcod, which did not use to the area before, since it was previously a sandy bottom habitat.	**Additional information provided by VFPA:** AMS annual reports on DP3 mitigation measures are available at the following link: https://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/	
TWN-12.5	Requested that the effects of sockeye and all Pacific salmon species be assessed, not just chum salmon.	20-Nov-2014, Email	**20-Nov-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:**	**Addressed in EIS Section 13.0:** All species of Pacific salmon were considered in the assessment of Project-related effects through the use of representative species. Sockeye, pink, and coho salmon were represented by Chinook and chum, which are the most	**EIS** 13.0 Marine Fish **Information Requests** Response to Additional Information Request #9 (AIR-

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Provided a copy of the EIS, which included EIS Section 13.0 on Marine Fish.	estuarine-dependent species of Pacific salmon, and therefore most likely to be affected by the Project. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye salmon and describes the status and management practices associated with the species. Rationale as to how sockeye salmon were assessed via use of Chinook and chum salmon as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sockeye salmon, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09, including Appendix AIR9-A Table 2, and in the response to IR5-15.	12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #5 (IR5-15 of CEAR Document #1078)
TWN-12.6	After learning about the herring spawning study, Tsleil-Waututh Nation requested to be notified within 5 days if herring spawning activity is in the area. In regards to the herring spawning study, asked: 1. When will the survey/study be available? 2. Where are the locations in relation to the RBT2 Project? 3. What are the next steps for the Proponent with these new findings? 4. Tsleil-Waututh Nation would like to state that we strongly believe in protecting spawning habitat, and are extremely interested in how these findings will be integrated into the EA application and Project overall. Stated that this is especially given that a) Tsleil-Waututh Nation would like to see Herring return to the Inlet, and a growth of population in another nearby area could potentially lead to this outcome in the future, and b) herring abundance has been declining recently. Asked if the VFPA can first provide any/all information/documents that are available post-study/field day? Stated that Tsleil-Waututh Nation would like to know more about the outcomes, plans, locations etc. prior to a discussion, which we may be open to after reviewing anything available.	10-Apr-2017, Email 18-Apr-2017, Email 03-May-2017, Email	**11-Apr-2017, Email from the VFPA:** Stated that the study was scoped based on feedback that there is herring spawning in the area, so there is expectation that the VFPA will find herring spawning, or evidence that herring spawning already occurred. Stated that the VFPA can notify Tsleil-Waututh Nation as to whether herring spawning is identified during the survey. **18-Apr-2017, Email from the VFPA:** *"The dive team surveyed the large native eelgrass bed on the north side of the causeway, starting where herring spawn were reported to have been observed a week ago (T1 on the attached map). No spawn or spawn residue was observed. Two more transects were completed and again, no spawn or residue was observed. We are confident that whatever spawn might have been there a week or two ago is no longer present.* *The boots-on-the-ground team surveying the inter-causeway area at low tide found evidence of spawn in the intertidal eelgrass bed adjacent to the tug basin (see attached photos); two small patches with eggs were found (~2m x 0.5 m; and 5m x 2m long) but there appears to be egg residue over a larger area. The eggs are very patchy, about 1-2 layers thick, and do not appear to be fresh."* **01-May-2017, Email from the VFPA:** Followed up with Tsleil-Waututh Nation to set up a meeting to discuss the herring surveys and Tsleil-Waututh Nation's recent questions.	**Addressed in response to IR4-18:** As noted in the VFPA's response to IR4-18, in response to anecdotal reports by a member of the public of herring spawn on eelgrass on the north side of the Roberts Bank causeway in early April 2017, the VFPA conducted a survey to document presence and distribution of herring spawning activity at Roberts Bank. Survey results are in agreement with existing conditions described in EIS Section 13.5.3.3, and confirm that while the LAA does support some spawn, it does not appear to be an important herring spawning area. Adherence to EMPs (see EIS Section 33.3) will reduce the potential that herring will be affected by changes to water quality and sediment, or underwater noise during Project construction activities that will occur outside the fisheries-sensitive window. Notwithstanding the above, a potential for interaction with the Project has been identified and a residual effect has been assessed as not significant (see EIS Section 13.8.1).	**EIS** 13.0 Marine Fish 13.5.3.3 Pacific Herring 13.8.1 Residual Effect – Characterisation of Productivity Loss 33.3 Construction Environmental Management Plans **Information Requests** Response to Sufficiency Information Request #18 (IR4-18 of CEAR Document #1051)

Table 13: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-13.1	Asked whether there are specific mitigation measures for bivalves and whether the offsetting described is part of THE VFPA's Habitat Enhancement Program.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Stated that the VFPA is not aware of specific plans for bivalves within the Project footprint; the focus has primarily been on crabs. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 12.0 on Marine Invertebrates.	**Addressed in EIS Section 12.0 and EIS Appendix 7.2-B (#71):** Bivalve shellfish (e.g., clams and cockles) were assessed as a sub-component of the marine invertebrates assessment. Productivity decreases for bivalve shellfish are predicted and can be partially mitigated through the implementation of EMPs (including salvaging and transplanting), the creation of onsite intertidal marsh habitat, and other onsite offsetting measures. While the Project is predicted to cause losses of productivity of bivalve shellfish, the scale of change is minor in the context of natural variability and will not compromise population integrity or ecological function. Mitigation to reduce Project-related effects to bivalve shellfish would also mitigate potential changes in the availability of preferred Current Use resources for Indigenous groups. Eelgrass creation as part of onsite offsetting is expected to benefit heart cockle productivity. Increased rip-rap and hard substrate post-Project will provide additional habitat for epifaunal bivalves including giant Pacific oysters and bay mussels. The VFPA is committed to developing and implementing a Follow-up Program for RBT2. The Follow-up Program will be developed after the submission of the EIS, in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Consultation with these regulatory agencies will ensure that the program will deliver the type, quantity, and quality of information required to reliably verify predicted effects (or absence of them), and to confirm both the assumptions and the effectiveness of mitigation. The need for shellfish monitoring will be considered in consultation with these agencies.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.2 Selection of Marine Invertebrates Valued Component 12.6 Future Conditions with the Project 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program
TWN-13.2	Requested reports showing the connection between sediment and benthic transfer to marine invertebrates, in particular crabs.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **26-Jun-2017, Letter from the VFPA:** *"The concerns brought forward by Tsleil-Waututh Nation with regard to Dungeness Crabs and DAS highlighted the need for the VFPA to re-evaluate our planned construction approach and use of the ITP as a part of the Project. The Project team has been actively exploring alternative construction methods to address concerns raised by Indigenous groups and regulatory agencies since the development of the EIS in 2014.* *After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the Coasting Trade Act as a result of approving the Canadian European Trade Agreement, the port authority determined that the Project could proceed without the use of an ITP. In addition, the elimination of the ITP, along with other changes will result in a Project that does not require a DAS permit."*	**Addressed in PCU:** As requested by the RBT2 Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS,	**PCU** 1.0 Introduction 2.0 Revised Project Description and Schedule 3.0 Summary of Changes to the Environmental Impact Statement

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	
TWN-13.3	Requested additional information about the proposed mitigation measures for marine invertebrates.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 12.0 on Marine Invertebrates and 12.7 on Mitigation Measures. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Section 12.7:** Mitigation measures applicable to marine invertebrates are discussed in EIS Section 12.7. In summary: Direct Mortality to occur during construction phase Timing Windows: DFO least-risk timing window for crabs (October 15 to March 30) will protect gravid females from activities occurring below −5.0 m chart datum. Crab Salvage Program: Will take place prior to commencing dredging activities and infilling containment dykes (terminal and causeway). Crabs will be trapped and released to suitable habitat distant from Project activities. Orange Sea Pen Transplant: Will employ SCUBA to collect a small portion of the orange sea pen bed for transplant to suitable sites adjacent to, but outside of, Project-affected areas at Roberts Bank. Construction EMP and supporting plans, including: Construction Compliance Monitoring Plan; Environmental Training Plan; Dredging and Sediment Discharge Plan; Sediment and Erosion Control Plan; Hazardous Materials and Waste Management Plan; and Spill Preparedness and Response Plan. Operation EMP and supporting plans, including: Operation Compliance Monitoring Plan; Environmental Training Plan; Hazardous Materials and Waste Management Plan; Spill Preparedness and Response Plan. Productivity – Construction and Operation Phases. Project Design: Optimised Project design, including terminal placement in subtidal waters, reduced footprint for causeway widening, terminal rounded corner, and incorporation of rocky shoreline in portions of the terminal and causeway perimeters. Offsetting Plan: Where losses to ongoing productivity of marine invertebrates cannot be avoided, losses will be mitigated by the enhancement of existing or creation of new habitats, such as eelgrass, tidal marsh, mudflat, sandy gravel beaches, and subtidal rock reefs. Offsetting measures will be developed in consultation with relevant regulatory bodies and stakeholders (see EIS Section 17.3.2).	**EIS** 12.0 Marine Invertebrates 12.7 Mitigation Measures 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Framework
TWN-13.4	Asked if this project is being used as an opportunity to gather more information on Orange Sea Pens, and for additional information regarding the density of Sea Pens in the Project area. Requested information about the success of the	06-Jun-2014, Valued Components Workshop #1 28-Oct-2014, Preliminary EIS Workshop #3 20-Nov-2014, Health & Aboriginal	**06-Jun-2014, Workshop:** Stated that nudibranch and sea star eat orange sea pen, but not fish. **28-Oct-2014, Workshop:** Reviewed existing conditions for orange sea pens, expected conditions at Project commencement, potential Project-related effects. Stated that there is not a lot of information available on sea pens, and based on the information that is available, the VFPA could not find anything to suggest that densely	**Addressed in EIS Section 12.0 and EIS Appendix 7.2-B (#73):** Orange sea pens are a soft coral species that depend on habitat with strong tidal outflows and oceanic currents for food delivery. Sea pen beds provide habitat for many benthic (bottom dwelling) species and likely play a role in maintaining productive near-shore communities for clams, sea stars, marine worms, Dungeness crabs, and several fish species. Orange sea pens were assessed as a sub-component of the marine invertebrates VC. The assessment concludes that a decrease in the productivity of orange sea pens due to direct mortality and changes in habitat availability is expected as a result of permanent loss of subtidal	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity Table 12-8 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Invertebrates

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Orange Sea Pen transplant project. Concerned that there are no separate sea pen studies included in the EIS or its appendices.	Rights Workshop - Tsleil-Waututh Nation	populated areas of sea pens are common, which makes those at Roberts Bank pretty special. Stated that the VFPA is just finishing a pilot study, and preliminary results indicate they're doing well. **20-Nov-2014, Workshop:** Stated that a pilot study has been carried out. The transplant team went back a month later and the sea pens were doing well, and they will be checked on again. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 12.0 on Marine Invertebrates. **07-Feb-2018, Letter from the VFPA:** *"Starting in 2014, the RBT2 Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved transplant of 1200 orange sea pens to three sites within the local assessment area for the Project. Please find attached a report titled Orange Sea Pen Transplant Pilot and Monitoring Program. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to Information Request IR5-05."*	sand habitat associated within the terminal footprint. This decrease can be partially mitigated through the implementation of EMPs, including the collection and transplantation of orange sea pens to nearby undisturbed sites identified as suitable through habitat modelling. While the Project is predicted to cause losses of productivity of orange sea pens, the scale of change is minor in the context of natural variability and will not compromise the population integrity or ecological function. The residual effect was determined to be not significant. **Addressed in response to IR5-05:** Further information is provided in the VFPA's response to IR5-05, which describes the results of the pilot study. In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method.	Table 12-10 Habitat Suitability (ha) for Orange Sea Pens in the Local Assessment Area in Future Cases With and Without Roberts Bank Terminal 2 12.7.2 Mitigation #1 for Direct Mortality 12.8.1 Residual Effect – Characterisation of Productivity Losses 12.9.2 Significance Determination Table 12-15 Summary of Determination of Significance of Residual Effects for Marine Invertebrates **Information Requests** Response to Sufficiency Information Request #5 (IR5-05 of CEAR Document #1145)

Table 14: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-14.1	Requested that 'impacts to species listed under *Species at Risk Act*' is added under the marine mammals VC.	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** This comment was considered and incorporated into the EIS for each of the VCs, not only for marine mammals. For example, in EIS Section 14.1.1, marine mammal species listed under the *Species at Risk Act* that were considered in the effects assessment included: • Southern resident killer whale (Endangered); • Transient killer whale (Threatened); • Fin whale (Threatened); • Eastern Pacific grey whale (Special Concern); • North Pacific humpback whale (Threatened); • Harbour porpoise (Special Concern); and • Steller sea lion (Special Concern). Due to the differences between toothed whales, baleen whales, and seals and sea lions in regard to life history, prey preferences, and hearing sensitivities, one representative species was selected to represent each sub-component (i.e., toothed whales, baleen whales, and seals and sea lions) for the purposes of this assessment. To be conservative and precautionary, the representative species with the greatest conservation status under the *Species at Risk Act* was selected to represent each sub-component group (i.e., southern resident killer whale, humpback whale, and Steller sea lion).	**EIS** 14.0 Marine Mammals 14.1.1 Endangered and Threatened Species under *Species at Risk Act*
TWN-14.2	Concerned with behavioural and cultural disruptions to marine mammals.	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team. **30-Sep-2017, Letter from the VFPA:** Provided Tsleil-Waututh Nation with a copy of the AIMSA, including Appendix 2-B summarised issues raised by Tsleil-Waututh Nation and the VFPA's responses.	**Addressed in AIMSA Appendix 2-B (#5):** This comment was considered and incorporated into the MSA for the three marine mammal sub-components, which are identified as holding important cultural value to Indigenous groups and the public. Indicators selected to determine Project-related changes include those parameters that may cause changes to the acoustic environment, the availability of prey, or water and sediment quality. See the marine mammal assessment of the MSA for more information on behavioural responses. The cultural aspects of any potential effects on marine mammals are assessed in the Current Use assessments in the MSA, and the AIMSA specific to the Tsleil-Waututh Nation.	**EIS** 14.0 Marine Mammals 14.6 Future Conditions with the Project Appendix 14-B Southern Resident Killer Whale Noise Exposure and Acoustic Masking Technical Report **MSA** 8.2 Marine Mammals 8.2.6.2 Potential Effect #1 – Behavioural and Acoustic Masking Effects Due to Underwater Noise from Marine Shipping Associated with the Project **AIMSA** Appendix 2-B Aboriginal Issues and Interests
TWN-14.3	Requested more information on marine mammals, specifically, mitigation for potential Project effects, plans and technical assessments for marine mammals, literature regarding vessel strikes. Requested to participate in VFPA ECHO program for marine mammals.	28-Oct-2014, Aboriginal Group EIS Workshop #3 20-Nov-2014, Health & Aboriginal Rights Workshop –	**28-Oct-2014, Workshop:** Stated that the VFPA has reviewed literature that reports strikes in B.C., and identifies which species are most commonly struck. Stated that with baleen whales it is most commonly fin whales and humpback whales, and sometimes grey whales, but generally it does not occur in the inside waters. Stated that there will be more information about marine mammals in the EIS.	**Addressed in EIS Appendix 7.2-B (#89):** The assessment considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable or measurable residual adverse effects from vessel strikes are predicted for marine mammals. The marine mammal assessment considers the potential for cumulative effects with respect to the potential residual effect (i.e., increased underwater noise produced by container ships and support tugs during	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.8 Underwater Noise 9.8.2 Assessment Purpose and Approach

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
		Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Referred to the marine mammals VC presentation from fall workshop 3, and recalled that the marine mammal expert presented on expected residual effects and proposed mitigation. Stated that impact from underwater noise is the only predicted residual effect to marine mammals, and therefore the only effect for which mitigation is proposed. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **10-May-2016, Email from the VFPA:** Attached the Enhancing Cetacean Habitat and Observation (ECHO) Program annual report for 2016. The ECHO program is a VFPA-led collaborative initiative aimed at better understanding and managing the cumulative impacts of shipping activities on at-risk whales throughout the southern coast of B.C.	Project operation), in combination with other projects and activities within the RAA, including underwater noise from incremental marine vessel traffic outside VFPA jurisdiction. **Addressed in EIS Appendix 7.2-B (#88):** The methods used to study underwater noise and the results of the assessment of potential underwater noise-related effects on marine mammals are described in the EIS. **Addressed in response to IR4-10:** As noted in the VFPA's response to IR4-10, the VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/ **Additional information provided by the VFPA:** The ECHO Program advisory working group brings together a broad spectrum of relevant backgrounds, perspectives and interests from both Canada and the U.S.A., who share the common goal of reducing threats to at-risk whales. The role of the advisory working group is to provide the program management team with timely input, advice, and recommendations during the development and execution of the program's projects and initiatives. With two Indigenous individuals actively participating in the ECHO Advisory Working Group since its inception, the VFPA has worked hard to make sure that Indigenous perspectives are represented in the ECHO Program. Further information about ECHO can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/	Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study 14.0 Marine Mammals 14.4 Information Sources 14.4.4 Critical Habitat Feature - Acoustic Environment Table 14-7 Marine Mammal Modelling Studies Contributing to Project-related Predictions 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.3 Potential Effects of the Project on North Pacific Humpback Whale 14.6.4 Potential Effects of the Project on Steller Sea Lions Table 14-19 Injury and Disturbance Radii for Steller Sea Lions during Impulsive Construction Noise 14.10 Cumulative Effects Assessment **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)
TWN-14.4	Stated that the environmental assessment process is not designed to capture or appreciate the deep cultural or spiritual connection past, current and future Tsleil-Waututh Nation members may have with marine mammals, nor does it adequately capture the cultural-ecological significance of marine mammals to the overall health of the Salish Sea, upon which the marine shipping area is imposed.	27-Jun-2016, Email	**27-Jun-2016:** Recorded comment for consideration by the Project team. **30-Sep-2017, Letter from the VFPA:** Provided Tsleil-Waututh Nation with a copy of the AIMSA, including Appendix 2-B summarised issues raised by Tsleil-Waututh Nation and the VFPA's responses.	**Addressed in AIMSA Appendix 2-B (#13):** The MSA was prepared in accordance with the *Updated EIS Guidelines* provided by the CEA Agency. By way of this comment the VFPA notifies the CEA Agency of this concern about the environmental assessment process. **Addressed in AIMSA Section 7.0:** The Current Use assessment in the AIMSA includes a description of the cultural-ecological importance of marine mammals to Tsleil-Waututh Nation.	**AIMSA** Appendix 2-B Aboriginal Issues and Interests 7.0 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 7.2.2.1 Marine Resource Use (Marine Mammals) ***Updated EIS Guidelines***

Table 15: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-15.1	Requested that 'Effects to marshes and eelgrass beds' be changed to read: 'Effects to marshes, eelgrass beds, and enteromorpha species'.	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 11.0 on Marine Vegetation.	**Addressed in EIS Section 11.0:** This comment was considered and incorporated into EIS Section 11.0 for the eelgrass, intertidal marsh, and macroalgae sub-components. Note that *Ulva*, not Enteromorpha, is the identified green 'sea lettuce' macroalgae at Roberts Bank, and the effects of the Project have been included for these three sub-components, as well as biomat and biofilm.	**EIS** 11.0 Marine Vegetation
TWN-15.2	Requested that 'overall reduction in marine vegetation in the Lower Mainland (cumulative effects)' be added.	09-May-2014, Letter	**09-May-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 11.0 on Marine Vegetation.	**Addressed in EIS Section 11.0:** Describes the cumulative effects assessment for marine vegetation. It was determined that there was no potential for the residual effects of the Project (on biofilm community composition only) to combine with the effects from other reasonably foreseeable projects and activities. No residual adverse effects are anticipated for large vegetation species. A regional effects assessment was not conducted as it was outside of the scope of the assessment, as defined in the *Updated EIS Guidelines* issued by the CEA Agency.	**EIS** 11.0 Marine Vegetation ***Updated EIS Guidelines***
TWN-15.3	Asked if the assessment area for the ecosystem model is larger than the local assessment area for marine vegetation.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that yes, the ecosystem model extends to -100 m to include other species in the ecosystem that inhabit deeper water. The LAA identified in slide 6 focuses on areas of marine vegetation, to a depth of -40 m. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 10.3 Overview of Assessing Ecosystem Productivity.	**Addressed in EIS Section 10.3:** More information on the ecosystem productivity model can be found in EIS Section 10.3.	**EIS** 10.3 Overview of Assessing Ecosystem Productivity
TWN-15.4	Asked what the plan is for implementing habitat offsetting, including provisions for First Nation participation and input. Stated that First Nations should be at the table for determining offsetting.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **30-Aug-2017, Meeting:** The VFPA hosted a Follow-up Program Workshop, and representatives from Tsleil-Waututh Nation attended. The VFPA discussed the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsleil-Waututh Nation on the Follow-up Program and asked what Tsleil-Waututh Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward.	**Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The five habitat types considered for onsite offsetting include: • Intertidal marsh: Important for shoreline stabilisation, gas and nutrient regulation, contaminant filtering, and nutrient supply, as well as providing structural habitat used for shelter and food by organisms. Some of the species that use intertidal marsh habitat at Roberts Bank include bivalve shellfish, Dungeness crabs, juvenile Chinook salmon, shiner perch, sand lance, and waterfowl. Approximately 15 hectares of intertidal marsh is proposed along the widened causeway and in the S-bend of the new terminal. • Sandy gravel beach: Provides spawning area for forage fish, including surf smelt, Pacific herring, and sand lance. Two sandy gravel beaches, totalling approximately 4.5 hectares, are proposed along the widened causeway. The beaches are intended to provide attachment-type habitat and substrate suitable for marine vegetation and invertebrates, and to benefit some of their predators (e.g., juvenile Chinook salmon, waterfowl, and American wigeon). • Mudflat: Plays a role in dissipating wave energy and supports large numbers of birds and fish. Mudflats also support biofilm, an important component of the food web in estuarine and coastal ecosystems. Approximately 4.5 hectares of mudflats is proposed along the widened	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				causeway and in the S-Bend of the new terminal. Biofilm, invertebrates, waterfowl, and shorebirds will benefit from this habitat. • Subtidal rock reefs: Support rockfish populations and assist in meeting fisheries management objectives to alleviate historic declines of regional populations. The creation of approximately two hectares of reef habitat will benefit macroalgae vegetation, and provide refuge, feeding, and spawning habitat for invertebrates, fish, and birds. • Eelgrass: Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS. **Additional information provided by the VFPA:** The offsetting framework presented in EIS Section 17.3.2 provides an outline to facilitate the development of a detailed Offsetting Plan that will be required for the Project's *Fisheries Act* Authorization. Once finalised, the Offsetting Plan will include Project-specific provisions for addressing serious harm to a commercial, recreational, or Aboriginal fishery. It will be developed in accordance with the *Fisheries Productivity Investment Policy: A Proponent's Guide to Offsetting* and will incorporate proven measures to minimise Project-related effects to productivity. The VFPA will consult with potentially-affected Indigenous groups as part of the application for *Fisheries Act* Authorization.	
TWN-15.5	Asked if the VFPA has ever conducted eelgrass transplants before. Asked if someone can speak to the challenging nature of eelgrass transplants. Requested a backup plan if eelgrass transplants prove unsuccessful as a mitigation measure. Asked how work related to eelgrass transplants has been going. Stated that Tsleil-Waututh Nation would like to see a net gain of eelgrass habitat. Concerned that eelgrass transplant work would involve use of fill from the Fraser River dredging program, around which there are possible contamination concerns. Concerned that there are no separate eelgrass studies	07-Oct-2014, Preliminary EIS Workshop #1 28-Oct-2014, Preliminary EIS Workshop #3 20-Nov-2014, Health and Aboriginal Rights Workshop – Tsleil-Waututh Nation 15-Jun-2015, Letter to the CEA Agency (CEAR Document #249) 08-Jun-2016, Meeting 03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and	**07-Oct-2014, Workshop:** The Project team working on the eelgrass assessment has a lot of experience doing this in the Lower Mainland. Until 1986 there were a lot of challenges, but since then transplants have had a success rate of over 90%. Therefore, the Project team is confident in their ability to carry out eelgrass transplants successfully. The primary challenge with regard to eelgrass transplants in the Project area has to do with keeping divers in place while working in high current conditions—not the eelgrass itself. **28-Oct-2014, Workshop:** Replied that the team is working with a well-known eelgrass expert, who has been involved in all of the eelgrass transplants in this area over the past 20 years. She has helped with the Project studies and there is full confidence in her and her abilities to do this work. **20-Nov-2014, Workshop:** Success is well documented, and was referenced in the first workshop. Stated that there is information available from DP3 explaining what did and did not work well, and that knowledge has been incorporated into proposed mitigation concepts for the Project. **01-Apr-2015, Letter from the VFPA:**	**Addressed in EIS Appendix 7.2-B (#201) and EIS Section 17.0:** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorisation will require that functional objectives are met. **Additional information provided by the VFPA:** The placement of fill for the construction of sub-tidal eelgrass habitat will be subject to environmental regulations that establish the guidelines for this fill material. The source of fill material for this work has not been selected at this time but measures will be implemented to ensure that the fill material meets these regulatory guidelines.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	included in the EIS or its appendices. Stated that much of the basis of mitigations proposed for marine vegetation, marine fish, marine invertebrates, coastal birds, and Southern Resident Killer Whales depends entirely on the success of eelgrass transplanting. Stated that eelgrass studies therefore must be included in the EIS, and this data incorporated into the assessment.	Semiahmoo First Nation	Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **30-Apr-2016:** Tsleil-Waututh Nation was invited to an eelgrass transplanting workshop at the VFPA office, but Tsleil-Waututh Nation was unable to attend. **08-Jun-2016, Meeting:** Explained the proposed eelgrass mitigation related to RBT2 and Habitat enhancement Program (HEP). HEP Tsawwassen Eelgrass Project is one example and offered to provide additional information. Undertook to share information on the eelgrass workshop as well as anything on transplant methodology etc. **20-Jun-2016:** Uploaded information related to eelgrass transplants on an ftp site for Tsleil-Waututh Nation's review, including: • Eelgrass Presentation from the April 30, 2016 Knowledge Sharing Workshop; • Eelgrass Display Board/Fact Sheet; • June 2015 Tsawwassen Eelgrass Project Update (we anticipate sending a new update for this project in the next couple of weeks); and • April 2016 RBT2 On-Site Mitigation Information Sheet. The VFPA will follow-up to see if there is interest in scheduling a meeting or workshop to discuss. **03-Aug-2016, Workshop:** There are two projects involving eelgrass transplant. One is the Project-specific onsite mitigation, and the other is HEP - the Tsawwassen Eelgrass Project, which falls under the VFPA. The Tsawwassen Eelgrass Project will potentially be constructed in 2017, pending confirmation of a B.C. EAO exemption. [Post-meeting note: The Tsawwassen Eelgrass Project is not projected to be constructed until 2019+]. It is expected that the geomorphic conditions associated with the Project will enhance favourable conditions for eelgrass. Onsite offsetting in the form of transplants is also proposed, not because eelgrass needs to be offset itself, but because of the importance of eelgrass to other species, like crab and clams. Those onsite offsetting measures proposed in the EIS are not in the works yet. Onsite mitigation will be built as part of the construction of the Project; no work would start before shovels are being put in the ground.		

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Offered to have a focused discussion with Tsleil-Waututh Nation specific to eelgrass transplants both Project-specific and related to the HEP. Note: Discussions are ongoing. **10-May-2018:** At the request of Tsleil-Waututh Nation, the VFPA held a meeting with Tsleil-Waututh Nation and others regarding eelgrass transplanting and donor site selection in relation to the proposed Maplewood Marine Restoration Project in Burrard Inlet.		
TWN-15.6	Concerned that eelgrass transplants will be taken from sites in the Burrard inlet, and that this might threaten the viability of the species.	08-Jun-2016, Meeting	**08-Jun-2016, Meeting:** Stated that it is unlikely that donor sites will be located in the Burrard Inlet, but donor sites will be discussed with Tsleil-Waututh Nation.	**Additional information provided by the VFPA:** The VFPA has been working with Tsleil-Waututh Nation with respect to eelgrass transplants and donor sites within the context of the proposed Maplewood Marine Restoration Project, located in Burrard Inlet, and held a workshop with Tsleil-Waututh Nation and their technical experts, along with VFPA representatives and eelgrass experts on May 10, 2018. The objective of this workshop was to enhance the VFPA's understanding of existing eelgrass donor sites within and outside of Burrard Inlet. This information will be shared where appropriate with the RBT2 Project team and with Indigenous groups participating in the Centerm Expansion Project, Maplewood Marine Restoration Project ,or other relevant HEP projects. With respect to any eelgrass transplantation associated with the RBT2 Project, the selection of donor sites will be determined through consultation with the Tsleil-Waututh Nation and other interested Indigenous groups.	

Table 16: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-16.1	Asked whether proposed mitigation measures (such as for underwater noise) would have an element of monitoring to them.	03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation	**03-Aug-2016, Workshop:** Stated that with regard to construction compliance monitoring, hydrophone technology will be used to monitor underwater noise. **30-Aug-2017, Meeting:** The VFPA hosted a Follow-up Program Workshop, and representatives from Tsleil-Waututh Nation attended. The VFPA discussed the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Tsleil-Waututh Nation on the Follow-up Program and asked what Tsleil-Waututh Nation felt should be considered, what they felt was important to their community and how they would like to be involved going forward.	**Addressed in EIS Section 33.3.1:** The Construction Compliance Monitoring Plan will describe the environmental compliance monitoring and reporting framework for the Project's construction phase. The purpose of compliance monitoring is to verify compliance with the terms and conditions of Project approval and other legislation, industry standards, regulatory requirements, and with the other sub-plans of the Construction EMP. As such, the Construction Compliance Monitoring Plan will describe monitoring parameters and requirements for all other plans in the Construction EMP. As appropriate, the plan will make use of the VFPA's existing monitoring equipment at and around Roberts Bank (e.g., for noise and air quality). The plan will outline the approach to be taken with respect to the scope of compliance monitoring activities to be undertaken by the construction Environmental Monitors, including routine compliance-checking of measurable parameters, including underwater noise.	**EIS** 33.3.1 Construction Compliance Monitoring Plan
TWN-16.2	Asked if crab salvage is an effective mitigation measure. Asked whether it works to pick them up, move them, and have them stay put.	03-Aug-2016, Issues Workshop - Tsleil-Waututh Nation, Métis Nation British Columbia, and Semiahmoo First Nation	**03-Aug-2016, Workshop:** Stated that crabs may not stay put, but they may not re-enter the Project area. Stated that the plan would be to keep them at Roberts Bank; they would not be moved really far afield. Stated that this mitigation was implemented for DP3 and seemed to work pretty well. Crabs have been tracked to travel up to 2 km a day, but typically a lot less. If moved five or six hundred metres away they likely will not be impacted by dredging.	**Addressed in response to IR-7.31.15-12:** As noted in the VFPA's response to IR-7.31.15-12, crab salvages are expected to be partially effective for mitigating effects to crabs. Salvages are a proven approach at Roberts Bank for DP3, but salvages are known to only reduce and not fully mitigate construction-related crab productivity decreases. **Addressed in response to IR5-04:** As noted in the VFPA's response to IR5-04, salvages are planned for all Project activities that have the potential to cause direct mortality to legal-sized male and gravid female Dungeness crabs. A list and schedule of proposed Project activities is provided in Table IR5-04-1; the activities for which Dungeness crab mortality or injury may occur are indicated, and for those activities that may cause mortality or injury, plans for salvages are also indicated. Given the nature of direct mortality effects, mitigation options are limited, and crab salvage is the only viable and feasible mitigation. Salvages were conducted to meet the conditions of the *Fisheries Act* Authorization for DP3. Cutter suction dredging was preceded by ongoing crab salvages (where baited traps were set in advance of dredging and crabs relocated approximately 2 km from the project area) and a visual dive survey (where divers provided visual confirmation of no crabs prior to initial dredging) (Hemmera 2009). In the case of clamshell dredging, visual inspections of the collected dredgeate were made by the contractor's crews and the environmental monitor; only one crab was identified within the dredgeate during the entire project (Hemmera 2009), underscoring the effectiveness of this measure. In consultation with Indigenous groups, the VFPA has heard a suggestion to bait outside the Project area to draw crabs away as opposed to baiting within the Project area and relocating them. The VFPA is currently exploring this option and will determine an appropriate approach to this mitigation method through engagement with relevant regulatory agencies, stakeholders, and Indigenous groups.	**Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314) Response to Sufficiency Information Request #4 (IR5-04 of CEAR Document #1209)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-16.3	Stated that in Volume 3, Section 17.3, Offsetting Potential Effects and Appendix 7.2-B ID 28, Tsleil-Waututh is highly concerned with the VFPA's proposed mitigations that involve offsetting effects. Stated that without understanding how the habitat was evaluated, the timeframe for evaluation, and the details of the 'banking system', Tsleil-Waututh cannot agree that this is an environmentally responsible way to address project effects. Concerned with the Habitat Enhancement Program and requested to be involved in decision-making when projects are being evaluated as debits or credits in the system.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review".*	**Addressed in EIS Section 17.0:** EIS Section 17.0 presents a description of the Project's mitigation framework, which includes the offsetting component. As noted in the section, a detailed offsetting plan will be developed through discussions with regulatory agencies as part of the environmental assessment and permitting process. **Additional information from the VFPA:** As part of the VFPA's approach to environmental stewardship and sustainability, we have been proactively enhancing local habitat for more than 20 years. Since 1991, the VFPA has been creating, restoring, and enhancing fish and wildlife habitat—including salt water marshes, intertidal marshes, and eelgrass beds—to help maintain a balance between a healthy environment and future development that may be required for port operations. HEP, which was formalised through a 2012 Working Agreement with DFO, improves the VFPA's ability to offset potential impacts of development. The program consists of projects around the Lower Mainland, through which the VFPA ensures the viability and sustainability of new and enhanced habitat. Further information concerning HEP is available at: https://www.portvancouver.com/environment/water-land-wildlife/habitat-enhancement/.	**EIS** 17.0 Mitigation Framework for Marine Biophysical Valued Components

Table 17: Port Operations

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-17.1	Asked where ships currently re-fuel in the VFPA's jurisdiction.	22-Oct-2013, Meeting	**22-Oct-2013, Meeting:** Responded that the VFPA will check where the fuelling and bunkering occurs and will get back to Tsleil-Waututh Nation with information. **06-Jan-2014, Letter from the VFPA:** Container ships cannot re-fuel at Roberts Bank as facilities to support bunkering of ships do not exist at Roberts Bank, nor does the Project include any facilities to support bunkering. Container ships are on a tight schedule and will arrange to pick up fuel at a location where they will be at berth for a longer time (home port) and where fuel is less expensive, usually in Asia. Vessels within the VFPA's jurisdiction that need to re-fuel will typically take on fuel in Burrard Inlet, alongside at berth, or at one of the designated anchorages in the inlet. The fuel is delivered to the vessels by barge, either from the Stanovan Marine Terminal (Chevron) in Burnaby or the Shellburn Marine Terminal (Shell Canada), also in Burnaby. Tugs that guide the container ships during arrival and departure, bunker at the Chevron marine fuelling station in Burrard inlet.		
TWN-17.2	Asked for more details on ship anchorage locations.	22-Oct-2013, Meeting	**22-Oct-2013, Meeting:** Responded that there are no anchorages at Roberts Bank. Container ships are scheduled. There are no unexpected arrivals at the Port.	**Addressed in response to IR5-01:** The VFPA's response to IR5-01 discusses anchorages, as well as average anchorage durations. Existing anchorage locations are provided in a map in Transport Canada Appendix C Figure 1 of CEAR Document #982, along with very detailed information regarding anchorages in its response to Panel information request TC IR-07. As part of this response, Appendix C (Pacific Pilotage Authority Marine Shipping Area Anchorage Locations and Specifications) provided the longitudinal and latitude coordinates for all anchorages along with the associated maps for the anchorages outside of VFPA jurisdiction. In addition, use durations of noted anchorages are provided.	**Information Requests** Response to Sufficiency Information Request #01 (IR5-01 of CEAR Document #1078) **Transport Canada Response to TC IR-07 (CEAR Document #982)**

Table 18: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-18.1	Stated that the VFPA should conduct a risk assessment on vessel safety as part of the EIS.	22-Oct-2013, Meeting	**22-Oct-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Addressed in the MSA Section 10.0:** Several independent studies informed the accidents and malfunctions assessment presented in the MSA, including a quantitative risk assessment that estimated probabilities for different types of potential marine vessel accidents from a container ship in transit in MSA Appendix 10-A.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B – Tables **MSA** Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
TWN-18.2	Stated that an increased number of larger ships due to the Project will detrimentally affect the safe travel and navigation of smaller vessels (e.g. crabbing and fishing vessels) in the local study area, shipping channels and the Fraser River. Stated that navigating the landscape and sharing stories is a primary context for Coast Salish cultural transmission.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**22-Nov-2014, Workshop:** Vessel safety will be addressed through discussions with other agencies and groups, and procedures to address vessel safety will be implemented. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#169):** The assessment of Current Use includes the potential effects of the Project on the ability of Indigenous groups to access and use preferred harvesting areas. A quantitative risk assessment was conducted to determine the risk of potential accidents related to small vessels (EIS Section 30.0). **Addressed in EIS Section 32.2.7.1:** The combination of the existing accommodation agreement with Tsawwassen First Nation, the planned accommodation agreement with Musqueam First Nation, the measures to limit potential displacement-related effects to crab harvesting (including those set out in EIS Sections 21.0 and 24.0), and the VFPA's support of Indigenous domestic and FSC crab harvesting within the planned extension navigational closure area are expected to be effective at addressing Project-related effects to Current Use access related to crab harvesting. For Project-related effects on marine access for other Current Use purposes,	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 25.0 Visual Resources 26.0 Land and Water Use 27.0 Human Health 28.0 Archaeological and Heritage Resources 30.0 Potential Accidents and Malfunctions

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				the measures set out in EIS Section 26.0 and the communications protocol and mechanism identified above are expected to be effective at addressing planned and unforeseen events that may interfere with that access. The residual effect on access to preferred Current Use locations as a result of the Project is therefore predicted to be negligible. **Addressed in EIS Section 32.2.7.4:** In combination with the measures to reduce Project-related effects on Current Use access and Current Use resources, the measures identified in EIS Sections 25.0, 27.0, and 28.0 are also expected to be effective at addressing adverse effects on the quality of the Current Use experience that may relate to Project-related changes in sense of place, light, noise, vibration, and air emissions, and cultural heritage and transmission. The VFPA recognises that the quality of Current Use experience is community-specific, and expects the communications mechanism identified in EIS Section 32.2.7.1 to support dialogue between the VFPA and appropriate Indigenous groups on topics of concern, including safety issues, will augment the effectiveness of the other measures identified to address community-specific concerns related to the quality of the Current Use experience. The residual effect on the quality of Current Use experience as a result of the Project is therefore predicted to be negligible. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of a plausible worst-case collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for the following VCs: marine commercial use, outdoor recreation, and human health, as well as Current Use. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. MSA Section 9.5 considers cultural practices, such as the acquisition of traditional foods and the transmission of traditional knowledge. Perceptions of safety, as well as access to preferred harvesting locations and visual or auditory disturbances, are covered in the assessment of potential changes to the following: access to preferred Current Use locations and quality of Current Use experience. **Addressed in AIMSA Appendix 2-B (#5):** The assessment of Current Use considers the risk of collision and perceptions of safety associated with routine Project-associated vessel transit. The assessment of potential accidents or malfunctions includes consideration of a collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for marine commercial use, outdoor recreation, and human health VCs and Current Use and rights. In terms of Current Use and rights discussed in the AIMSA, the analysis and conclusions presented in MSA Section 10.5.13 remain unchanged and are viewed as fully applicable to Tsleil-Waututh Nation in the event their Current Use or the exercise of their asserted or established Aboriginal rights were to be affected by a collision incident, should it occur in the context of marine shipping associated with the Project.	Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.7.1 Mitigation Measure #1: Changes in Access to Preferred Current Use Locations 33.0 Environmental Management Program **MSA** 10.0 Potential Accidents and Malfunctions 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIMSA** 7.0 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 8.0 Potential Accidents or Malfunctions 8.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

Table 19: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-19.1	Stated that Tsleil-Waututh does not think it is necessary to describe the location of the main reserve in relation to the Project. Please delete "approximately 35 km from the Project area" from the first sentence in Paragraph 1 and second sentence in Paragraph 2.	14-Aug-2014, Letter	**25-Mar-2015, Letter from the VFPA:** Revision made.		
TWN-19.2	Stated that the traditional territory description provided for Tsleil-Waututh Nation is inaccurate. In the first sentence, please delete "includes the Lower Fraser River and Mamquam Lake, near the District of Squamish, BC" and change it to: "The Tsleil-Waututh Nation's asserted traditional territory extends approximately from the vicinity of Mount Garibaldi in the north, the 49th parallel and beyond to the south, west towards Gibsons, and east towards Coquitlam Lake."	14-Aug-2014, Letter	**25-Mar-2015, Letter from the VFPA:** Revision made.		
TWN-19.3	Requested that the VFPA delete "part of the Salishan" and "linguistic group" from the first sentence so it is changed to: "The Tsleil-Waututh people are Coast Salish and speak a dialect of Halkomelem called Hun'qumyi'num." Stated that the correct reference for the Tsleil-Waututh Stewardship Policy is (Tsleil-Waututh Nation 2009).	14-Aug-2014, Letter	**25-Mar-2015, Letter from the VFPA:** Revision made.		
TWN-19.4	Tsleil-Waututh requests that "co-management" is added to the last sentence of Paragraph 5 so, it is changed to: "Outside of the treaty process, Tsleil-Waututh Nation has formal agreements with provincial ministries and the District of North Vancouver relating to co-management and resource use within their asserted traditional territory."	14-Aug-2014, Letter	**25-Mar-2015, Letter from the VFPA:** Revision made with edits (see italicised text). "Outside of the treaty process, Tsleil-Waututh Nation *states they have* formal agreements with provincial ministries and the District of North Vancouver relating to co-management and resource use within their asserted traditional territory."		
TWN-19.5	Stated that Tsleil-Waututh Nation's traditional territory is incorrectly portrayed in the EIS; this is the Statement of Intent Boundary and should only be used for treaty purposes. Requested that the black dashed boundary identified as "Tsleil-Waututh Nation Asserted Traditional Territory" be removed, as it does not reflect Tsleil-Waututh Nation's traditional territory but the Statement of Intent (SOI) map, which is only to be used for treaty purposes. All maps, references and interpretations of the Tsleil-Waututh's SOI are to be removed from the EIS. Stated that the Statement of Intent (SOI) is not appropriate to include in any aspect of the EIS as it is only for treaty purposes.	14-Aug-2014, Letter 20-Nov-2014, Health & Aboriginal Rights Workshop – Tsleil-Waututh Nation 15-Jan-2015, Letter 15-Jun-2015, Letter to the CEA Agency (CEAR	**20-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **25-Mar-2015, Letter from the VFPA:** "The EIS Guidelines specifically require 'a map of [Tsleil-Waututh Nation]'s asserted traditional territory.' Unless it is withdrawn, the SOI is by definition [Tsleil-Waututh Nation]'s asserted traditional territory, therefore is required to be included in the EIS. Both the SOI and Consultation Area will be shown on Figure 3-3 and 32-4 [of the EIS]." **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#181):** The *EIS Guidelines* (section 9.2) specifically require "a map of [Tsleil-Waututh Nation]'s asserted traditional territory." Unless it is withdrawn, the SOI is by definition Tsleil-Waututh Nation's asserted traditional territory, therefore is required to be included in the EIS. Both the SOI and Consultation Area were shown on EIS Figures 3-3 and 32-4. **Addressed in response to IR-7.31.15-02:** The VFPA provided, in July 2014, maps of each traditional territory, where asserted or established, to the applicable Indigenous group, along with a community profile, for review and comment. In November and December 2014, the VFPA provided each Indigenous group with the summary of existing conditions for that Indigenous group presented in EIS Section 32.2.4, and requested that each Indigenous group review and comment on that summary.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes ***Updated EIS Guidelines*** **Information Requests** Response to Information Request #2 (IR-7.31.15-02 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
		Document #249)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 1, #2). Additionally, Tsleil-Waututh is welcome to provide the appropriate information in this regard directly to the Panel Secretariat at RobertsBank@ceaa-acee.gc.ca. This will ensure that the Panel, once appointed, has the appropriate information."*	In the case of Tsleil-Waututh Nation, the Statement of Intent map, which Tsleil-Waututh Nation had asked to be removed from EIS Figure 32-4, was retained, as was the Consultation Area, which was used as the basis of assessment for Tsleil-Waututh Nation.	
TWN-19.6	Stated that the BC EAO and VFPA (2012) report referenced [in presentation on Tsleil-Waututh Nation rights and Current Use] is inadequate and requested that it not be considered. Offered to provide a detailed critique of the report. Stated that the Application for the YVR Fuel Delivery Project is listed as an information source on Tsleil-Waututh use of lands and resources for traditional purposes. Stated that that information source is problematic and inaccurate. Advised strongly against using it as a resource on Tsleil-Waututh. Requested that the VFPA review Tsleil-Waututh Nation's rebuttal to the "Application for an EAC by Vancouver Fuel Facilities" for the Vancouver Airport (YVR) Fuel Delivery Project in its research for the EIS.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation 15-Jan-2015, Letter	**25-Mar-2015, Letter from the VFPA:** *"Rebuttal has been reviewed. The "EAO and VFPA 2012" citation has been removed from the [Tsleil-Waututh Nation] section, and replaced with [Tsleil-Waututh Nation] 2012, which is the rebuttal document. No changes to the text were necessary."*		
TWN-19.7	Requested that the VFPA remove all references that pertain to Tsleil-Waututh regarding the Trans Mountain Pipeline Assessment. Stated that the use of this resource is also incredibly problematic.	15-Jan-2015, Letter	**25-Mar-2015, Letter from the VFPA:** *"Concern noted. The Trans Mountain Pipeline reference has only been used for other groups, some of whom provided [the VFPA] with material prepared in the context of the Trans Mountain proposal."*		
TWN-19.8	Stated that given the accurate published information that pertains to Tsleil-Waututh, it is disappointing that, aside from our Knowledge Study, accurate ethnographic sources are largely absent from the VFPA's draft EIS for RBT2, yet secondary, inaccurate project reports are cited. Stated that to ensure robust and accurate research, Tsleil-Waututh Nation staff provided a list of accurate references on Tsleil-Waututh to the VFPA through email communications on 19-Dec-2014.	15-Jan-2015, Letter	**25-Mar-2015, Letter from the VFPA:** *"A thorough statement about the objectives of the past /historical information included in [EIS] Section 32.0 is provided in the second to last paragraph in the introductory section of Existing Conditions (32.2.4). It is assumed that the Knowledge Study provided by [Tsleil-Waututh Nation] best reflects information of import to the [Tsleil-Waututh Nation]."*		
TWN-19.9	Stated that Section 32 of the EIS falls short of describing the innate values that Tsleil-Waututh works to protect every day from a Tsleil-Waututh perspective, specifically culture.	15-Jan-2015, Letter	**25-Mar-2015, Letter from the VFPA:** *"Text added to the Other Cultural Considerations section of [EIS] Section 32.2.4.4."* **01-Apr-2015, Letter from the VFPA:**	**Addressed in EIS Section 32.2.4.4:** Tsleil-Waututh have described culture as a fluid value that is experienced in many different ways, and is not limited to specific activities, locations, or points in time. This value, Tsleil-Waututh	**EIS** 32.2 Current Use of Land and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that culture is a fluid value Tsleil-Waututh experiences in many different ways, and it is not limited to specific activities, locations, or points in time. Tsleil-Waututh culture includes but also transcends these elements described in this draft EIS section. The values of Tsleil-Waututh are alive through the Tsleil-Waututh people and community, and are recognized, protected, and upheld through the Treaty, Lands and Resources Department and many other departments that the Tsleil-Waututh Nation governs. Culture is a way of living and a way of protecting Tsleil-Waututh way of life.		Provided a copy of the EIS, which included EIS Section 32.2.4.4 on Tsleil-Waututh Nation.	has explained, is lived through Tsleil-Waututh people and community, and is recognised, protected, and upheld through the nation's governance (Tsleil-Waututh Nation 2015).	32.2.4.4 Tsleil-Waututh Nation
TWN-19.10	Asked how 'Current Use' is defined throughout the assessment; does it include the goals of Tsleil-Waututh Nation for species restoration, and future use. Stated that Tsleil-Waututh Nation would like to protect future harvesting interests for sturgeon, eulachon, herring and other forage fish, and crab. Stated that the Current Use of Lands and Resources for Traditional Purposes effects assessment does not take into account the Aboriginal right to future and desired use. Stated that the assessment does not fully capture Aboriginal interests, and Project and related impacts to those interests. Stated that Tsleil-Waututh would like to work with the Proponent to incorporate this Information as it pertains to Tsleil-Waututh Nation. Requested that Tsleil-Waututh Nation review the Current Use and Rights sections.	03-Jul-2014, Preliminary EIS Workshop #1 07-Oct-2014, Valued Components Workshop #1 20-Nov-2014, Health & Aboriginal Rights Workshop – Tsleil-Waututh Nation 15-Jan-2015, Letter 18-Dec-2015, Letter to the CEA Agency (CEAR Document #379)	**03-Jul-2014, Workshop:** Stated that the intent is to include Indigenous input for Current Use and other potential impacts on Aboriginal rights and other interests' sections. **14-Jul-2014, Email from the VFPA:** Shared with Tsleil-Waututh Nation the VFPA's draft Tsleil-Waututh Nation community profile. The VFPA sought feedback on draft. **07-Oct-2014, Workshop:** Stated that the methodology for assessing potential adverse Project effects on Current Use is very similar to that for VCs and ICs. Noted that people have had input on that to-date, and if there is additional input going forward, the VFPA would be happy to take that, and it is why we are here. For both sections, the methodology and rationale for how we reached the conclusions will be presented in the EIS. **20-Nov-2014, Workshop:** Stated that Current Use is not defined by the CEA Agency in the *EIS Guidelines*. It is required that effects to Current Use be determined separately from impacts to Rights. Stated that where Tsleil-Waututh Nation has a desired use, the VFPA encourages Tsleil-Waututh Nation to provide that information so that it can be considered. Stated that desired uses have been brought up in today's meeting and can now be incorporated into the assessment. **09-Dec-2014, Email from the VFPA:** Provided Tsleil-Waututh Nation with the VFPA's draft attached sections "Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes" (with accompanying map) and "Aboriginal Commercial Fishing and Seafood Harvesting" for review and comment.	**Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project on Current Use are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency. The rationale for the determination of negligible residual effects to Current Use is included in the EIS. Information sources used in EIS Section 32.0 are listed in EIS Section 32.2.3, with Project-specific studies appearing in EIS Section 32.2.3.1. A full list of references cited appears in EIS Section 32.4.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			15-Jan-2015, Letter from Tsleil-Waututh Nation: Tsleil-Waututh Nation provided a list of requests regarding the draft EIS sections. **25-Mar-2015, Letter from the VFPA:** Provided a comment tracking table with comments provided by Tsleil-Waututh Nation, the response provided by the VFPA, and a description of any subsequent changes made to these documents. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-May-2016, Letter from the CEA Agency (CEAR Document #399):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Tsleil-Waututh Nation's rights from the Project and marine shipping associated with the Project and we encourage you to provide your 'perspective on this topic to the Review Panel."*		
TWN-19.11	Interested in the Aboriginal Rights and Interests section: • Asked if the methodology for VCs is different from the assessment on asserted or established Aboriginal and treaty rights and related interests, and current use. • Asked if there was a significance rating. • Asked if First Nations' input on methodology will be incorporated.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** The VFPA explained that the assessment of potential effects on Current Use generally followed the same methods used in the VC assessments given statutory requirements under *CEAA, 2012*, but that there were key differences for the assessment of potential adverse impacts on asserted and established Aboriginal and treaty rights. The VFPA stated that, for example, significance would need to be determined when looking at potential effects on Current Use, if a residual effect on Current Use was predicted; however, the VFPA is not required to make a determination of significance with respect to potential impacts on asserted and established Aboriginal and treaty rights. The VFPA noted that while the VFPA is required to make a significance determination, the final decision on that determination rests with the federal government. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#26):** The methods used to assess potential effects of the Project on the ability of Indigenous groups to exercise Current Use, and potential impacts on Aboriginal and treaty rights and related interests are described in the EIS. Because residual Project-related effects on Current Use were predicted to be negligible, further assessment, including a determination of significance, was not conducted. A significance determination was not made with respect to potential impacts on Aboriginal and treaty rights. **Additional information provided by the VFPA:** The VFPA sought input from Indigenous groups on the methods for the assessment of potential effects on Current Use and potential impacts on the exercise of Aboriginal and treaty rights prior to submission of the EIS, and incorporated that input, where appropriate (there was very little input on methods received at that time). The VFPA is aware that the CEA Agency has proposed methods for the assessment of potential adverse impacts on the exercise of Aboriginal and treaty rights, and that the CEA Agency has been seeking input from Indigenous groups on those methods.	**EIS** 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-19.12	Disagreed with the finding that the Project is not expected to result in adverse effects to Tsleil-Waututh Nation Current Use, or adversely impact Tsleil-Waututh Nation asserted rights and related interests, or result in detectable effects to Tsleil-Waututh Nation access to the Project area for Current Use. Stated that Tsleil-Waututh Nation believes there is an adverse effect from the Project to Tsleil-Waututh Nation's right to self-governance and making management decisions about its territory.	20-Nov-2014, Health & Aboriginal Rights Workshop - Tsleil-Waututh Nation	**20-Nov-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project on Current Use are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency. The rationale for the determination of negligible residual effects to Current Use is included in the EIS. Information sources used in EIS Section 32.0 are listed in EIS Section 32.2.3, with Project-specific studies appearing in EIS Section 32.2.3.1. A full list of references cited appears in EIS Section 32.4.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
TWN-19.13	Stated that in Volume 5, Section 32 and Appendix 7.2-B ID 26, Tsleil-Waututh does not agree that project related effects on current use of lands and resources for traditional purposes are deemed to be negligible. Stated that it is premature to make this conclusion. This conclusion can only be made when the effects of the project are known.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #249)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information from [the VFPA] on this item. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. A robust monitoring and follow-up program will be implemented to assess the effectiveness of mitigation measures. **Addressed in EIS Section 33.5:** Similar to the AMS for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an	**EIS** 33.5 Follow-Up Program

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives. The Follow-up Program will also report on implementation of mitigation measures resulting from Indigenous engagement, which will include the following: • Verification of predictions of environmental effects with respect to Indigenous people, as well as residual effects that could not be addressed within the context of the environmental assessment; • Determination of the effectiveness of mitigation measures as they relate to environmental effects with respect to Indigenous people; • Support for the implementation of adaptive management measures to address previously unanticipated adverse environmental effects with respect to Indigenous people, or unanticipated adverse effects to Aboriginal or treaty rights; • Verification of the measures identified to prevent and mitigate potential adverse effects of the Project on potential or established Aboriginal rights; and • Provision of information that can be used to improve and support future environmental assessments and Indigenous engagement processes.	

Table 20: Project Overview and Description

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-20.1	Asked about the rationale for the Project, and economic factors related to trade through the gateway.	08-Jun-2016, Meeting	**08-Jun-2016, Meeting:** Committed to send more information on the topics. **17-Jun-2016, Email from the VFPA:** A report prepared by Ocean Shipping Consultants provides more information on the competitive landscape of Pacific Northwest ports and impact of any infrastructure improvements that are planned or underway. The report provides an overview of current and planned capabilities, as well as forward-looking, competitive outlook of Pacific Northwest terminals, including those in Seattle, Tacoma, Portland, Vancouver, and Prince Rupert. The report is available at the following link: http://www.robertsbankterminal2.com/wp-content/uploads/Port-Metro-Vancouver-Container-Traffic-Forecast-Ocean-Shipping-Consultants-June-2014.pdf.	**Additional information provided by the VFPA:** All levels of government have plans to capitalise on a growing global economy, which requires Canada to be prepared for the trade that will come to Canadian ports. At the Port of Vancouver, we handled a record 3.25 million twenty-foot equivalent unit (TEU) containers in 2017. Historical trade figures and third-party forecasts have long signalled that the ability of west coast ports to serve this growth is becoming constrained, and by the mid-2020s we will not have the capacity to handle anticipated future growth of trade in containers at the Port of Vancouver. The role of the VFPA is to ensure the port is ready for Canada's trading future. As we plan, we must consider how to provide needed port facilities within a growing metropolitan area. To date, we have partnered with industry, governments, and communities to improve road and rail networks, investing to help goods flow smoothly throughout our region. We have also consulted with local governments, Indigenous groups, and residents on the ways we can grow responsibly. Investments in increased size and improved efficiency are being, or have been, made to west coast container terminals, including recent improvements at the Port of Vancouver's Deltaport, Canada's largest container terminal, and Fairview in Prince Rupert. However, even with these investments, we will not have enough space to accommodate the shortfall in needed capacity. The RBT2 Project represents the best option to accommodate growth and is needed to deliver the capacity we need as demand for goods shipped in containers continue to grow. Independent container capacity forecasts Since 2011, the port authority has commissioned independent forecasts which consider many factors that influence container traffic demand, including: • Gross Domestic Product growth; • World demand for Canadian resources; • Increased consumer demand for trade with Asia; • Opening of the expanded Panama Canal; • Planned container terminal expansion at the Port of Prince Rupert; • Macroeconomic trends in North America; • North American container port demand and competitive developments; • Trends in container shipping; and • Vancouver's competitive position compared to other North American ports. The 2016 Ocean Shipping Consultants forecast shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of about 4%, and reinforces the need for planned increases of capacity to ship goods in containers through the existing container terminals in Vancouver and the Fairview Terminal in Prince Rupert.	Roberts Bank Terminal 2 Project, Meeting Canada's Trade Demand, Project Rationale http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Project-Rationale-March-20151.pdf Ocean Shipping Consultants 2016 Container Traffic Forecast Report http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf

Table 21: Project Benefits

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-21.1	Stated that there is an interest in benefitting socially and economically from the Project, including revenue sharing, employment (specifically, long-term skilled positions), contracting and training. Directed the VFPA to Tsleil-Waututh Nation's economic development department, community development departments, and economic development business Inlailawatash to discuss opportunities. Stated that in Volume 1, Section 7.7.2.5. Summary of Aboriginal Group Issues and Interests, the effects to revenue sharing is excluded. This issue was raised by Tsleil-Waututh in meetings and in writing to the VFPA, but is not acknowledged in this section. Stated that the economic benefits described in Appendix Table 7-2B (10 112) do not capture opportunities for Tsleil-Waututh Nation. Cowichan Nation's request for revenue sharing is indicated here, but not Tsleil-Waututh's. Interested in economic benefits.	20-Nov-2014, Health & Aboriginal Rights Workshop – Tsleil-Waututh Nation 15-Jun-2015, Letter to the CEA Agency (CEAR Document #249) 08-Jun-2016, Meeting with Tsleil-Waututh Nation Economic Development	**20-Nov-2014, Workshop:** Recorded Tsleil-Waututh Nation's interests. Stated that the first opportunities for employment and contracting from the Project would be construction-related, which would still be a few years off, but the VFPA would like to get the conversation started early. Committed to following up with Tsleil-Waututh Nation's economic development department to discuss opportunities further. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency (CEAR Document #313):** *"The Agency did not request additional information from [the VFPA] on this item. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **08-Jun-2016, Meeting:** Team members from the VFPA met with representatives from Tsleil-Waututh Nation Economic Development to share information about opportunities related to RBT2, HEP, and Centerm Expansion Project (CEP). Stated that more information would be coming on contracting, employment, and other benefits. **10-May-2017, Letter from the VFPA:** Expressed the VFPA's interest in meeting with Tsleil-Waututh Nation to discuss: • Proposed RBT2 legacy benefits for Indigenous groups; and • Entering into a RBT2 Project Mutual Benefits Agreement. Stated that it is the VFPA's understanding that it is Tsleil-Waututh Nation's preference to wait until the environmental assessment process is further along before engaging in discussions related to both the RBT2 Indigenous group legacy benefits and a RBT2 Mutual Benefits Agreement. Requested confirmation that the VFPA has correctly understood Tsleil-Waututh Nation's preference in relation to these two opportunities. **17-Apr-2018, Email from the VFPA:** Reiterated interest in commencing RBT2 Mutual Benefits Agreement negotiations with Tsleil-Waututh Nation. **11-Jul-2018, Email from the VFPA:** Followed up regarding Tsleil-Waututh Nation's interest in beginning negotiations for a Mutual Benefits Agreement.	**Addressed in EIS Appendix 7.2-B (#215):** The VFPA proposes to assist Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribes, Hwlitsum, and Métis Nation British Columbia in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 20.0 Economic Development 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

Table 22: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-22.1	Requested more information on the Maintenance Dredging Plan.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Stated that at this point, there is very limited information. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 4.4.2.5 Maintenance Activities.	**Addressed in EIS Section 4.0:** Information can be found in EIS Section 4.0. Maintenance dredging has not been required to date for the existing Roberts Bank terminals; consequently, it is expected that the Project will require limited or no maintenance dredging at the marine approach areas, berth pocket, and tug basin.	**EIS** 4.0 Project Description 4.4.2.5 Maintenance Activities

Table 23: Traffic / Transportation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-23.1	Asked how road traffic will be assessed and considered as part of the human health assessment.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that traffic is not a VC in this assessment, but effects related to traffic are covered through the noise and vibration, air quality, and health assessments. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#220):** The EIS considers the effects of incremental truck traffic within VFPA jurisdiction. The economic development assessment (EIS Section 20.0) considers economic effects in Metro Vancouver and B.C. related to an increase in trucking activity related to the Project. Environmental and social effects associated with Project-related increases in truck traffic on the causeway are considered in the EIS assessments of air quality (EIS Section 9.2) noise and vibration (EIS Section 9.3), services and infrastructure (EIS Section 23.0), human health (EIS Section 27.0), and Current Use (EIS Section 32.2). The EIS also considers the potential cumulative effects of the Project in combination with other projects and activities, including existing and incremental road, rail, and marine vessel traffic. Note the VFPA issued a revised version of EIS Section 27.0 and EIS Appendix 27-B (see CEAR Document #412).	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods Appendix 8-A Valued Component Selection Rationale 9.2 Air Quality 9.3 Noise and Vibration 27.0 Human Health

Table 24: Visual Resources – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
TWN-24.1	Requested that native plant species be planted along the causeway to partially mitigate visual impacts from the Project.	08-Oct-2014, Preliminary EIS Results Workshop	**08-Oct-2014, Workshop:** Stated that a vegetation buffer would only deal with visual effects along the causeway. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#124):** The use of a vegetation buffer along the causeway as a proposed mitigation measure for effects on daytime visual resources was excluded from further assessment after consideration of feedback received during consultation with Indigenous groups, as well as inter-disciplinary input on technical feasibility. It was concluded that a vegetation buffer would have limited, if any, effectiveness as mitigation for adverse effects on visual resources, and could result in a predation risk to shorebirds from raptors. Moreover, past experience with a vegetation buffer on the causeway have been unsuccessful due to soil conditions.	**EIS** 25.0 Visual Resources 25.7 Mitigation Measures
TWN-24.2	Asked whether there are possibilities for visual resources mitigations offsite. Suggested Aboriginal art installations at the BC Ferries terminal.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Stated that offsetting visual impacts is an interesting suggestion, which will be taken back. The BC Ferries causeway is outside the VFPA's jurisdiction.	**Additional information provided by the VFPA:** This suggestion is being considered as opportunities for cultural recognition on the Project and may be an opportunity pursued through the Aboriginal Legacy Benefits Program.	

APPENDIX IR10-01-C5

STZ'UMINUS FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Stz'uminus First Nation

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-1.1	Asked for clarification on the assertion that air quality is expected to improve while climate emissions increase. Requested additional information on the new air emission standards.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that air quality improves with a decrease in emissions for criteria air contaminants as well as for some traces in organic compounds. Greenhouse gas emissions will be higher in terms of global emissions, so that is what is meant by an improvement in air quality as well as an increase in climate emissions. There will be decreases in emissions both overall and on a per-truck basis because of new, more stringent emission standards for on-road vehicles. The assessment only considers emission reduction measures that have been confirmed. There may well be additional reduction measures in the future that would further contribute to lowering emissions. Future reductions in emissions can be estimated based on expected equipment turnover. The Vancouver Fraser Port Authority's (VFPA) truck licensing system restricts the engine age and emissions standards of vehicles that are allowed to enter VFPA terminals. By 2015, all trucks that access VFPA marine terminals will be required to achieve a 2007 engine emission performance or better. The International Maritime Organization (IMO) is implementing the North American Emission Control Area (ECA), which will be coming into effect in January 2015, requiring the sulphur content in fuel to be no higher than 0.1% for vessels.	**Addressed in EIS Section 9.2.7.1:** Regulatory initiatives for air quality and their incorporation into the assessment of future emissions are described in EIS Section 9.2.7.1. **Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of Roberts Bank Terminal 2 (RBT2 or Project). The results of the air quality assessment were used in the assessments of human health and current use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related fuel combustion and fugitive dust emission sources during the construction phase, and fuel combustion emission sources during the operation phases, and compared future conditions with the Project to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and cargo handling equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial, and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected to continue in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Predicted maximum concentrations were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving future air quality compared to predicted concentrations. The predicted concentrations also did not account for the switch to the use of liquefied natural gas (LNG) fuel for ferry vessels at the BC Ferries Terminal. The assessment concludes that: • Air quality in the region will improve in the future, with or without the Project, as a result of improvements in engine technologies as older equipment is replaced by newer equipment at the three existing marine terminals, and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected improvements in future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants, but will be mitigated through the use of emission reduction measures to limit fugitive dust emissions and a monitoring program to guide construction activity in the event that ambient air concentration exceed defined criteria threshold levels. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminants (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below ambient air quality criteria on land, with limited exceptions. The exceptions for predicted nitrogen dioxide levels near the causeway are considered to be an artificially caused by the conservative methods used in the air quality assessment, and are not expected to actually exceed established ambient air quality criteria. • The Project is expected to have a negligible effect on future ozone levels. • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.7.1 Regulatory Initiatives 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Appendix H – Westshore Coal Dust Assessment

Stz'uminus First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality because air quality is expected to improve. The benefits of existing emission reduction initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits to air quality, such as improvements in engine technology and fuel quality, are described based on their anticipated level of benefit to future air quality emissions, in EIS Section 9.2.7. Through its ongoing Air Action Program*, the VFPA is constantly looking at addressing air quality and climate change, by focusing on the use of technologies and the promotion of operational efficiencies to reduce air emissions from port operations, such as those mitigation measures suggested during consultation. Key components of the Air Action Program include the EcoAction Program, the Northwest Ports Clean Air Strategy, the Landside Air Emissions Inventory, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air Action Program can be found at http://www.portmetrovancouver.com/en/environment/initiatives/Air.aspx. *The Air Action program was renamed to Air, Energy and Climate Action. As part of the Deltaport Third Berth Project (DP3), the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings. **Additional information provided by the VFPA:** The analysis of the data from this station indicates that there has been a reduction in both sulphur dioxide (SO_2) and fine particulate matter ($PM_{2.5}$) concentrations measured at this monitoring station after the implementation of the requirements for low sulphur fuels from ships under ECA regulations. For 2010, the levels of carbon monoxide, SO_2, $PM_{2.5}$, and ground-level ozone meet the most stringent of Canadian, provincial, and regional ambient air quality standards or objectives. **Additional response provided by the VFPA:** During operation, Project-related exposures to air emissions are not predicted to result in measurable health effects. During construction, a moderate health effect is predicted for a small area over water between the Westshore and RBT2 terminals, where public access is not likely. Therefore, health effects during construction are unlikely to occur. Air quality will be monitored during construction and operation, and there would be adaptive measures should Project emissions result in exceedance of ambient air quality objectives/criteria.	

Stz'uminus First Nation

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-2.1	Asked about the process of determining whether the Project is feasible, and whether the decision was made based on only economic and technical factors, or if environmental or cultural impacts were considered.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that in going through the process of selecting the Project location and design, the VFPA has considered environmental effects throughout the design process, and many changes have been made along the way. Stated that the design that has been selected is conceivably acceptable to environmental regulators. Stated that the Panel will determine whether the effects of the Project can be mitigated sufficiently.	**Addressed in EIS Appendix 7.2-B (#2):** The VFPA's approach for identifying and selecting alternatives was undertaken internally. As part of this process, the VFPA reviewed and considered Indigenous input provided as part of the environmental assessment processes for prior projects at Roberts Bank. Alternatives to the Project are described in EIS Section 5.0. The VFPA considered the following alternatives for creating container capacity to meet the forecasted demand, both within and outside of its jurisdiction: • Incremental capacity and efficiency increases are underway or in planning at Deltaport Terminal and Centerm. These projects will help meet short-term container demand to the early 2020s, but would not meet forecasted longer-term requirements. • Lease tenures on properties adjacent to the Vanterm property will persist until at least the late 2020s, and converting them to containers would displace other trade-related activities. If improvements at Vanterm were feasible, expansion would not be anticipated until sometime after 2030, and therefore would not meet the need to deliver additional container capacity required by the mid-2020s. • Larger container ships, such as those visiting Deltaport Terminal, Centerm, and Vanterm, cannot be accommodated in the Fraser River channel due to draught requirements and length (ability to turn around in the river). Fraser Surrey Docks is not expected to be a major source of container capacity to meet demand beyond 2018. • Conversion of the Lynnterm terminal to handle containers is not technically or financially feasible, due to road constraints and conflict with current handling operations. • Development of the VFPA's Fraser Richmond properties to provide large-scale container capacity is not technically feasible due to road and rail capacity constraints and issues with larger container ships in the Fraser River channel. • Planned expansions at the Fairview Terminal in Prince Rupert will help meet short-term west coast container demand to the early 2020s, but will not meet forecasted longer-term requirements. The results of the VFPA's analysis concludes that the Project is the only technically and financially feasible option to meet long-term demand for container capacity on Canada's west coast. Feasibility of the Project will also be determined by the outcome of the environmental assessment process, and the decisions by provincial and federal ministers of the environment. **Addressed in response to IR1-06:** Technical feasibility criteria used to evaluate alternatives to the location, orientation, layout and configuration of the marine terminal at Roberts Bank was based on whether potential environmental effects were deemed to be acceptable by regulators. Generally, alternatives located in subtidal habitat (i.e., deeper waters) were considered favourable as the potential for environmental effects in shallower, intertidal waters would increase the potential for effects to marine invertebrate and fish habitats, and pose a risk to obtaining the permits required for the Project (i.e., Fisheries Act Authorization). Economic feasibility criteria considered construction costs and schedule (including dredge, fill, and soil improvement requirements), as well as operational costs associated with downtime from weather/navigation constraints, yard efficiencies, and maintenance dredging. Options W1 and W2 of the terminal, located west of the existing Roberts Bank terminals were considered to be technically and economically feasible (Table IR1-06-2). An assessment of environmental effects of these alternatives is provided in the VFPA's response to IR1-07.	**EIS** 5.0 Alternative Means of Carrying out the Project 5.3.1 Increase Capacity and Efficiency of Existing Container Terminals within VFPA Jurisdiction 7.0 Engagement and Consultation 7.2.1 Aboriginal Groups Engagement and Consultation, Engagement and Consultation Process Overview Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) Response to Sufficiency Information Request #07 (IR1-07 of CEAR Document #897)

Stz'uminus First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-2.2	Requested additional information and asked about the Port Alberni Trans-shipment Hub concept.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the Port Alberni Port Authority has put forth a proposal that would see the creation of a transshipment container terminal where containers would be [barged to Vancouver and]unloaded from vessels and transferred to barges for shipping. From there the containers would be unloaded from the barges at a terminal and transferred for intermodal transport by truck and rail. It is a concept that has been publicly presented, but its current status is uncertain with respect to economic viability and willingness-interest from industry; it would require a major shift in the way containers are handled on the west coast of North America, [and would still require additional terminal capacity in Vancouver].		**EIS** 5.0 Alternative Means of Carrying out the Project 5.3 Location of Marine Terminal within British Columbia Alternatives Appendix 7.2-B Aboriginal Groups Issues and Interests Table

Stz'uminus First Nation

Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-3.1	Requested more information on beach weirs and historic tidal channels. Concerned that the Archaeological Overview Assessment only considers fish weirs for sturgeon and does not consider other types (i.e., salmon).	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#154):** Ethnographic information including Indigenous Traditional Knowledge (ITK) suggests that salmon were traditionally caught using methods other than those using wooden stakes. These methods, trawl nets and harpooning, are not likely to have left archaeological evidence if they were used. The potential effects are to "fish trap stakes" in general and consider other species of fish in addition to sturgeon (i.e., salmon).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.5.1.2 Ethnography
STZ-3.2	Concerned about the exclusion of Cowichan Nation Alliance member nations from the scope of the Archaeological Overview Assessment.	04-Mar-2014, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**04-Mar-2014:** Recorded comment for consideration by the Project team. **06-May-2014, Letter from the VFPA to the Cowichan Nation Alliance:** Stated that the purpose of the Archaeological Overview Assessment is not to provide a detailed ethnographic history, but an ethnographic overview of the study area. However, the ethnography section has been revised and also includes a listing of all First Nations that have a potential claim to the study area, according to GeoBC's Consultative Areas Database. The Cowichan Nation Alliance provided the Brealey report to the VFPA in confidence. The VFPA requested permission from the Cowichan Nation Alliance to provide the report to Millennia Research Limited but was denied. Therefore, this information is not included in the Archaeological Overview Assessment. **22-Oct-2014, Workshop:** Stated that Tsawwassen First Nation, Musqueam First Nation, and Hwlitsum provided the VFPA with information about fish weir use on the intertidal flat and that this preliminary assessment was written before more recent information had been received. The VFPA has read the report prepared by Dr. Kennedy and submitted by the Cowichan Nation Alliance regarding historical use, and recalled that information about Halalt use of traps for salmon was provided. The VFPA apologised that information is not reflected in the presentation, and explained this presentation had been prepared prior to reading the report. The scope of the Archaeological Overview Assessment is not meant to cover proof of claim. There is a section covering Current Use that includes a very comprehensive discussion of the interests and use of the Cowichan Nation Alliance, which is much broader than this assessment, which considers the potential physical disturbance of archaeological sites. The VFPA committed to take the feedback and information shared and provide it to the teams working on the assessment and writing the reports.	**Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the local assessment area (LAA). The results of the archaeological and heritage resources assessment were considered in EIS Section 32.0. The LAA included the physical footprint of the Project plus a 100 m buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area (RAA) considered a four kilometre (km) area around the Project area. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past uses are directly linked to the type of physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project. The scope or methods of the archaeological and heritage resources assessment are described in EIS Section 28.0.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.2 Selection of Archaeological and Heritage Resources VC 28.3 Assessment Boundaries 28.4 Information Sources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-4.1	Asked whether there is potential for wildlife to confuse day for night due to lights.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that this was considered for birds, and more information would be provided in a later presentation on light. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presented on coastal birds, stating that effects from disturbance (noise, light, vessel movement) can be effectively mitigated. Presented mitigations measures to address lighting impacts, valances to minimise light trespass. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on valued components (VCs) and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources, and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of Environmental Management Plans, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. **Addressed in EIS Appendix 7.2-B (#99):** A review of documented effects of both natural and artificial light on birds is provided in EIS Section 15.7.2.1. The EIS considers the potential effects of artificial light on coastal birds, including the potential for increased risk of predation on shorebirds by nocturnal raptors (i.e., owls). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds. **Addressed in MSA Section 8.3:** Potential effects of artificial light from shipping traffic in the marine shipping area. The MSA notes that nocturnal feeding marine birds can be attracted to artificial light sources, such as ship lighting, and that mortality is known to occur. For the LAA, no collisions with vessels have been recorded, which indicates that collisions with vessels are most likely infrequent and, if they do occur, do so on a small scale (in terms of the number of birds).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines 13.0 Marine Fish 13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity, 13.7.5 Mitigation Measures, Mitigation #4 for Changes in the Light Environment 15.0 Coastal Birds 15.7.2.1 Mechanisms Affecting Productivity 25.0 Visual Resources 25.7.2 Mitigation Measures, Mitigation Measure #2 – Lighting Design and Operation – Light Management Plans 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan **Marine Shipping Addendum (MSA, CEAR Document #316)** 8.3 Coastal Birds **Information Requests** Response to Sufficiency Information Request #02 (IR9-02)

Stz'uminus First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in response to IR9-02: The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	
STZ-4.2	Asked if Tundra and Trumpeter Swans use the Project area, and whether or not they were considered in the assessment. Added that swans were historically numerous, then disappeared.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that swans have been in the area, and that long-term use of that area by the species is understood.	**Addressed in EIS Appendix 7.2-B (#93):** The Fraser River estuary is an important area to many coastal birds because of the abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds. The assessment of coastal birds focused on seven sub-components: • Shorebirds, represented by Pacific dunlin and western sandpiper; • Waterfowl, represented by American wigeon and brant (which is a proxy for swans); • Herons, represented by great blue heron; • Diving birds, represented by surf scoter and western grebe; • Raptors, represented by bald eagle, barn owl and peregrine falcon; • Gulls and terns, represented by Caspian tern and glaucous-winged gull; and • Passerines, also known as songbirds, represented by barn swallow. The use of the Fraser River estuary and the Project area by trumpeter swan and tundra swan is described in the EIS, under the waterfowl section (EIS Section 15.5.4). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity
STZ-4.3	Asked why humans had not been considered in the Shorebird Opportunity Model.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that interactions are addressed separately in the EIS. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 15.0:** The focus of the Shorebird Opportunity Model (EIS Appendix 15-B) was on shorebird access to food sources and the capacity of the LAA to support existing and future shorebird populations (with the project). Although humans may interact with shorebirds, the food resources upon which shorebirds depend are largely in the intertidal zone where the potential for shorebird-human interactions are minimal.	**EIS** 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity

Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-5.1	Stated that elders in 1990 asked for flow to be maintained through the causeway. Commented that sand appears to have accumulated on the north side of the causeway. Asked about the long-term environmental impacts of the existing causeway.	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**01-Nov-2013, Meeting:** Responded that work completed by a coastal geomorphologist and by a fisheries biologist determined that by breaching the causeway more damage would be done. Responded that work was completed to look at flow through the causeway and it was determined that while it was conceptually okay, in practice it would create a bigger issue (i.e., it would remove the mudflat if you removed the causeway). The reason why the terminal is situated further out from the mudflats is because building a terminal near the mudflat would have a negative impact. The further out the terminal is built, the less impact to the mudflat. **22-Oct-2014, Workshop:** Presented information on coastal geomorphology, including the existing conditions and the anticipated future changes as a result of the Project.	**Additional information provided by the VFPA:** An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes and hydraulic behaviour in the inter-causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. Furthermore, the assessed opening would be expected to have only a minimal contribution to flushing flows in the inter-causeway area. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway. Further information concerning this study is available in the VFPA's response to IR1-13. **Addressed in the EIS Appendix 7.2-B (#52):** EIS Section 9.5 describes existing conditions on Roberts Bank, including the past influences of the Roberts Bank causeway and BC Ferries Terminal causeway on the Roberts Bank ecosystem. The potential effects of the Project on ocean currents (hydrodynamics), wave climate, and local seabed scour and deposition (morphodynamics) were investigated using the TELEMAC numerical modelling system. Since no reasonably foreseeable projects or activities were identified during the assessment that will influence or change the conditions of coastal geomorphology within proximity of the Project, an assessment of future incremental cumulative changes to coastal geomorphology was not undertaken. **Addressed in response to IR2-09:** Additional clarification is provided in the VFPA's response to IR2-09, which describes how sand was deposited on the north side of the causeway during the initial causeway construction activities in 1969. These sediments have persisted and are not the result of ongoing coastal geomorphology processes. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The potential effects of opening the causeway were assessed by Northwest Hydraulic Consultants Ltd. in June 2005. Based on the tidal influence in the area, it was determined that there would be no benefit with regard to introducing flows through the causeway (e.g., the amount of water that would flow through the opening would be very small compared to the tidal exchange in the inter-causeway area), and such an opening may actually result in new channel formation and concurrent erosion of existing eel grass.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.5.5 Methods 9.5.6 Existing Conditions 9.5.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.5-B Rationale for Exclusion of Other Certain and Reasonably Foreseeable Projects in the Cumulative Change Assessment of Coastal Geomorphology **2005 Memorandum Concerning Potential Effects of Opening the Roberts Bank Causeway** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. **Information Requests** Response to Sufficiency Information Request #13 (IR1-13 of CEAR Document #897) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961)
STZ-5.2	Asked how the Project affects the water. Asked for further clarification related to changes in geomorphology	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Noted that studies are being conducted on coastal geomorphology. Noted that the studies will form the basis of the environmental assessment and they are ongoing.	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.6 Surficial Geology and Marine Sediment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	associated with the proposed Project. Asked what the environment will look like with changes in accretion and siltation.	EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the environment will experience only very slow change. Stated that there is not expected to be a lot difference with the addition of the proposed Project. Referred to the image on slide 31 of the presentation that illustrated where a difference is expected. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology Technical Advisory Group (TAG). The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration have been modified to reduce the potential for a number of adverse changes to geomorphology during Project construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur during construction only, and will be temporary and reversible. The VFPA will ensure the study and management of potential channel formation related to drainage of tidal waters through the causeway dyke during the construction phase. Changes will be incorporated in detailed design, as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities. **Addressed in response to IR2-08:** As outlined in the VFPA's response to IR2-08, ongoing geomorphic processes have resulted in changes to the Fraser River delta foreslope (located in deeper water at the outer edge of the tidal flats) in the vicinity of the proposed terminal. Construction of RBT2 will result in armouring of a 1,700 m long section of the foreslope down to -30 m chart datum (CD), and will effectively halt any erosion of the foreslope in that area that may be occurring at present. **Addressed in responses to IR2-07 and IR2-09:** As outlined in the VFPA's responses to IR2-07 and IR2-09, topographic changes on the tidal flats have been evaluated, including changes to existing tidal channels. These changes are related to ongoing geomorphic processes as well as changes related to previous construction of the causeway and existing terminals. Widening of the causeway and development of RBT2 is not predicted to change drainage patterns or the morphology of the tidal flats in this area north of the causeway in the future with the Project. **Addressed in response to IR2-16:** Clarification concerning the assessment of changes to coastal geomorphology that may occur in relation to the construction and operation of the proposed Project is provided in the VFPA's response to IR2-16. The response confirmed that all Project components have been assessed in	9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 35.0 Effects Assessment Summaries **Information Requests** Response to Sufficiency Information Request #07 (IR2-07 of CEAR Document #961) Response to Sufficiency Information Request #08 (IR2-08 of CEAR Document #961) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961) Response to Sufficiency Information Request #16 (IR2-16 of CEAR Document #961) Response to Sufficiency Information Request #17 (IR2-17 of CEAR Document #961)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				accordance with the requirements of the *Updated EIS Guidelines* for the local study area, which extends from the BC Ferries Terminal to Canoe Passage. **Addressed in response to IR2-17:** The VFPA's response to IR2-17 includes additional clarification concerning the expected extents of changes to coastal geomorphology related to the proposed Project. Changes to coastal geomorphology and hydrodynamic conditions in areas on the south side of the existing Roberts Bank causeway, including the inter-causeway area and areas south of the BC Ferries Terminal, that are related to the Project components on the north side of the causeway are not anticipated because areas on the south side are hydrodynamically isolated from the north side of the Roberts Bank causeway by deep water and the presence of the existing causeways. The only Project component expected to influence coastal geomorphology or hydrodynamics in the inter-causeway area is the expanded tug basin, which is expected to result in localised changes to the existing coastal landforms in that area.	
STZ-5.3	Concerned that Canoe Pass is getting closed off because of the current terminal configuration and corresponding build-up of sand.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table

Table 6: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

STZ-6.1	Asked whether potential negative impacts on other industries are assessed in the economic development valued component.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:**
			Responded that the impacts on other industries was assessed in the EIS.
			01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.
				Addressed in EIS Appendix 7.2-B (#113):
				The economic development assessment evaluated potential Project-related effects on local and regional economies, and focused on:
				• Business revenues associated with the direct supply of materials, goods, and services to the Project for construction and operation;
				• Business revenues associated with supply of inputs to the businesses that are directly supplying goods and services to the Project;
				• Induced revenues for businesses related to household spending by workers employed as a result of the Project;
				• Construction sand supply and consumption; and
				• Consistency with economic development plans.
				The economic development assessment concluded that:
				• The Project is expected to result in the following positive effects on economic development in Metro Vancouver:
				  ○ During the 5.5 year construction phase:
				  ▪ $837 million in additional gross revenues to businesses in Metro Vancouver
				  ▪ $238 million in induced household spending in Metro Vancouver
				  ○ During operation:
				  ▪ $31 million annually in materials, good, and services contracting revenue to the economy of Metro Vancouver
				  ▪ $71 million of annual induced household spending in in Metro Vancouver
				• The Project is expected to result in an increase in materials, goods, and services contracting revenues for Indigenous businesses located in Metro Vancouver.
				• The Project is expected to result in negligible effects on construction sand availability and price.
				• The Project is consistent with economic development strategies in Metro Vancouver's Regional Growth Strategy, the economic development objectives of the City of Delta, and the general directions set out in the Tsawwassen Land Use Plan of Tsawwassen First Nation.
				• The Project is expected to result in positive effects to economic development in Metro Vancouver; therefore, the Project is not expected to result in measurable adverse residual effects. The Project is not expected to result in incremental adverse cumulative effects on economic development.
				• The economic development assessment includes assessment of potential adverse effects on local sand supply, resulting from the Project-related demand, as well as potential adverse effects on labour market balance (including wage inflation or labour shortages). Further details on rationale for the scope, methods, and conclusions are provided in EIS Section 20.0.
					EIS
					Appendix 7.2-B Aboriginal Groups Issues and Interests Table
					19.0 Labour Market
					19.7.3 Potential Effect #3 - Potential Change in Labour Market Balance
					20.0 Economic Development
					20.6.1 Rationale for Negligible Effect – Change in Construction Aggregate Availability and Price
					20.6.2 Potential Effect #1 – Change in Materials, Goods, and Services Contracting Revenues
					20.6.3 Potential Effect #2 – Change in Induced Output (Revenues)
					20.6.4 Potential Effect #3 – Consistency with Economic Development Plans
					20.8 Characterisation of Residual Effects and Context

STZ-6.2	Requested longitudinal socio-economic studies beyond what is required for the EIS.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by Project team.	**Additional information provided by the VFPA:** The EIS was developed to meet the requirements specified in the *EIS Guidelines*, including the nature, scope, and extent of the information required of a designated project being assessed pursuant to the *Canadian Environmental Assessment Act, 2012* (*CEAA, 2012*) and the	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			29-Oct-2014, Aboriginal Groups EIS Preliminary Results Workshop #4: Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-May-2016, Email from the VFPA to Stz'uminus First Nation:** Provided an "Employment Opportunities Information Sheet." The information sheet highlighted opportunities during construction and operations.	*BC Environmental Assessment Act*. The socio-economic studies undertaken to support the EIS fulfil this requirement.	Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**
STZ-6.3	Concerned about the labour market and economic development studies excluding Aboriginal members and/or communities located outside the Metro Vancouver region.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**11-Dec-2014:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **19-Apr-2016, Letter from the VFPA to Stz'uminus First Nation:** Shared meeting notes from the 11-Dec-2014 workshop, which included the following post-meeting note: As noted in the response for issue ID# 111 of RBT2 EIS Appendix 7.2-B, the local assessment area (LAA) for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur	**Addressed in the EIS Appendix 7.2-B (#111):** The LAA for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measureable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measureable or detectable. **Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 18.0 Social and Economic Setting 18.4 Population 19.0 Labour Market 19.3.1 Spatial Boundaries 20.0 Economic Development 20.3.1 Spatial Boundaries 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			locally and are measureable or detectable. While there may be members of Aboriginal groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Aboriginal groups were not considered to be measureable or detectable. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project.	

Table 7: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-7.1	Proposed that certain central terms be defined to ensure consistent use and understanding throughout the Project review process – namely "cumulative effect," "cumulative environmental effect," "mitigation," and "report".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Canadian Environmental Assessment Agency (Agency) has developed a glossary of terms used in the context of the* Canadian Environmental Assessment Act, 2012 *(CEAA 2012) and it is available at: http://www.ceaa-acee.gc.ca/default.asp?Lang=en&n=E7F0FC59-1&offset=&toc=hide. In addition, CEAA 2012 defines the term "mitigation measures" as measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means."* *For the purposes of Crown consultation, if members of the Cowichan Nation Alliance would like to provide information to the Review Panel about the impacts of any aspect of the Project, including marine shipping, the Review Panel will receive this information as directed in Section 3.9."*	**Additional information provided by the VFPA:** In developing the EIS, the VFPA relied on federal guidance documents (such as noted by the CEA Agency in their April 17, 2015 letter (CEAR Document #278)). The EIS also includes a glossary (summary of definitions) applicable specifically to the EIS.	
STZ-7.2	Stated that in order to comprehensively assess the full extent of Project impacts, it is essential that the Review Panel consider cumulative effects that are measured against a pre-industrial baseline; this is necessary to understand the extent to which the environment and the ability of Aboriginal peoples to exercise Aboriginal and Treaty rights has already been compromised. Recommended that the draft ToR include a non-exhaustive list of projects and activities that should be included to ensure their impacts are considered e.g. the Tsawwassen Ferry Terminal, the Deltaport Terminal Road and Rail Improvement Project, the South Fraser Perimeter Road, the Tsawwassen First Nation Industrial Land Development, the Tsawwassen Mills and Power Centre and the Deltaport Third Berth Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"A list of projects has been provided in the Environmental Impact Statement (EIS) Guidelines http://www.ceaa-acee.gc.ca/050/documents/p80054/97463E.pdf on page 31 and includes the following direction to the Proponent: "The EIS will include a narrative discussion of existing projects in the vicinity of the proposed project, including but not limited to the Tsawwassen Ferry Terminal, Deltaport Terminal Road and Rail Improvement Project, South Fraser Perimeter Road, Tsawwassen First Nation Industrial Land Development, Tsawwassen Mills and Power Centre and Deltaport Third Berth."* *On page 32 of the EIS Guidelines request that* "This narrative discussion should include historical data, where available and applicable, to assist interested parties to understand the potential effects of the project and how they may be addressed." *Also, if members of the Cowichan Nation Alliance have information relating to the state of the environment as it relates to the Project, including effects, we invite you to contact the proponent with any pre- industrial baseline information or data you*	**Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in completeness-phase AIR-12.04.15-13, including in that responses' schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			may have, including Aboriginal traditional knowledge."		
STZ-7.3	Stated that Cowichan Nation Alliance anticipates there will be a significant need for ongoing environmental monitoring of the integrity of the Fraser River estuary upon consideration of the growing number of developments in that area. Recommended express direction to the Review Panel to consider the value of ongoing monitoring. Recommended amendment to section 3.2 to of the ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered. However, the Agency encourages you to provide any information or concerns you have related to the Fraser River estuary to the Review Panel for their consideration as part of the environmental assessment."*	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada (ECCC). Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program
STZ-7.4	Stated that the Review Panel's identification and recommendation of mitigation measures aimed at addressing potential impacts to Aboriginal and Treaty rights is a significant aspect of the Project review. As such, it is critical that the Review Panel be directed to consider all relevant factors when undertaking this task. For example, the Review Panel's consideration should not be restricted solely to the information received pursuant to section 3.5, but should also include the Review Panel's analysis of the section 2.1 factors, including the Review Panels' assessment of the effects of the Project on asserted and established	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 3.7, now Section 3.11, has been revised to direct the Review Panel to use information received throughout the environmental assessment, which allows it to use information collected under any section of the Terms of Reference.* *Please see page 3 of the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf for further details. If the Cowichan Nation Alliance has information or opinions on*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Aboriginal and Treaty rights, including cumulative effects and the significance of those effects. Stated that it is also important that section 3.7 reflect the importance of considering impacts to Aboriginal and Treaty rights independent of the Review Panel's recommendation of mitigation measures. Recommended that the Review Panel specify the degree to which each recommended mitigation measure will avoid or minimise the potential adverse effects of the Project on Aboriginal and Treaty rights. This aspect of the analysis is fundamental to the determination of whether a particular mitigation measure is suitable, whether additional accommodation of Aboriginal and Treaty rights is warranted, and may ultimately influence whether the Project should proceed. Recommended amendments to section 3.7 of the draft ToR to address this concern.		*proposed mitigation during the EA process, the Review Panel would welcome that information. The Review Panel has been mandated to provide in its report rationale, conclusions and recommendations on the environmental assessment including any mitigation measures and follow up programs. Section 3.11 allows the Review Panel to make recommendations, which will be considered by the Crown, on avoiding or mitigating environmental effects related to potential impacts on potential or established Aboriginal or Treaty rights.* *At the end of the process it is up to the federal government to decide whether or not to adopt the recommendations contained in the Review Panel's report."*		
STZ-7.5	Asked whether the EwE Model Study Area predicts Project impacts south of the American border.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the answer varies based on the VC in question, but there may be some localised effects. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#101):** The ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment. No productivity changes, as determined by the ecosystem model, are anticipated outside of Canadian waters, as productivity-related effects result from construction activities, the Project footprint itself, and indirect localised changes to coastal processes around the terminal.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis
STZ-7.6	Asked about the third party review of the EwE model: who is conducting the review, what the review consists of, and why the review is being conducted.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that a VFPA-commissioned third party is conducting the review who is experienced in the study of marine ecosystems and modelling, and speculated that he will be looking at the inputs, the results, and assessing whether or not they are valid and based on correct information.	**Additional information provided by the VFPA:** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the EwE (Ecopath with Ecosim and Ecospace) model, also referred to as the Roberts Bank ecosystem model, is subject to review by the Review Panel. The independent review of the EwE model commissioned by the VFPA (as noted in the previous column) was undertaken prior to finalisation	**Information Requests** Response to Information Request #6 (IR-7.31.15-06 of CEAR Document #314) Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 –

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			Explained that David Preikshot (the independent reviewer) has a PhD in Fisheries Science at UBC.	of the EIS. The results of the review informed and were incorporated into the model as it is presented in the EIS. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** As noted in the Preamble in Support of Responses to IR3-01 to IR3-24, the VFPA has actively responded to questions about the application of the Roberts Bank ecosystem model, including through completeness information request responses (see IR-7.31.15-06) and in separate, agency-specific engagement. DFO and Natural Resources Canada (NRC) provided written questions to the VFPA based on a preliminary review of the EIS on November 19, 2015, ahead of an in-person meeting on November 23, 2015. The meeting included representatives from the VFPA, NRC, DFO, ECCC, and other federal agencies. Following this large-scale engagement, a series of more topic-specific meetings were held with individual and/or combinations of agencies through December 2015 and February 2016. Involving DFO, NRC, ECCC, and the VFPA, the meetings provided clarity on topics such as hydrology, sediment modelling, and ecosystem modelling questions posed by the agencies. The VFPA provided a cumulative submission of responses to the agencies in March and May 2016, and these questions and responses were posted to the CEA Agency's registry on September 28, 2016 (CEAR Document #547). In December 2016, the Canadian Science Advisory Secretariat of the DFO Science Branch released its independent review of the Roberts Bank ecosystem model (CEAR Document #900). Numerous federal experts conducted the review, including from DFO and the Canadian Wildlife Service. The general conclusions of the review support how the model was established and agreed that input parameter estimates were adequate for the Roberts Bank ecosystem. Importantly, the DFO Science Branch (with input from NRC) concluded "the EwE model, as implemented in this project and reviewed here, is a useful first-order framework to organise information and derive initial estimates of how the system may respond to perturbations" (CEAR Document #900, p.20).	Roberts Bank Ecosystem Model (CEAR Document #928) **From the VFPA to the Review Panel re: Answers to preliminary technical questions submitted during the completeness phase from DFO, NRC, and Environment and Climate Change Canada, concerning the ecosystem modelling to support the RBT2 environmental review (NOTE: Updated September 28, 2016) (CEAR Document #547)**
STZ-7.7	Asked about the funding for the ecosystem productivity model and whether the model is objective.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Explained that the VFPA is working with the University of British Columbia's Fisheries Centre (now the Institute for the Oceans and Fisheries), a leader in ecosystem modelling and the key developer of the EwE approach. Stated that in the environmental assessment application will have all the different assumptions used, all the data sources and why the technical team picked those, for people to critique and give the VFPA feedback on. Stated that the VFPA is trying to be as transparent and open as possible.	**Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** The VFPA obtained input on selecting the appropriate approach to assessing productivity at Roberts Bank through the Productive Capacity TAG process. The TAG process recommended use of the EwE model, which is well documented in the scientific literature and has been widely used to quantitatively describe marine food webs, fisheries policy exploration (regulatory decisions on managing fisheries), ecosystem-based fisheries management, and a joint B.C.-Canada environmental assessment. The EwE model was developed at the Institute for the Oceans and Fisheries, and more than 400 ecosystem models applying the software have been published. Thirteen of these publications describe marine areas in B.C., six of which are located in the Strait of Georgia. More information on this model can be found at http://www.ecopath.org/.	**Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Additional information concerning the VFPA's selection and use of the EwE model in the environmental assessment is available in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24.	
STZ-7.8	Noted stark disagreement between the Cowichan Nation Alliance and the VFPA about how cumulative effects are assessed and applied to impacts to Rights. Expressed concern with the cumulative effects studies.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, and Malahat First Nation	**11-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses. **29-Aug-2017, Workshop:** Committed to provide information from the EIS and information requests related to cumulative effects studies for RBT2. **20-Feb-2018, Email from the VFPA:** The VFPA provided draft meeting notes from the 29-Aug-2017 Follow-up Program Workshop. A post-meeting note was included regarding cumulative effects: *"Section 8.1.9 of the RBT2 EIS describes the cumulative effects assessment methodology for the RBT2 environmental impact assessment. An assessment of future cumulative effects was conducted when an adverse residual effect was predicted to occur to a valued component (VC) due to a Project-related interaction. For an intermediate component (IC), an assessment of future cumulative change was conducted to assess when Project-induced changes to an IC may combine cumulatively with changes caused by other projects and activities that will be carried out. Assessment of future cumulative effects for VCs and future cumulative change for ICs can be found in the following sections of the EIS:* *ICs:* • *Air Quality: Section 9.2.9* • *Noise and Vibration: Section 9.3.10* • *Light: Section 9.4.9* • *Coastal Geomorphology: Section 9.5.9* • *Surficial Geology and Marine Sediment: Section 9.6.9* • *Marine Water Quality: Section 9.7.9* • *Underwater Noise: Section 9.8.8* *Biophysical VCs:* • *Marine Vegetation: Section 11.10* • *Marine Invertebrates: Section 12.10*	**Additional information provided by the VFPA:** The *EIS Guidelines* issued by the CEA Agency do not require a cumulative effects assessment with respect to the ability of Indigenous groups to exercise their asserted or established treaty or Aboriginal rights. **Addressed in EIS Appendix 7.2-B (#27):** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and is consistent with existing guidance documents, including the "Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act 2012*" and "Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects," the "Cumulative Effects Assessment Practitioners' Guide," and the "Guideline for the Selection of Valued Components and Assessment of Potential Effects," among others. Descriptions of existing pre-Project conditions relevant to each VC and IC were developed based on existing information, field studies, data analysis, and modelling. The description of existing conditions considered how ICs and VCs have been already affected by other projects and activities that have been carried out. Expected conditions were also determined where substantial changes are expected to occur to a VC or IC in the future prior to Project construction or operation, such as from changes in regulation or as a result of other projects or activities currently underway. Potential Project-related effects that may persist after the implementation of mitigation measures are called residual effects. The EIS identifies Project-related residual effects and their significance. The determination of significance is specific to each VC and the EIS presents the rationale for the significance thresholds applied. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. Where the Project was predicted to contribute to cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures. Where it was determined that potential adverse effects could occur, technically and economically feasible mitigation measures to avoid, reduce, or offset potential adverse effects to an acceptable level have been proposed. The design and implementation of proposed mitigation	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual Effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment ***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			• *Marine Fish: Section 13.10* • *Marine Mammals: Section 14.10* • *Coastal Birds: Section 15.11* *Socio-Economic VCs:* • *Marine Commercial Use: Section 21.11* • *Visual Resources: Section 25.10* • *Land and Water Use: Section 26.10* • *Human Health: Section 27.10* • *Cumulative Effects Assessment: Section 28.10* *Information requests related to cumulative effects for RBT2 include:* • *IR #13 – Cumulative Effects Assessment* • *AIR #13 – Cumulative Effects Assessment"*	measures considers input received from regulators, Indigenous groups, local government, and the public. The methods used to assess the potential effects of the Project, including mitigation measures, residual effects and cumulative effects, are described in the EIS. The VFPA has consulted with Indigenous groups regarding Project components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. Indigenous groups were also provided draft community profiles and rights and Current Use information for their review and comments. Feedback received was incorporated into the EIS.	
STZ-7.9	Concerned about the use of representative species in the assessment.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Provided participants with a handout showing ICs, VCs, and species represented by each VC. Discussed how representative species are used in environmental assessments. Explained that for example for the VC marine fish, there are a number of representative focal species and sub-components, more for ease of organisation than anything. For marine fish there are five sub-components, and of those, 13 focal species are covered. Explained why those focal species were selected and some of the studies that supported our selection. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0. EIS Section 8.0 describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs, and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Addressed in EIS Section 8.0:** Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for the ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. **Addressed in Information Request Package 5 – Response to Information Requests Relating to Representative Species:** Representative species are considered in terms of the biological and ecological similarities they share with other species within the sub-component, and for potential similarities in how the Project may interact with and affect them. In some cases, biological attributes may differ within a sub-component grouping, but their interactions with the Project and mechanisms contributing to potential effects from the Project are considered to be analogous. As a result, the VFPA selected representative species for each sub-component for which sufficient information is known, in order to provide an assessment that considers all potential interactions and Project-related effects. For example, substantial information exists for the southern resident killer whale (the representative species used for toothed marine mammals) and much less so for the transient killer whale. While there are some biological differences between the two, they are considered the same species; both rely on underwater noise for prey detection;	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods **Information Requests** Information Request Package 5 – Response to Information Requests Relating to Represented Species

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				and potential Project effects and mitigation measures are the same. In this example, it would be both impractical and inefficient to undertake an assessment on both species as the conclusions of the assessment would be the same. Moreover, in selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. This approach was taken as it would be impractical to characterise existing conditions and assess effects on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions.	
STZ-7.10	Stated that the broad drafting of the VCs risks insufficient coverage of environmental components of importance to the Cowichan Nation Alliance. Requested that the following species be listed under the relevant Valued Component heading: i. Marine vegetation: green seaweed ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas iii. Marine fish: Coho, Spring, Chum, Pink, Chinook, and Sockeye Salmon, eulachon, herring, cod, halibut, flounder and sturgeon iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels v. Marine mammals: harbour seal vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** Aboriginal Groups Valued Components Workshop #1 and #2 provided an opportunity for Indigenous groups to comment on the VCs.	**Addressed in EIS Volume 3:** i. Marine vegetation: Green seaweed (EIS Section 11.0 has been included as the marine vegetation sub-component macroalgae, which includes *Ulva* spp., as well as other brown algal species (bull kelp, rockweed). ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas (EIS Section 11.0). This was considered when selecting marine vegetation sub-components (EIS Section 11.2.1). As the Project is located in the marine environment and Project-related interactions with terrestrial vegetation species are not anticipated, these species were not incorporated into the effects assessment (without an interaction, there is no potential for an effect on these species). iii. Marine fish: coho, spring, chum, pink, Chinook, and sockeye salmon, eulachon, herring, cod, halibut, flounder, and sturgeon (EIS Section 13.0). • All Pacific salmon were considered in the assessment under the sub-component Pacific salmon. Chum and Chinook were selected as representative species for the five salmon species, as they are more estuarine dependent (any predicted effects to chum and Chinook are representative of effects to the other species). Refer to EIS Section 13.2.1 for more information. • Eulachon was assessed through representative forage fish species (see EIS Sections 13.6.2.1 and 13.6.3.3). Eulachon was not selected as a representative species as it is rare within the marine fish LAA based on surveys conducted at Roberts Bank and Sturgeon Bank in past years (EIS Section 13.2). • Pacific herring was included in the assessment as a representative species under the forage fish sub-component. • Lingcod was included in the assessment as a representative species under the reef fish sub-component. Rock cod were assessed through their representation by rockfish, as discussed in EIS Section 13.5.2. • Starry flounder was included in the assessment as a representative species under the flatfish sub-component. Pacific halibut are not typically found in estuarine environments (including the Fraser River estuary) and	**EIS** 11.0 Marine Vegetation 11.2.1 Sub-components 12.0 Marine Invertebrates 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.5.2 Selection of Marine Fish Valued Component 14.0 Marine Mammals 14.2.1 Sub-components 15.0 Coastal Birds 15.2.1 Sub-components

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				therefore would not interact with and be adversely affected by the Project. • Sturgeon were assessed through the use of Chinook and chum salmon representative species. Sturgeon was not selected as a representative species as it is also rare within the marine fish LAA. Refer to EIS Section 13.2.1 for more information. iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels (EIS Section 12.0). • Red sea urchin and sea cucumbers were assessed through the use of Dungeness crab representative species. Red sea urchin and sea cucumbers were considered when selecting marine invertebrate sub-components, but were not selected as representative species as their typical habitat is not an estuarine sand-dominated environment like Roberts Bank. As such, Project-related effects to these species are anticipated to be very limited. • Mussels (specifically the bay mussel (*Mystilus trossulus*)) was included in the assessment under the bivalve shellfish sub-component. v. Marine mammals: harbour seal (EIS Section 14.0). • Harbour seal was considered and included in the marine mammal's effects assessment under the seals and sea lions sub-component. vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard (EIS Section 15.0). Brant was included in the coastal birds' effects assessment as a representative species of the waterfowl sub-component. American Wigeon represented Mallard, while common merganser and canvasback duck are represented within the diving bird sub-component. These latter two species were not selected as representative species as they are not common at Roberts Bank, nevertheless, any potential effects to these species are assessed through more common species (that have been selected as representative species). Refer to EIS Section 15.2.1 for more information.	
STZ-7.11	Requested more information on the scope and purpose of field studies.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the studies have been undertaken, and will be included in the EIS for review. Each IC and VC section of the EIS contains information on field studies that were undertaken in support of the EIS.	**Additional information provided by the VFPA:** In 2012, the VFPA initiated field, desktop (i.e. literature review), and modelling studies to inform the understanding of existing conditions at Roberts Bank. Building on available information, these studies were designed to address known data gaps, as well as issues and interests of Indigenous groups, stakeholders, and the public, as well as to provide baseline information to assess Project-related effects as part of the environmental assessment. Some Technical Data Reports are appendices to EIS sections, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/	**RBT2 Project website** http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/
STZ-7.12	Stated that scoping is arguably the most important part of EIS preparation and Aboriginal interests must be considered,	15-Jun-2015, Letter to the CEA Agency from Cowichan	**01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA is described in the VFPA's response to IR-7.31.15-08 and MSA IR-02.24.16-4.	**EIS** Appendix 7.2-A Consultation Activities by Aboriginal Group

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	particular during the selection of Valued Components and defining baseline conditions. Requested a rationale for excluding Cowichan Nation Alliance participation in the TAG process. As described further in Section 7.4, the TAG process focused on four key areas identified by [the VFPA]: 1. Coastal Geomorphology, 2. Productive Capacity, 3. Biofilm and Shorebirds, and 4. Southern Resident Killer Whales. Requested a rationale for how the four key areas represent the breadth of Aboriginal interests on Roberts Bank. Stated that First Nations participated in the Technical Working Group process during the Deltaport Third Berth evaluation and deserve a place at the Technical Tables. Asked which technical gaps exist within this process due to inadequate Aboriginal participation.	Tribes and Stz'uminus First Nation (CEAR Document #242)	issues and interests and provided the VFPA's responses. **13-Oct-2015, Letters from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"The Agency has requested additional information on Aboriginal Traditional Knowledge in its letter of July 31, 2015 to [the VFPA] (page 3, #8). Within that information request the following was requested:* *"Provide a description of where and how Aboriginal traditional knowledge has been used to support the selection of valued components, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. If Aboriginal traditional knowledge was not used, provide a rationale for why that information was not considered.""* *"This is a comment about the involvement of First Nations in [the VFPA's] TAGs and preparation of the EIS. This is not a completeness issue."* *"There is no requirement in the EIS Guidelines to focus TAG's work on specific topics. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	During the scoping phase of the environmental assessment, specific feedback was sought from Indigenous groups on a list of proposed VCs and sub-components. As described in EIS Appendix 7.2-A, a VC selection and rationale document was sent to Indigenous groups for review and feedback in April 2014. An additional opportunity for input on VC and sub-component selection was provided through participation by Indigenous groups in VC selection workshops held in June and July of 2014. In addition to these specific opportunities to provide feedback on VC and sub-component selection, as engagement activities continued, relevant information provided by Indigenous groups was taken into consideration (as described in EIS Section 7.2). **Addressed in EIS Appendix 7.2-B (#23):** The VFPA established the TAG process in 2012 to engage and consult with leaders in the technical and scientific community to provide guidance on four key topic areas – southern resident killer whales, biofilm and shorebirds, coastal geomorphology, and productive capacity. The TAG Terms of Reference and Summary Reports are available on the Project website: http://www.robertsbankterminal2.com/information-centre/project-documents/. The following Indigenous groups were invited to contribute to the TAG process: • Tsawwassen First Nation; • Musqueam First Nation; • Semiahmoo First Nation; • Tsleil-Waututh Nation; • Stó:lō Nation; and • Stó:lō Tribal Council. The TAG process was also discussed in meetings with Indigenous groups, and summary reports on the TAG process were provided to all Indigenous groups for review and comment. Additional information provided by the VFPA: Summary Reports are also available as appendices to the following IR responses: • Package 2 Preamble - Appendix IR2-A Coastal Geomorphology Technical Advisory Group Summary Report • Preamble in Support of Responses to IR3-01 to IR3-24 - Appendix IR3-A Productive Capacity Technical Advisory Group Summary Report • Appendix IR5-29-B Biofilm & Shorebirds Technical Advisory Group Summary Report • Appendix IR5-29-C Southern Resident Killer Whales Technical Advisory Group Final Report	Appendix 7.2-B Aboriginal Groups Interests and Issues Table 7.3.3.2 Consultation **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Revised Responses to Information Request Package 2 (CEAR Document #961) Responses to Information Request Package 3 (CEAR Document #984) Response to Information Request #5 (IR56-29 of CEAR Doc #1185)
STZ-7.13	Requested information about the process whereby it was determined that a VC was of interest to Aboriginal groups. Asked which VCs were identified by Aboriginal groups.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR	**13-Oct-2015, Letters from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"The Agency has requested additional information on Aboriginal Traditional Knowledge*	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA, including when it was used to inform VC selection, is described in IR-7.31.15-08 and MSA IR-02.24.16-4.	**EIS** 7.2 Aboriginal Groups Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group **Information Requests**

Stz'uminus First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Requested list of specific VCs that were selected based on Community Knowledge and ATK. Stated that candidate VCs of interest to Aboriginal groups were excluded if the following two additional questions were not answered affirmatively: "Does the candidate VC occur near or within the Project Area?" and "Could the Project interact with the candidate VC?" Asked how Community Knowledge and ATK was incorporated to answer these two additional questions.	Document #242)	*in its letter of July 31, 2015 to [the VFPA] (page 3, #8)."* See additional detail above. *"The Agency did not request additional information regarding VC selection since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to VC selection to inform its sufficiency review."*	During the scoping phase of the environmental assessment, specific feedback was sought from Indigenous groups on a list of proposed VCs and sub-components. As described in EIS Appendix 7.2-A, a VC selection and rationale document was sent to Indigenous groups for review and feedback in April 2014. An additional opportunity for input on VC and sub-component selection was provided through participation by Indigenous groups in VC selection workshops held in June and July of 2014. In addition to these specific opportunities to provide feedback on VC and sub-component selection, as engagement activities continued, relevant information provided by Indigenous groups was taken into consideration (as described in EIS Section 7.2).	Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
STZ-7.14	Requested the threshold criteria which were adopted with respect to determination of significance of residual adverse cumulative effects. Stated that they need to understand what the thresholds as they dictate the classification of "significance."	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letters from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 8.0:** To determine the significance of residual adverse effects, the assessment considered the nature of each residual effect and the context within which it is expected to occur. The existing (or expected) condition of each VC was compared with the future conditions predicted to result from the Project. The anticipated future condition of each VC with the Project was compared to a threshold of significance defined for that specific VC. The threshold of significance is the point beyond which the integrity of the VC may be compromised, and the residual effect is considered to be significant. If the future condition of the VC with the Project does not exceed the defined threshold, the effect is considered to be not significant. If the future condition of the VC with the Project does exceed the defined threshold, the effect is considered to be significant. When defining the threshold of significance, the assessment included consideration of existing standards, guidelines, or objectives that have been established by government through regulation or applicable regional land and resource use management plans or other mechanisms, where available and suitable for determining significance. If no appropriate government-established threshold was available, the significance threshold was defined using the professional judgement of the Project team and current scientific knowledge about the VC. The rationale for the significance threshold used in the assessment and for the determination of significance is provided for each VC.	**EIS** 8.0 Effects Assessment Methods 8.1.8 Determination of Significance of Residual Adverse Effects
STZ-7.15	Asked why cumulative effects on the ability of First Nations to exercise Aboriginal rights was not identified as a VC.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letter from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"This item was not required by the EIS Guidelines. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *Aboriginal groups are encouraged to describe to the Panel how past projects and the proposed project have/will potentially cumulatively impact First Nation's future ability to exercise asserted or established Aboriginal or Treaty rights.*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			The Agency has requested additional information on cumulative effects in its letter of July 31, 2015 to [the VFPA] (page 8, #13). This information should inform the cumulative environmental effects of the proposed project and may assist in understanding potential cumulative impacts on First Nation's future ability to exercise asserted or established Aboriginal or Treaty rights."		
STZ-7.16	Asked if the cumulative effect of a 6% increase in container vessel traffic will become the tipping-point that results in measurable and undesirable impacts when all project-based vessel traffic increases are taken into consideration located within both B.C. and the State of Washington. Only southern resident killer whales were deemed to be near such a threshold.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Agency requested additional information on the projects used in the cumulative effects assessment in additional information request "#7 Reasonably Foreseeable Projects and Activities".* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 6.7:** As noted in MSA Section 6.7, each assessment section in MSA Sections 7.0, 8.0, and 9.0 includes an assessment of potential additional future cumulative interactions between the residual effects anticipated for the VC (or residual changes for an IC), if any, and effects associated with additional marine shipping activity in the marine shipping area in 2030 related to reasonably foreseeable projects and activities. Projected future marine shipping traffic volumes are provided in MSA Table 4-7. These traffic volumes are associated with certain and reasonably foreseeable projects and activities listed in MSA Appendix 6-A. The significance determination for any residual cumulative effects is made using the same significance threshold as defined for the assessment of residual effects. Potential interactions with future certain or reasonably foreseeable marine-based projects are limited to increases in vessel traffic associated with those projects. The MSA concludes that no adverse cumulative effects are anticipated, with the exception of potential effects to southern resident killer whales. Consistent with the conclusions reached in the EIS, the MSA concludes that southern resident killer whales have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant. Further information concerning how significance criteria was utilised in the MSA is further discussed in MSA IR-02.24.16-7.	**MSA** 6.7 Cumulative Effects Assessment Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments 7.0 Physical Environment Effects Assessments 8.0 Marine Biophysical Environment Effects Assessments 9.0 Human Environment Effects Assessments **Information Requests** Response to Additional Information Request #7 (MSA IR-02.24.16-7 of CEAR Document #386)
STZ-7.17	Noted that identified rockfish predators include dolphins and porpoises, pinnipeds, southern resident killer whales, bald eagles, gulls and terns, juvenile and adult salmon, dogfish, large demersal fish, lingcod, rockfish, skate, and starry flounder. Requested a more accurate list. Asked why human withdrawals (i.e., fishing) were excluded.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS in Section 16: Ongoing productivity of Commercial, Recreational and Aboriginal Fisheries Effects Assessment. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Appendix 7.2-B (#101):** The Roberts Bank ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not included in the food web.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-7.18	Concerned that information can be manipulated in the assessment to minimise the appearance of impacts to certain species. For example: • Assessments average things out over populations and a period of time, and underrepresent the effect. • Species will have different baseline biomass depending on the time of the year.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that results have not been averaged, and that the team fully understands a lot of species are there temporarily. Explained that this presentation is a high level summary and more detail and specificity will be provided in the EIS. For context, many birds are there for short periods of time. Even though they are there in large numbers for a few weeks, the biomass their presence amounts to over the course of a year is small, which is the timeframe used for the model; the model incorporates seasonal information.	**Additional information provided by the VFPA:** As is noted in the VFPA's response to preliminary questions from DFO and NRC in 2015, question 2.17 Time Steps (2.2.6), annual averages are used to include both spatial and temporal variation in biomass estimates for Roberts Bank. This allows comparisons across highly seasonal and endemic groups. Annual averages are a standard metric for ecological questions and are necessary when conducting an ecosystem level assessment (Harvey 2013, Mackinson and Daskalov 2008, and Preikshot 2013). Understanding that there is variability within any estimate, sensitivity analyses were conducted to examine model performance with a range of input biomasses, centred on the initial value (see question 2.7 (Use of Confidence Limits in RB Model) for more information on this) (CEAR Document #547).	**CEAR Document #547 from the VFPA to the Review Panel Re: Answers to Preliminary Technical Questions Submitted During the Completeness Phase from DFO, NRC And Environment and Climate Change Canada, Concerning the Ecosystem Modelling to Support the RBT2 Environmental Review**

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Table 8: Engagement and Consultation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-8.1	Stated that Cowichan Nation Alliance has yet to receive sufficient information regarding the framework that will guide Crown consultation to address potential impacts on Aboriginal and Treaty rights, and that will ensure the Crown discharges its constitutional duties prior to making any decisions about the Project. Recommended that Canada work with Aboriginal groups to develop a detailed consultation plan that includes a process and forum for groups to address issues arising from potential impacts to Aboriginal and Treaty rights from the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown sent letters to Cowichan Tribes, Stz'uminus First Nation, Penelakut First Nation, Halalt First Nation on January 7, 2014 with a proposed Consultation Workplan and invited comments or questions from the First Nations about the Crown's consultation process and proposed approach for discussing and addressing issues arising from potential impacts to Aboriginal and Treaty rights from the Project. We welcome a discussion on the proposed Consultation Workplan with any of the First Nations. To date, we have not received any feedback on the proposal."*		
STZ-8.2	Stated that the Review Panel clearly does not have a mandate to discharge all of the Crown's consultation obligations toward Aboriginal groups, as evidenced by section 3.4 of Draft ToR: the Review Panel is prohibited from deciding constitutional issues that engage Aboriginal rights including (a) the validity of potential or established Aboriginal or Treaty rights asserted by an Aboriginal group or the strength of such claims; (b) the scope of the Crown's duty to consult an Aboriginal group; (c) whether the Crown has met its duty to consult or accommodate in respect of rights recognized and affirmed by section 35; (d) whether the Project would be an infringement of potential or established Aboriginal or Treaty rights; and (e) any matter of Treaty interpretation (historic and modern). While the Review Panel will receive information about any potential adverse impacts of the Project on potential or established Aboriginal or Treaty rights and related interests, and may recommend mitigation measures to avoid or minimize those impacts, the scope of this mandate does not involve an ongoing dialogue with Aboriginal groups as is demonstrated by the prohibited issues identified above. The Review Panel has no authority to render conclusions regarding the extent to which the Project might infringe	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Noted. The Terms of Reference has been amended to provide additional clarity about the role of the Review Panel and of the federal Crown in Section 3.7 which now reads* "Through these Terms of Reference, the Review Panel is given the mandate to collect information on behalf of the Crown as outlined in Section 3.9 to 3.11. The federal government maintains the duty to consult throughout the environmental assessment process and will be responsible for the items detailed in section 3.8, where necessary.""		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Aboriginal or Treaty rights and does not have a mandate to consider accommodation measures beyond mitigation measures. Accordingly, the Crown must provide another forum for these critical issues to be addressed.				
STZ-8.3	Requested more information regarding how the noted constitutional issues will be decided, and at what stage of the process. Asked if, for example, the Crown will engage in consultation regarding accommodation measures other than Project mitigation measures during the Project review, or following the Review Panel's issuance of its report.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown will request Aboriginal groups identify any outstanding impacts to potential or established Aboriginal or Treaty rights once the Review Panel's report has been made public and the Crown will consult as appropriate with Aboriginal groups on proposed measures for addressing outstanding impacts.* *Additional information on the integration of Aboriginal consultation into the environmental assessment (EA) process was provided to the Cowichan Nation Alliance with federal officials on November 27, 2014, and is available online in the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf and in the "Review Panel and Aboriginal Consultation Process Diagrams Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100179E.pdf"*		
STZ-8.4	Emphasised the Crown's legal obligation to provide a clear and transparent outline of how Crown consultation will be undertaken. It is essential that a reasonable amount of time be provided for this process, and in light of the very brief prescribed timeline under which the Project review must proceed, it is essential that Crown consultation commence at an early stage. Stated that the Crown must recognise that the simple fact that the *CEAA 2012* prescribes that the Minister render a decision on the Project within 24 months from the day on which the environmental assessment was referred to the Review Panel (with the possibility of an additional three-month extension) cannot operate to terminate consultation where substantive issues remain to be discussed between the parties. Stated that it is difficult to imagine that the time set aside for post Review Panel report activities will be sufficient to undertake meaningful Crown- Aboriginal consultation.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown intends for consultation to be ongoing throughout the entire EA process, and it will be integrated into the EA to the extent possible. We have heard key concerns from members of the Cowichan Nation Alliance and will consider them going forward.* *Additional information on the EA and consultation process is contained in the consultation work plan and handouts referenced in the response above. Issues of concern to Aboriginal groups that are outside the EA process, and any potential outstanding issues identified after the Review Panel report, should be identified and discussed with the Agency.* *Timelines for the federal government's administration of the EA are a legislated requirement under CEAA 2012. However the Agency strives to facilitate and accommodate the participation of Aboriginal groups whenever possible within these legislated timelines.* *Consultation is an ongoing dialogue between the Crown and Aboriginal groups, and should the Project be allowed to proceed subject to conditions in an EA decision statement, consultation with potentially impacted Aboriginal groups would carry on into the permitting phase and beyond depending on what, if any, issues remained outstanding at the time of the EA decision."*		
STZ-8.5	Commented that participation funding offered by the VFPA is insufficient. Requested further funding. Requested funding to support Follow-up Program discussions	12-Nov-14, Cowichan Nation Alliance EIS Workshop #2	**Cowichan Nation Alliance:** 09-Jan-2014: Offered funding for group Traditional Use study. 24-Apr-2014: Accepted funding for group Traditional Use study. **Stz'uminus First Nation:**	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes. Additional agreements were also initiated to support the	**EIS** 7.0 Engagement and Consultation

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
		28-Aug-2014, Meeting with Cowichan Nation Alliance 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	06-Jan-2014: Offered funding for participation in the consultation program. 20-May-2014: Accepted funding for participation in the consultation program. 22-Aug-2014: Offered funding for fall 2014 consultation activities. 03-Oct-2014: Accepted funding for fall 2014 consultation activities. 11-May-2015: Offered funding for participation in Project-related consultation activities including Marine Shipping study. 15-May-2015: Accepted funding for participation in Project-related consultation activities including Marine Shipping study. 07-Mar-2016: Offered funding to support ongoing involvement in consultation activities. 21-Apr-2016: Accepted funding to support ongoing involvement in consultation activities. 24-Oct-2017: Offered additional funding for participation in consultation activities for the RBT2 Project. 30-Oct-2017: Accepted additional funding for participation in consultation activities for the RBT2 Project.	development of studies regarding the Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum.	7.2 Aboriginal Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
STZ-8.6	Stated that at the 2014 workshop the VFPA committed to providing responses to questions. Concerned that all questions are not being responded to. Referred to the difficulty of finding the answers to questions raised today from tens of thousands of pages of materials in the Environmental Impact Statement.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**12-Nov-2014, Workshop:** Reiterated that the purpose of the meeting is to present the information available so far, and to get feedback. Acknowledged that not all of the questions posed today will be able to be immediately answered, but that they are being noted so as to be addressed and responded to. Referred to Appendix 7.2-B which will list all concerns raised, provide a response, and describe where to find additional information in the EIS. **11-Dec-2014, Workshop:** Responses to questions that have not yet been responded to will be included in the EIS, once assessment information has been finalised. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **06-May-2015, RBT2 EIS Orientation Workshop:** In response to this concern, the VFPA provided an EIS orientation presentation in order to provide an overview of the EIS and provide an opportunity for questions about the structure and organisation of the EIS. **19-Apr-2016, Letter from the VFPA to Stz'uminus First Nation:** Provided the notes from the following workshops: • 06-Jun-14 Aboriginal Groups Valued Components Workshop #1; • 03-Jul-14 Aboriginal Groups Valued Components Workshop #2; • 07-Oct-14 Aboriginal Groups Workshop #1; • 08-Oct-14 Aboriginal Groups Workshop #2; • 22-Oct-14 Cowichan Nation Alliance Workshop #1; • 28-Oct-14 Aboriginal Groups Workshop #3; • 29-Oct-14 Aboriginal Groups Workshop #4; and • 12-Nov-14 Cowichan Nation Alliance Workshop #2.	**Addressed in EIS Appendix 7.2-B:** All issues raised by Stz'uminus First Nation and responses provided by the VFPA can be found in EIS Appendix 7.2-B, including references to the specific sections in the EIS. **Additional information provided by the VFPA:** IR10-01 provides responses to all comments and concerns raised by all members of the Cowichan Nation Alliance regarding the Project and marine shipping from October 2012 up to December 31, 2017.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #1 (IR10-01)

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Table 9: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-9.1	Asked if it would be a harmonised process with the Province.	05-Mar-2013, Meeting with Cowichan Nation Alliance	**05-Mar-2013, Meeting:** Noted that the process has yet to be determined. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#8):** On November 5, 2014, the B.C. Environmental Assessment Office (EAO) confirmed the Project is reviewable under Part 8 of the Reviewable Projects Regulation, B.C. *Environmental Assessment Act*. On December 19, 2014, the B.C. Minister of Environment issued an order under s. 14 of the Act establishing the Province's procedures and methods for conducting the environmental assessment for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister and potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the EAO will principally rely on the environmental assessment to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and the EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister. The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements. More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial environmental assessment for the Project can be found on the EAO's Project Information Centre (e-PIC) website at http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html	**EIS** 6.0 Environmental Assessment and Permitting Process 6.2 Provincial Involvement and Process Appendix 7.2-B Aboriginal Groups Interests and Issues Table
STZ-9.2	Concerned that the EIS meets DFO standards not First Nation standards.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014:** Acknowledged the concern and stated that the Project team is trying to understand other perspectives and wants to make sure that we understand what the effects are to fisheries.	**Addressed in EIS Section 1.0:** The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* prepared by the CEA Agency. Indigenous groups have the opportunity to review the EIS and in that context, raise this comment to the CEA Agency and other agencies as appropriate.	**EIS** 1.1 Purpose of the Environmental Impact Statement
STZ-9.3	Noted that the draft Panel Terms of Reference is inconsistent with its reference to "Project". Stated that there are references to "project" and "designated Project". Recommended that all references to the proposed ... project be referred to as the "Project".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been incorporated."*		
STZ-9.4	Stated that the draft Terms of Reference (ToR) should direct the Review Panel to explicitly assess potential Project impacts on Aboriginal and Treaty rights and culture. We note that the list of factors as set out at section 2.1 provides that the Review Panel must account for the "environmental	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provide direction to the Review Panel regarding its role and mandate in conducting the EA. In* Part 3- Mandate of the Panel *in the Terms of Reference, direction has been provided to the*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	effects" of the Project, of which term is defined at section 5(1) of the *CEAA 2012* to include effects to Aboriginal peoples and their use of lands and resources for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct reference in the list of factors is warranted.		*Review Panel on collecting information on behalf of the Crown as it relates to potential impacts of the project to potential or established Aboriginal or Treaty rights."*		
STZ-9.5	Stated that the draft ToR fails to provide explicit requirements and guidance for assessing socio-economic impacts in relation to Aboriginal people. Noted that the list of factors provides that the Review Panel must account for the "environmental effects" of the Project, which is defined at section 5(1) of the *CEAA 2012* to include health and socio- economic conditions; however we submit that the Review Panel would benefit from clear guidance on this issue.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Agency is currently considering guidance on this topic."*		
STZ-9.6	Stated that it is essential that the Review Panel only recommend mitigation measures that are capable of achieving their stated purposes, and capable of demonstrating measurable success. Accordingly, Cowichan Nation Alliance recommended language that requires the Review Panel to put forward only those recommendations that are capable of demonstrating success in mitigating any significant adverse environmental effects. Recommended amendments to section 2.1 the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 2.1 provides direction directly from CEAA 2012 and as mentioned above, the legislation provides clarity about what is meant by mitigation.* *The information related to the success of past project mitigation measures should be included in the EIS as discussed above.* *Your comment on possible environmental effects or impacts to potential or established Aboriginal or Treaty rights has been considered and language has been added to section 3.9 as it relates to the Review Panel's mandate in relation to Aboriginal consultation."*		
STZ-9.7	Stated that the scope of factors to be considered in the environmental assessment should not be limited by the content of the EIS guidelines. A review panel should give the requisite authority and discretion to decide for themselves the proper scope of the factors that they are considering, as this will fall under their expertise.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The purpose of the EIS Guidelines is for the proponent to identify the information requirements for the preparation of the EIS. The EIS Guidelines specify the nature, scope and extent of the information required for the EIS. Note that the EIS Guidelines set out the minimum information requirements – it is the proponent's responsibility to provide any additional information as required by the*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Recommended amendments to section 2.3 of the draft ToR to address this concern.		*Agency or the Review Panel, once it has been established, for the assessment of the environmental effects of the Project.* *Under CEAA 2012, the scope of the factors to be taken into account in the environmental assessment by the Review Panel are those in section 19(1)* a) *to* i)*. The Minister may require that any other matter relevant to the EA be taken into account by the Review Panel under section 19 (1)* j)*."*		
STZ-9.8	Stated that the Review Panel should not be limited to considering information provided solely by the participants – government agencies and departments may also have valuable information to contribute. Recommended amendments to Section 3.5 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered and Section 3.5 has been amended to direct that the "Review Panel shall accept as part of its record and review:" Federal authorities and government are already considered participants in the Review Panel process and henceforth covered by this Section."*		
STZ-9.9	Stated that Panel members should have knowledge or experience relevant to the anticipated impacts of the Project on Aboriginal and Treaty rights. Recommended amendments to section 4.1 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Cowichan Nation Alliance members are welcome to submit potential panel candidates to the Agency. Panel Members must be unbiased and free from conflict of interest relative to the Project and have knowledge or experience relevant to the anticipated environmental effects of the project. Please provide suggested names and CVs to [provided contact information]."*		
STZ-9.10	Stated that it is critical that those parties that provide the Panel Members with support in a procedural, technical, administrative or advisory manner be unbiased and free from any conflict of interest relative to the Project and, where applicable, have knowledge or experience relevant to the anticipated environmental effects and impacts of the Project. Requested addition to the end of section 4.5: The Secretariat will be unbiased and free from conflict of interest relative to the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your proposed change has been made."*		
STZ-9.11	Requested addition to the end of section 4.18:	22-Sep-2014, Letter to the CEA Agency from	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):**		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Any federal authority that assists the Review Panel will be unbiased and free from conflict of interest relative to the Project and will have knowledge or experience relevant to the anticipated environmental effects and impacts of the Project.	Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	*"Federal experts participate in environmental assessments in accordance with the mandate and areas of responsibility of their departments. Public servants are guided in their work and professional conduct by the Values and Ethics Code for the Public Service."*		
STZ-9.12	Stated that it is possible the Review Panel will not be capable of fulfilling its mandate and submit its report to the Minister within 14 months. Recommended that section 4.13 expressly confirm that the Review Panel must ultimately take the time that it requires to properly and completely discharge it mandate subject to the CEAA 2012, which allows the Minister to modify the statutory limits imposed on a review panel (CEAA 2012, subsection 38 (4)). Recommended amendments to section 4.13 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"CEAA 2012 has legislated timelines for the completion of an EA by Review Panel. The Review Panel must fulfill its mandate and provide a report to the Minister within the timelines set out in the legislation and as directed in the Terms of Reference."*		
STZ-9.13	Stated that the Review Panel should be required to give more than 30 days' notice of tis public hearing, as many participants must prepare and reschedule other commitments in order to participate. Accordingly, notice of a minimum of 90 days should be required. Stated that the timing and location of the public hearing is of critical importance to our communities; we require an opportunity to comment on the draft document setting out the schedule and location of public hearing prior to finalisation by the Review Panel. Recommended amendments to section 4.22 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provides a minimum timeframe for the notice of the start of public hearings.* *The Review Panel is responsible for developing procedures for the conduct of the public hearing, including timing, location, format and other logistics. The Panel may, at its discretion, make draft hearing procedures available for comment.* *If members of the Cowichan Nation Alliance have suggestions on the timing or notification required for public hearings, they may provide that information to the Review Panel once it is established."*		
STZ-9.14	Stated that the draft ToR should direct the Review Panel to explicitly include their identification of potential impacts on Aboriginal and Treaty rights and culture in the report. Noted that the list of required coverage in the Review Panel's report includes an identification of	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Review Panel has been directed to collect and summarize information provided to it by Review Panel participants about any potential impacts on potential or established Aboriginal or Treaty rights in its report (section 3.10).*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	those conclusions that relate to the environmental effects defined in section 5 of the CEAA 2012, which includes effects to aboriginal peoples and their use of lands and resources for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct reference to the list of required coverage for the report is warranted. Recommended amendments to section 4.27 of the draft ToR to address this concern.		*The Minister of the Environment has requested the Review Panel provide its conclusions and recommendations in relation to any environmental effects of the Project on Aboriginal people as set out in section 5 of CEAA 2012 as it is responsible for conducting the EA on the designated project.* *The Crown will maintain the duty to consult throughout the EA process and will conduct an assessment of what the potential project impacts are to the exercise of potential or established Aboriginal or Treaty rights. The Crown has already communicated the preliminary depth of consultation assessment letters dated January 7th, 2014 as referenced in the first response in this table.* *The Crown will communicate a revised depth of consultation assessment once the Review Panel has issued its report and is willing to discuss this assessment with Cowichan Nation Alliance members at this time. Cowichan Nation Alliance members are encouraged to raise any potential environmental effects, and/or impacts of the Project on potential or established Aboriginal or Treaty rights to the Review Panel to ensure the Crown has a robust understanding of your concerns at the point that the Review Panel issues its report."*		
STZ-9.15	Stated that section 4.28 obliges the Review Panel to include in its report "information it has received with respect to the justifiability of those significant adverse environmental effects". If the report is to recognise arguments that seek to justify significant adverse effects, the report must, as a matter of fairness and completeness, recognise arguments that such effects are not justified. Otherwise, the Minister will receive a biased report. Recommended amendments to section 4.28 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Please see the additional clarity on justification related to likely significant adverse environmental effects added in Section 3.5 which states* "In accordance with sections 47 and 52 of CEAA 2012, if the Minister decides that the project is likely to cause significant adverse environmental effects, the Minister will refer the matter to the Governor in Council (Cabinet) who must decide whether those environmental effects are justified in the circumstances." *The Review Panel will not make the determination on whether likely significant adverse environmental effects may be justified, but if, taking into account the implementation of any mitigation measures, the Review Panel concludes that the project is likely to cause significant adverse environmental effects, the Panel may include in its report information that it has received with respect to whether those significant adverse environmental effects are justified in the circumstances."*		

Stz'uminus First Nation

Table 10: Environmental Management Program

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-10.1	Asked if the lessons learned from eelgrass transplants that took place as part of Deltaport Third Berth have been taken into account for RBT2. Interested in and request information about the follow-up monitoring work that took place as part of Deltaport Third Berth.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the VFPA recently hosted a workshop that brought together eelgrass experts from the west coast to share knowledge and experience. Noted that prior to 1986 there were a lot of challenges, but since then transplants have had a success rate of over 90%. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses. **29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3.	**Addressed in EIS Appendix 7.2-B (#201):** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting
STZ-10.2	Stated that no Aboriginal involvement with the Scientific Advisory Committee (SAC) and monitoring was a failure to consult with Aboriginal communities for the Deltaport Third Berth Project. Noted the SAC would be a good opportunity to have Aboriginal Traditional Knowledge included and to have First Nations input on the selection of committee members. Added "we would like engagement in the governance of the monitoring program."	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** Noted input on governance for the Follow-up Program and stated that it will be considered in the planning for the RBT2 Follow-up Program governance structure for further discussion in future Follow-up Program meetings.	**Addressed response to in IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 Follow-up Program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
STZ-10.3	Noted they never agreed with the VFPA assessment on level of impact and expect the impacts to be larger. Expressed concern with how the assessment was conducted by the VFPA's consultants. Stated that they want to see a third party environmental monitor involved in Follow-up Program implementation that is not involved in the original findings.	29-Aug-2017, Follow-up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought input into the Program through asking the following questions at the workshop: • What is important to you (Cowichan Nation Alliance) and your community?;	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. **Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3 as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the	**EIS** 33.5 Follow-up Program

Stz'uminus First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Suggested the monitoring program be separated from the VFPA jurisdiction		• What elements would you (Cowichan Nation Alliance) like to see monitored?; and • How would you (Cowichan Nation Alliance) like to be involved moving forward? Noted comments on monitoring and stated that they will be considered in Follow-up Program planning.	Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	

Stz'uminus First Nation

Table 11: Human Health – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-11.1	Concerned about the determination that the Project is not expected to result in detectable effects on human health.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#149):** The following are highlights of the human health assessment: • Seven potential mechanisms for human health effects were assessed: air emissions, noise and vibration, shellfish contamination, stress and annoyance, employment and income, food security, and health inequity. • Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of environmental management plans and additional mitigation measures. • The Project is not expected to result in any significant adverse residual effects on human health. • The Project is not expected to result in measurable incremental residual cumulative effects to human health. With mitigation, all potential Project-related effects are expected to be negligible (not measurable), with the exception of residual effects on human health related to exposure to air emissions during construction, and exposure to noise during construction and operation. These effects are predicted to be not significant. A rationale for the determination is provided in EIS Section 27.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 27.0 Human Health 27.6 Future Conditions with the Project – Potential Project-Related Effects 27.7 Mitigation Measures 27.8 Characterisation of Residual Effects and Context 27.9 Determination of Significance of Residual Adverse Effects

Stz'uminus First Nation

Table 12: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-12.1	Asked if the Project is expected to have a negative impact on any other types of employment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the VFPA looked at labour market balance as an indicator, and conducted analyses to consider what the effect of the Project's employment and procurement would be, in relation to the availability of workers for other industries. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Section 19.0 Labour Market.	**Addressed in EIS Section 19.0:** The Project is expected to result in the following positive effects on the labour market in Metro Vancouver: • During the 5.5 year construction phase: o 4,150 person-years of direct employment, worth $494 million in wages; and o 9,724 person-years of total direct, indirect, and induced employment, worth approximately $824 million in wages. • During operation: o 835 person-years of annual direct employment connected to terminal operations, worth approximately $138 million in wages annually; o 1,412 person-years of annual total direct, indirect, and induced employment, worth $169 million in wages annually; o A slight lowering of the unemployment rate in Metro Vancouver; o A positive effect on the participation rate; and o A small boost to median incomes in Delta and Metro Vancouver. Training opportunities associated with construction and operation are anticipated to generate positive effects for the Project's direct workforce. Positive changes in employment and labour income are anticipated for the Indigenous population in Metro Vancouver during Project construction and operation. The Project is not expected to result in measurable adverse residual effects to the labour market.	**EIS** 19.0 Labour Market

Table 13: Light – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-13.1	Concerned that the light study did not consider the night sky with cloud cover as this increases the light effects over the water. Concerned about how the locations for monitoring light effects were selected, with specific reference to Galiano Island and Valdes Island.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the assessment teams for visual resources and light are different. The team carrying out the light assessment work (at night) took a subset of the points of reception (PORs) from the visual resources (day) assessment, because there is less variation expected from point to point. Stated that for both the day and night assessments, PORs were concentrated in areas in closer proximity to the Project site. The POR on Valdes was added later through consultation. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#47):** Measurements of sky glow depend on the visibility of the stars, and were taken on nights with no or low cloud cover, where possible. The rationale for the assessment methods is included in EIS Section 9.4 and the technical report. The rationale for selection of the PORs is included in EIS Section 9.4. The light assessment included a POR on Galiano Island and on Valdes island. The measurements taken from, and predictions made for, these PORs are intended to be representative of surrounding areas.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.2 Assessment Purpose and Approach 9.4.5 Methods Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study, Study Methods Appendix 7.2-B Aboriginal Groups Interests and Issues Table
STZ-13.2	Asked if RBT2 would be subject to, or exempt from, Delta bylaws around light, and if not, whether the VFPA would be willing to meet or match their requirements anyway.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. Post meeting note shared with Cowichan Nation Alliance in draft meeting notes: There are not any standards or bylaws for light such as there are for noise, for example. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#99 and #45):** A process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. **Addressed in EIS Section 33.0:** The Light Management Plans for construction and operation phases will be developed prior to the respective phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. Feedback on applicable environmental management plan sub-plans will be solicited from Indigenous groups potentially affected by the Project.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study Appendix 7.2-B Aboriginal Groups Interests and Issues Table 33.0 Environmental Management Program

Table 14: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-14.1	Concerned that the Project could negatively impact fishermen and their livelihoods.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Presented information on the preliminary assessment of potential Project effects and cumulative effects on Commercial, Recreational, Aboriginal (CRA) Fisheries and any proposed mitigation, as well as receive feedback on the draft findings and proposed mitigation. The presentation includes: executive summary, sub-components, indicators, assessment boundaries, the local and regional assessment areas, information sources, an overview of each of the fisheries (CRA), existing conditions for Pacific Salmon, Groundfish, Forage Fish, and Shellfish, expected conditions at Project commencement, potential Project-related effects, proposed mitigation measures, anticipated residual effects, the preliminary determination of significance, and anticipated cumulative effects. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions With the Project - Potential Project-related Effects

Table 15: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-15.1	Concerned that the Project will affect migrating salmon that return from the South to the Fraser River through Canoe Passage. Concerned about mitigation for natural migration patterns that are in the Project area and the impacts to salmon being made that we do not understand yet along with other animal's natural migration.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**03-Jul-2014, Workshop:** Responded that the Regional Study Area has been extended to Hope, which will capture a large portion of that migration and that is actually where the DFO sub-areas stop. Stated that a real effort was made to capture some, if not all, of the migration. Stated that sockeye hold more in the North arm and South arm, but that there are species of Chinook and chum that hold around Canoe Passage, so that area is being included. Canoe Passage is a fairly small distributary of the Fraser but there is still holding there. Sockeye in particular are coming out and heading north, with the exception of the Harrison Lake stock, which DFO thinks might be migrating south. **22-Oct-2014, Workshop:** Responded that the options for onsite habitat mitigation do consider fish passage. The primary intent is to soften the shoreline to make it more amenable to salmonid use. Stated that juvenile salmon use eelgrass beds and tidal marsh habitat. Stated that the mitigation measures primarily consider juvenile salmon outmigration and rearing. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. **Addressed in EIS Section 13.6.3.1:** The potential effect on the migration behaviour of juvenile salmon from terminal placement and causeway widening was assessed qualitatively. Two effects mechanisms—changes in the light environment and changes in habitat availability—were considered to have the potential to influence migration behaviour of juvenile salmon and result in a minor decrease of juvenile salmon productivity pre-mitigation. With implementation of mitigation measures, including adherence to juvenile salmon fisheries-sensitive window, implementation of a light management plan, as well as offsetting in the form of onsite native eelgrass transplants and reconstructed tidal marsh habitats north of the widened causeway, migration-related changes in juvenile salmon productivity were assessed as negligible. **Addressed in responses to IR5-18 and IR5-22:** Further discussions about terminal placement's potential effects on the migratory behaviour of juvenile salmon is available in the VFPA's responses to IR5-18 and IR5-22.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish **Information Requests** Response to Sufficiency Information Request #18 (IR5-18 of CEAR Document #1153) Response to Sufficiency Information Request #22 (IR5-22 of CEAR Document #1153)
STZ-15.2	Stated that sockeye salmon have not been assessed in the EIS and is an information gap. Stated that the Cowichan Nation Alliance is not satisfied with the explanation provided as to why sockeye is excluded from the assessment. Stated that field studies were conducted at the wrong time of the year.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 29-Aug-2017, Follow Up	**12-Nov-2014, Workshop:** Responded that the VCs were defined based on the findings of the fieldwork. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but Chinook and chum have more of a presence. Responded that the VFPA understands the importance of the species (sockeye) and more details specific to sockeye can be provided. **11-Dec-2014, Workshop:**	**Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Concerned that there will be negative impacts on sockeye as a result of the Project. Stressed the importance of sockeye to the Cowichan Nation Alliance. Requested for peer review of the work pertaining to sockeye. Reiterated their concerns regarding the impact of the Project on migrating fish and disagreement that the VPFA consultants did not find evidence of sockeye salmon in the local assessment area.	Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	Responded that the VFPA thought more information about how sockeye had been considered had been provided to the Cowichan Nation Alliance, and apologised if they have not yet received anything. The EIS will describe more fully how salmon have been assessed. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **29-Aug-2017, Workshop:** Noted concerns regarding fish, and will include this as ongoing topic for further discussion on representative species and ways to address concerns raised.	within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. **Additional information provided by the VFPA:** Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in responses to IR5-15 and AIR-12.04.15-09:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye salmon and describes the status and management practices associated with the species. Rationale as to how sockeye salmon were assessed via use of Chinook and chum as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sockeye, as well as effectiveness of mitigation, are presented in the VFPA's response to AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in the VFPA's response to IR5-15. **Addressed in EIS Section 13.3:** The marine fish LAA encompasses an area of approximately 5,416 ha. In determining LAA boundaries, consideration was given to the nature and characteristics of marine fish, and potential exposure of marine fish to various Project influences (e.g., total suspended solids (TSS), sedimentation, and underwater sound levels). Also taken into account were social and cultural considerations, such as community knowledge and ITK, and current land and resource use by Indigenous groups and others. The RAA, which covers an area of approximately 52,456 ha, was established to provide a regional context for the assessment of Project-related effects. The RAA was also established to encompass the area within which the residual effects of the Project on marine fish may	13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.3.1 Spatial Boundaries 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity **Information Requests** Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				combine with the effects of other projects and activities to potentially result in a cumulative effect. Marine and freshwater RAA boundaries were determined based on DFO Pacific Fisheries Management Area limits (see EIS Figure 12-3).	
STZ-15.3	Stated that the EIS should consider salmon pooling at the mouth of the Fraser River and investigate Project-related impacts on sockeye salmon in this area. Stated that fishermen report that Canoe Pass is an important holding area for sockeye.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but chinook and chum have more of a presence. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 13.0:** While there is evidence that adult sockeye pass through the estuary annually en route to the Fraser River to spawn, available information indicates that most stocks enter the Fraser River with little or no delay (i.e., perhaps one day); hence, any potential interaction between the Project and migrating or passing individual adult sockeye salmon would be limited to approximately several days per year. A potential exception is a portion of the late-run timing group, which typically holds in the outer estuary for several weeks prior to starting upriver migration; however, since 1995, large segments of the late-run sockeye have ceased their holding behaviour and entered the Fraser River three to six weeks earlier than historically observed. As noted in EIS Section 13.2.1, there is no scientific evidence that waters at or near Roberts Bank represent holding areas for adult sockeye. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The response also further assesses potential effects of the Project on sockeye directly. As further described in the response to IR5-15, based on existing literature, there is no formally defined holding area within the Fraser River estuary for returning adult sockeye. It appears that the brackish layer or plume within which adult sockeye may hold can extend as far north as Gibsons Landing, as far west and south as the Gulf Islands (from Gabriola Island near Nanaimo to Saturna Island at Boundary Passage), and as far east at Point Roberts area. However, since 1995, sockeye holding behaviour appears to have ceased.	**EIS** 13.0 Marine Fish **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
STZ-15.4	Asked why people have not been included as one of the species that eats chum salmon in the food web example (slides 12-13, Marine Fish Presentation at 2014 Cowichan Nation Alliance Workshop #2).	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014:** Responded that the approach undertaken seeks to understand the ecosystem from a natural perspective, and human interactions are addressed in a different way. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#101):** The Roberts Bank ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not included in the food web. However, the existing conditions for species included in the model are reflective of existing harvesting levels by humans; therefore, human interaction within the model is implicit. **Addressed in response to IR3-09:** Dungeness crab fishing at Roberts Bank was investigated using the Roberts Bank ecosystem model in the VFPA's response to IR3-09. Salmon harvesting was not considered, because salmon harvesting occurs over large geographic areas, with only a small proportion of the salmon catch coming from areas in the periphery of or adjacent to Roberts Bank. As such, salmon fishing was considered unlikely to influence model results. Results from the Roberts Bank ecosystem model re-run showed that when Dungeness crab fishing was	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				considered, results were generally the same when compared to those described in the EIS.	Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis **Information Requests** Response to Sufficiency Information Request #09 (IR3-09 of CEAR Document #984)
STZ-15.5	Concerned that a spill could travel into mouth of Fraser River and impact migratory salmon species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B - Tables
STZ-15.6	Asked whether fish are being redirected away from Canoe Pass because of ships and whether that impact will increase with RBT2.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Responded that potential effects on marine fish migration behaviour from changes in the light environment and changes in habitat availability are assessed in the EIS. With mitigation, including implementation of a light management plan, and onsite offsetting in the form of eelgrass transplants and tidal marsh creation, changes in productivity of marine fish associated with these rearing habitats is assessed as negligible **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Section 8.1 on Marine Fish.	**Additional information provided by the VFPA:** There is no known evidence that existing shipping activity is affecting movement patterns of fish at Roberts Bank. In MSA Section 8.1, potential effects of underwater noise were considered to be negligible because noise generated by Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** A review of historical and recent air photos, in addition to modelling of sediment deposition at Roberts Bank (including Canoe Passage) is underway. Historic Canoe Passage discharge channel locations and sediment distribution (e.g., bar formation or build-up of sand) will be documented to assess natural variation pre- and post-terminal construction, and potential changes as a result of the proposed terminal configuration will be assessed. Fish and fish habitat suitability studies are currently underway to assess current fish distribution and abundance, and potential changes in fish presence as a result of the proposed Project will be assessed. Potential changes resulting from the Project during both construction and operations phases will be included in the assessment.	**MSA** 8.1 Marine Fish

Stz'uminus First Nation

Table 16: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-16.1	Concerned about effects on crabs, particularly in relation to black material observed in crabs harvested in the area. Crab harvesting in the RBT2 Project area results in black (coal polluted crabs), which are not edible. Asked how the VFPA can remediate lands first to deal with coal.	01-Nov-2013, Meeting with Cowichan Nation Alliance 12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**01-Nov-2013, Meeting:** Responded that crabs are part of the baselines studies and the VFPA is looking at current conditions of the baseline studies. **12-Nov-2014, Workshop:** Referred to the black crab study being carried out separately from the environmental assessment. Two black crab samples have been collected, and are currently waiting to be tested. The VFPA will be able to provide an update once that has happened. Tsawwassen First Nation collected the crab samples for this study. **07-Aug-2014, Email from the VFPA to Stz'uminus First Nation:** Provided information on a study that the VFPA is undertaking related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. This black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing. Provided details on the purpose, methodology, study area, and timeframe. **09-Jul-2015, Email from the VFPA to Stz'uminus First Nation:** Followed up to previous communications and the Dungeness Crab field study notification of August 2014. Attached a letter and memorandum regarding the studies undertaken by Hemmera in response to reports from Indigenous groups to the VFPA regarding blackening of Dungeness crab and concerns related to potential contamination. The memo included a summary of findings. The results of both studies were the same: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA to Stz'uminus First Nation:** Stated that since concerns were raised, the Project team has conducted further work on these topics to	**Addressed in EIS Section 27.0 and EIS Appendix 27-C:** Addresses potential effects of contaminant-related consumption risks of Dungeness crab, where contaminant analysis of crab tissue and the completion of a human health risk assessment was completed to support the development of the RBT2 environmental assessment. The leg muscle tissue did not contain detectable PAH concentrations, in spite of the use of sensitive laboratory analytical methods. Only arsenic was present in concentrations of potential concern and, consequently, was carried forward in a quantitative human health risk assessment; it was concluded that arsenic-associated health risks from the consumption of Dungeness crab tissue are acceptably low. A second study paralleled the above in terms of methods and analysis, but involved collaboration with Indigenous groups to provide samples of crabs as well microscopic examination of the tissue structures (i.e., histologic) of blackened areas. Again, results yielded no evidence of crab contamination related to coal dust, based on sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements. Results of microscopic examination point to localised physical damage of the exoskeleton and the bacterial shell disease as the underlying cause of blackening. **Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the causes of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available.	**EIS** 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The proposed Project is being designed to exclusively handle containers. There will not be an increase in coal shipments as a result of the Project. The VFPA has undertaken shellfish	

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				studies in the Roberts Bank area to assess contamination, and proposes to study crab tissues to assess whether the black material is coal dust, a fungus, or other substance.	
STZ-16.2	Requested more information on sea pens. Asked what is known about the impact and role of orange sea pens in the area. Asked what the per cent decrease in productivity is expected to be. Asked if the orange sea pen test transplant area has been determined yet to be either successful or unsuccessful. Concerned with the impact of a loss of sea pens on habitat and other species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that sea pens are known to exist in the area; however, from a scientific and ecological perspective, they are poorly understood. The first studies were done in 2002-2003, and more field studies were more recently undertaken in 2011 using an underwater remote vehicle. Additional recent studies have included people going underwater to count sea pens, to map their distribution, and to identify other species associated with them. One study sought to understand them better in the context of water flows and sediments and other studies looked at transplanting sea pens. If the transplant was not viable or unreliable, the effects would be characterised in a worst-case scenario. In this current status of the assessment, it is anticipated that there will be a moderate impact on the orange sea pens in the area if transplanting is unsuccessful. **07-Feb-2018, Email from the VFPA to Stz'uminus First Nation:** "Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved the transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled *Orange Sea Pen Transplant Pilot and Monitoring Program*. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05."	**Addressed in EIS Section 12.0:** As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in orange sea pen productivity, and that the level of confidence in this assessment was considered to be moderate. **Addressed in response to IR-7.31.15-24:** The VFPA's response to IR-7.31.15-24 presents the inter-relations between orange sea pens and other marine species and the predicted effects to other marine species from the Project-related loss of orange sea pen habitat. **Addressed in response to IR5-05:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. **Addressed in response to IR5-06:** The VFPA's response to IR5-06 discusses the confidence in the effect rating for orange sea pens. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere. **Addressed in response to IR5-07:** The VFPA's response to IR5-07 provides an assessment of the potential ecological effects on other components of the environment such as marine invertebrates and marine fish resulting from a decrease in the orange sea pen population	**EIS** 12.0 Marine Invertebrates **Information Requests** Response to Information Request #24 (IR-7.31.15-24 of CEAR Document #314) Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Request #06 (IR5-06 of CEAR Document #1145) Response to Sufficiency Information Request #07 (IR5-07 of CEAR Document #1145)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				due to the proposed Project activities. As noted in the response to IR5-07, the conclusion of no significant effects to marine invertebrates and fish remain unchanged.	
STZ-16.3	Referred to the food webs showing biomass in the future with and without the Project (slides 17-18 of Marine Invertebrates presentation at Cowichan Nation Alliance Workshop #2), and the bubbles changing in size. Requested the exact number of anticipated change for each of the species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included information on the biophysical setting in Section 10.0.	**Addressed in EIS Section 10.0:** The VFPA used an ecosystem-based approach to assess Project-related effects to the productivity of marine biophysical VCs. Modelling of ecosystem productivity was one of several tools used to inform effects assessments. Productivity is a measure of the amount of plant and animal biological material (or biomass) produced within an area over a given amount of time. A predator-prey food web for the Roberts Bank ecosystem was developed to represent the linkages and interactions between marine vegetation, invertebrates, fish, mammals, and coastal bird species that influence the productivity of the ecosystem. The model calculates productivity changes to 58 functional groups to represent the complex interactions of this ecosystem; productivity changes to each of these groups calculated by the model are presented in EIS Appendix 10-C. The results are presented as changes to biomass in the groups, not species' abundance (number of individuals). The model was also used to predict the productivity of proposed on-site habitat that would be created to offset expected Project-related effects on the productivity of marine biophysical VCs.	**EIS** 10.0 Biophysical Setting Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run
STZ-16.4	Concerned with the potential for RBT2 to constrain crabbing areas. Stated that fishing will be confined to a smaller area and there is concern regarding crowding. Stated that their use of the Roberts Bank area has increased recently because crabs in proximity to Penelakut are contaminated by the Crofton Mill. Stated that they rely on crab taken from the RBT2 area to support its food, social and ceremonial fishery and its traditional way of life.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **28-Jul-2016, Issues Workshop – Island Nations:** The VFPA hosted an issues workshop where concerns raised about project impacts to crab were discussed along with proposed mitigation measures. Explained that the EIS section for current use/rights considers the navigational closure area. FSC harvesters can access this closure area to crab without floats; commercial and other harvesters cannot. That closure area would be expanded to accommodate the new terminal and would increase in size. The idea would be that VFPA would work with DFO to continue the practice to only allow FSC crabbing within that area. We also have identified other consultation mechanisms to continue engagement with Aboriginal groups regarding monitoring/follow up programs regarding resources relied upon by Aboriginal groups. We have	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures, and will	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions With the Project - Potential Project-Related Effects

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			identified the opportunity for future VFPA-Aboriginal group collaboration. **12-Apr-2018, Letter from the VFPA to Stz'uminus First Nation:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in response to IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	**Information Requests** Response to Sufficiency Information Request #07 (IR10-07)
STZ-16.5	Requested specific information which explains how ATK was utilised in subcomponent selection – pertaining to the marine invertebrates' effects assessment.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letter from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"The Agency has requested additional information on Aboriginal Traditional Knowledge its letter of July 31, 2015 to [the VFPA] (page 3, #8)."*	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA is described in the VFPA's responses to IR-7.31.15-08 and MSA IR-02.24.16-4. In the case of marine invertebrates, sub-component selection was informed by other types of Indigenous information, but relevant ITK was not available.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
STZ-16.6	Stated that the characterisation of existing conditions is reflective of the year 2013, when marine invertebrate studies were completed in the local assessment area. The selection of 2013 as a baseline is arbitrary. Asked how the EIS conclusions would change with an earlier baseline.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letter from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 7, #13)."*	**Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (at around the time of EIS writing) (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in completeness-phase AIR-12.04.15-13, including in that response's schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

Stz'uminus First Nation

Table 17: Marine Water Quality

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-17.1	Asked if a change in salinity can have an effect on marine mammals, marine fish, and marine vegetation such as eelgrass.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that there will be extensive discussion around all of the VCs and how they relate to these ICs. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presentations on marine mammals, marine fish, and marine vegetation were provided to Cowichan Nation Alliance in Workshop #2. The VFPA presented that Roberts Bank is dynamic, highly variable, estuarine environment and that biofilm has adapted to a wide range of salinity variability. Explained that the VFPA will monitor and evaluate to confirm changes in water quality (salinity) and sediment erosion and deposition patterns through its Follow-up Program.	**Addressed in EIS Appendix 7.2-B (#50):** Changes in hydrology are predicted to affect salinity and turbidity levels, and increase sediment deposition as a result of the Project, but these changes are anticipated to be minimal relative to existing natural variability. These localised indirect effects of changes in hydrology on habitat are evaluated in the marine biophysical component effects assessments, including marine vegetation, marine invertebrates, marine fish, and coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.6 Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish 13.6.2 Negligible Effects 14.0 Marine Mammals 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.4 Potential Effects of the Project on Steller Sea Lions 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting

Stz'uminus First Nation

Table 18: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-18.1	Concerned with cumulative effects to Aboriginal rights associated with marine shipping. Stated that increases in shipping will result in "death by a thousand cuts". Concerned that the draft Current Use Summary does not include effects from malfunctions or accidents, as well as cumulative environmental effects.	17-Jun-2015, Meeting with Cowichan Nation Alliance 09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for follow-up. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Explained that the document shared by the VFPA on July 27, 2015 included a draft summary of CNA's current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. Noted that these topics will be addressed in the Report to be submitted to the Canadian Environmental Assessment Agency ("CEAA") in the fall of 2015. **09-Nov-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the MSA for the proposed Project, which included its assessment of cumulative effects in MSA Section 6.0.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping a without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
STZ-18.2	Stated that Canada, B.C., Parks and First Nations are working to establish the National Marine Conservation Initiative in the Gulf Islands. Concerned with impacts from shipping to this initiative and conservation areas.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency. **09-Nov-2015, Letter from the VFPA to Stz'uminus First Nation**: Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Appendix 5-B (#26):** The conservation areas within the marine shipping area are described in MSA Section 2.1.2 and shown on MSA Figure 2-2. The extent to which potential effects of marine shipping associated with the Project are predicted to occur within conservation areas is addressed within each relevant IC or VC section.	**MSA** 2.0 Geographic Setting 2.1.2 Species at Risk and Conservation Areas Figure 2-2 Conservation Areas in and near the Marine Shipping Area Appendix 5-B Aboriginal Issues and Interests
STZ-18.3	Concerned with the impacts of marine shipping to short fishing openings.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. Noted that the VFPA is not involved in setting the regulations for Aboriginal fisheries. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency. **09-Nov-2015, Letter from the VFPA to Stz'uminus First Nation**: Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Section 9.2:** Potential effects of vessel transit from Project-associated shipping on commercial fish and seafood harvesting marine area displacement, access, fish and seafood availability, and gear damage or loss would not be measurable from existing conditions and are therefore considered to be negligible. Potential consequential effects on harvest and associated revenues of commercial fishing and seafood enterprises are also considered to be negligible. When all lines of evidence are considered, the effect of vessel transit on commercial fishing and seafood harvesting is considered to be negligible.	**MSA** 9.2 Marine Commercial Use 9.2.5.1 Negligible Effects

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Table 19: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-19.1	Concerned with the potential effects of the Project on eelgrass habitat for crabs and other species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **28-Jul-2016, Workshop:** Explained that the EIS predicted a negligible effect on eelgrass overall. There is a negligible effect which is offset through transplants. The placement of the terminal will also create a wave shadow causing more optimal conditions for eelgrass growth. We don't believe there will be eelgrass mediated effects to crabs.	**Addressed in EIS Appendix 7.2-B (#68):** Potential effects on eelgrass habitat, as well as on crabs and other species that use eelgrass habitat, are described in the EIS. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass is a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 11.7.2 Reduction and Off-setting Measures 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 12.7.2 Mitigation #1 for Direct Mortality
STZ-19.2	Concerned with the conclusions of significance for biofilm including for the cumulative effects assessment. Asked about the certainty of confidence modelling and whether it is possible to see the results from an independent third party review on the marine vegetation effects assessment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the confidence for biofilm is relatively high. Studies were not limited to modelling; the Roberts Bank ecosystem model is not being relied upon for the confidence prediction. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **24-Apr-2017, Email from the VFPA to Stz'uminus First Nation**: The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	**Addressed in EIS Appendix 7.2-B (#63):** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the marine vegetation assessment, will be subject to an independent review. The scope and methods of the marine vegetation study are presented in EIS Section 11.0. The assessment of marine vegetation focused on eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Studies were informed by engagement with the Shorebirds-Biofilm TAG and regulatory agencies. The LAA included Roberts Bank, and the RAA included Roberts Bank, Roberts Bank North, the lower Fraser River, Canoe Passage, and Boundary Bay. Existing conditions were characterised for representative species for each of eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Existing conditions for marine vegetation are influenced by previous developments, including the development of the Roberts Bank and BC Ferries terminals, the dynamic natural environment, and species that forage on marine vegetation. Overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of environmental management plans and the creation of habitat. The overall productivity increase is due to sheltering of the intertidal zone shoreward of the terminal, which would optimise physical conditions for marine vegetation. During Project construction and operation, changes in productivity of eelgrass, biofilm, and biomat are predicted to be negligible (i.e., not measurable or detectable), while increases in productivity of intertidal marsh is expected. Productivity of rockweed, a macroalgae, is predicted to decrease during construction and operation. This decrease can	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				be mitigated through the creation of onsite subtidal rock reef habitat. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity but is expected to return to existing conditions outside of the annual freshet period. The assessment concludes that there are no significant adverse residual effects from the Project to marine vegetation, as it will continue to maintain its existing ecological functions. The Project is not expected to result in any incremental cumulative effects to marine vegetation. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing; • Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
STZ-19.3	Asked for clarification on the statement that biomat and biofilm are relatively new to science. Asked if there could be other things that the biologists are not aware of.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that biofilm is relatively new to science in that it was first discovered at Roberts Bank in 2003, in association with work being undertaken for the DP3 project. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **24-Apr-2017, Email from the VFPA to Stz'uminus First Nation:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm	**Addressed in EIS Section 11.0 and EIS Appendix 7.2-B (#65):** Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment, and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which for the purposes of the marine vegetation effects assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing;	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6. Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	• Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
STZ-19.4	Concerned about the role of offsetting within the determination of residual effects. Requested more information related to habitat offsetting.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the potential effect would be site-specific to RBT2. This presentation does not discuss any offsetting work that the VFPA would consider in conjunction with the Project. This assessment looks at whether there are any potential effects, and considers how they could be avoided or mitigated. If they cannot be avoided or mitigated and there is a residual effect that is when offsetting would be considered. The VFPA is undertaking an extensive program for offsetting. For marine vegetation, there are two potential Project-related effects. The first is decreased productivity, for which mitigation measures (including offsetting) are anticipated to result in there being no residual effects. The VFPA referred to slide 17 (of Marine Vegetation presentation, Cowichan Nation Alliance Workshop #2), which is a table of the marine vegetation sub-component species and their expected difference in productivity between future conditions without the Project and future conditions with the Project. There is an onsite habitat mitigation program, where work would be expected to be conducted right at and near the terminal. It is anticipated that work will be successful. Some measures may be able to be done in advance, and we will know whether or not they are successful. There is also a commitment to monitor. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses	**Addressed in EIS Appendix 7.2-B (#28):** Project-related effects on marine biophysical VCs that cannot be fully mitigated through avoidance or reduction or other mitigation measures will be addressed through offsetting. Offsetting proposed for this Project is focused on the creation and enhancement of biophysical habitats that currently support species of the Roberts Bank ecosystem. The concepts proposed are consistent with current legislation and policy and are based on well-established techniques that have been successfully implemented at Roberts Bank, elsewhere in B.C., and in the Pacific Northwest. The EIS includes a description of onsite habitat concepts to offset potential decreases in productivity, including the identification of beneficial habitat types for each of the VC sub-components, and representative species and groups where applicable. **Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The five habitat types considered for onsite offsetting include: • Intertidal marsh: Important for shoreline stabilisation, gas and nutrient regulation, contaminant filtering, and nutrient supply, as well as providing structural habitat used for shelter and food by organisms. Some of the species that use intertidal marsh habitat at Roberts Bank include bivalve shellfish, Dungeness crabs, juvenile Chinook salmon, shiner perch, sand lance, and waterfowl. Approximately 15 ha of intertidal marsh is proposed along the widened causeway and in the S-bend of the new terminal. • Sandy gravel beach: Provides spawning area for forage fish, including surf smelt, Pacific herring, and sand lance. Two sandy gravel beaches, totalling approximately 4.5 ha, are proposed along the widened causeway. The beaches are intended to provide attachment-type habitat and substrate suitable for marine vegetation and invertebrates, and to benefit some of their predators (e.g., juvenile Chinook salmon, waterfowl, and American wigeon). • Mudflat: Plays a role in dissipating wave energy and supports large numbers of birds and fish. Mudflats also support biofilm, an important component of the food web in estuarine and coastal ecosystems. Approximately 4.5 ha of mudflats is proposed along the widened causeway and in the S-Bend of the new terminal. Biofilm,	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3 Offsetting Potential Effects 17.3.2 Offsetting Potential Effects, Offsetting Framework

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				invertebrates, waterfowl, and shorebirds will benefit from this habitat. • Subtidal rock reefs: Support rockfish populations and assist in meeting fisheries management objectives to alleviate historic declines of regional populations. The creation of approximately two hectares of reef habitat will benefit macroalgae vegetation, and provide refuge, feeding, and spawning habitat for invertebrates, fish, and birds. • Eelgrass: Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS.	
STZ-19.5	Concerned that the assessment excludes marine vegetation that is culturally important to Cowichan Nation Alliance and could be impacted by the Project. Requested that 'coastal terrestrial vegetation' be identified as a distinct Valued Component.	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by the Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** The VFPA hosted two workshops for Indigenous groups on the VCs providing them with an opportunity to comment on the proposed VCs. For coastal terrestrial vegetation, there is no interaction with the Project and the terrestrial environment, either directly or indirectly, due to the marine-based nature of the Project, and therefore no effects are anticipated.	**Addressed in EIS Section 8.0:** The process for selecting VCs is described in EIS Section 8.0. Rationale for not selecting terrestrial vegetation as a VC is provided in EIS Appendix 8-A. Terrestrial vegetation on the Roberts Bank causeway to the track tie-in location (a less than 1 ha area with in the British Columbia Rail (BCR) right-of-way) is characteristic of highly disturbed sites. Terrestrial vegetation of ecological value does not occur proximal to the Project. Additionally, the Project area does not contain any wetlands above the high water level. Wetlands below high water level are included in the marine vegetation VC.	**EIS** 8.0 Effects Assessment Methods Appendix 8-A Valued Component Selection Rationale Table 8-A2 Rationales for Candidate Component Exclusion Decisions and Other Considerations

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Table 20: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-20.1	Asked what the rationale is for including fish refugia in the caisson design.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Section 13.0 Marine Fish.	**Addressed in EIS Sections 4.0 and 13.0:** A mitigation opportunity for marine fish during operation of the terminal includes provision of refuge habitat in the caissons. To increase the availability and connectivity of refuge habitat for marine fish, and to provide a diversity of potential food sources, design options for the caisson face have been considered (EIS Section 4.0) and are described further in EIS Section 13.7.1.3. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The upper portions of the caissons are not filled with ballast rock, only water. In previous projects, such as DP3, a decision was made to provide an opening into every 2nd or 3rd caisson to allow fish and marine creatures to seek refuge inside this water filled area of the caisson. This fish refugia concept was carried over in the design for the proposed Project. It is an accepted DFO habitat development concept.	**EIS** 4.0 Project Description 13.0 Marine Fish 13.7.1.3 Caisson Fish Habitat
STZ-20.2	Asked what the mortality rate during crab salvage efforts would be during molting season.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Stated that mortality related to construction activities has not been quantified. Assumptions would have to be made around density, which could be done; the VFPA is hoping that the mitigation will be good enough in that crabs will be trapped and removed from the construction area, and timing windows would be respected to reduce mortality.	**Addressed in response to IR5-04:** The VFPA's response to IR5-04 discusses the planned approach for crab salvage during the construction of RBT2. Salvages are planned for all Project activities that have the potential to cause direct mortality to legal-sized male and gravid female Dungeness crabs. A list and schedule of proposed Project activities is provided in Table IR5-04-1; the activities for which Dungeness crab mortality or injury may occur are indicated, and for those activities that may cause mortality or injury, plans for salvages are also indicated.	**Information Requests** Response to Sufficiency Information Request #4 (IR5-04 of CEAR Document #1209)

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Table 21: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

STZ-21.1	Concerned about potential noise effects from shunting to wildlife and humans.
	Stated that members are affected and interrupted by the shunting.
	Asked if the numbers (of noise events) presented are an expected average over a 24-hour period.
		22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:**
			Recorded comment for consideration by Project team.
			01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.
			19-Apr-2016, Letter from the VFPA to Stz'uminus First Nation:
			Shared meeting notes from the 22-Oct-2014 workshop, which included the following post-meeting note: Stated that the number of noise events is predicted on a per-hour basis.
				Addressed in EIS Appendix 7.2-B (#43):
				The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS.
				The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use.
				The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic.
				The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration.
				Mitigation measures related to noise are included in the human health assessment (EIS Section 27.9.2).
				The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration.
				The assessment concluded that:
				• Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible.
				• The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors.
				• Some changes in noise conditions that could be perceptible include:
				  ○ Increased noise during periods of peak construction activity.
				  ○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals.
				  ○ Increased noise in marine areas is expected to be perceptible close to the terminal.
				  ○ The construction and operation of the marine terminal and causeway is not expected to result in perceptible increases in levels of ground-borne vibration.
				Suggested mitigations were considered in the development of proposed mitigation for Project-related changes in noise. Noise Management Plans would be developed for construction and operation phases and would integrate with the VFPA's existing noise monitoring programs.
				Mitigation of construction-related noise would include:
				• Scheduling of higher-noise generating activities during weekdays, and during the daytime;
				• Shutdown of equipment and vehicles when not in use;
				• Utilisation of equipment that produces less noise; and
					EIS
					Appendix 7.2-B Aboriginal Groups Interests and Issues Table
					9.3 Noise and Vibration
					9.3.6 Methods
					9.3.7 Existing Conditions
					9.3.9 Future Conditions with the Project
					9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities
					9.8 Underwater Noise
					13.0 Marine Fish
					13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity
					14.0 Marine Mammals
					14.6 Future Conditions with the Project
					15.0 Coastal Birds
					15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity
					27.0 Human Health
					27.6 Future Conditions With the Project - Potential Project-Related Effects:
					27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise
					27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance
					27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity
					27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects
					27.9.2 Significance Determination

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				• Awareness and training for construction crews. Mitigation for operation-related noise would include: • Optimised tonality of equipment alarms to limit audibility on shore while meeting safety requirements; • Operator awareness and training; and • Regular maintenance of equipment (e.g., lubrication of pulleys and other moving parts, replacement of deteriorated exhaust mufflers, maintaining efficiencies of engines through servicing).	
STZ-21.2	Noted that Penelakut has a village site at the north end of Galiano Island at Porlier Pass. Asked if studies were done on the west side of Porlier Pass and the Gulf Island passages.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Referred to the work carried out by acoustician that determined the areas identified in the slide is where noise is expected to go. Stated that sound does not necessarily travel with currents. Rather, it bounces off of surfaces. There is likely to be noise in that area, but not Project noise, which is what the slides are referring to. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#44):** The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3. The marine study area includes all marine areas within 10 km of the proposed terminal, including areas at the mouth of the Fraser River and Canoe Passage, north of the northern tip of Westham Island. The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.3 Noise and Vibration

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Table 22: Port Operations

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-22.1	Asked where ships currently re-fuel in the VFPA's jurisdiction.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS Section 4.4.2.1 Container Ship Manoeuvres.	**Addressed in EIS Section 4.4.2.1:** Facilities to support bunkering of ships do not exist at Roberts Bank, nor does the Project include any facilities to support bunkering. Container ships usually bunker at one of their home ports. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** Container ships cannot re-fuel at Roberts Bank. Container ships are on a tight schedule and will arrange to pick up fuel at a location where they will be at berth for a longer time (home port) and where fuel is less expensive, usually in Asia. Vessels within the VFPA's jurisdiction that need to re-fuel will typically take on fuel in Burrard Inlet, alongside at berth or at one of the designated anchorages in the inlet. The fuel is delivered to the vessels by barge, either from the Stanovan Marine Terminal (Chevron) in Burnaby or the Shellburn Marine Terminal (Shell Canada), also in Burnaby. Tugs used to guide the container ships during arrival and departure, bunker at the Chevron marine fuelling station in Burrard inlet.	**EIS** 4.4.2.1 Container Ship Manoeuvres
STZ-22.2	Concerned about traffic and increased use of anchorages around the Gulf Islands. Concerned about increased number of large ships anchoring in Cowichan Tribes territory. Stated that increased shipping traffic from the proposed Project would likely increase the frequency of these freighters anchoring in Cowichan Bay. Concerned with sewage effluent and ships moored and anchored south of Penelakut and north of Thetis Island. Stated that ships are dumping effluent and it is impacting their beaches. Stated that they are there for two weeks and does not know why they would not be in the Fraser River.	17-Jun-2014, Technical Working Group Meeting #4 09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of the Cowichan Nation Alliance 18-April-2017, Chief & Council Meeting – Cowichan Nation Alliance 07-Nov-2017, Cowichan Nation Alliance Meeting with Federal Agencies	**17-Jun-2014, Meeting:** Recorded comment for consideration by Project team. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Referred Cowichan Nation Alliance to Section 3.3.2 of the Marine Shipping Overview document sent to Cowichan Nation Alliance on May 26, 2015: There are no plans, or foreseen terminal operating requirements, for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Container ships operate on a scheduled service, usually between Asia and the west coast, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement. Exception to this could occur in the event of an extreme storm event in the Pacific Ocean, resulting in a refuge anchorage requirement for safety reasons or to accommodate unexpected ship-specific maintenance personnel, or operation issues that may arise. Container ship anchorages for	**Addressed in EIS Appendix 7.2-B:** The scope of the Project, as defined in the *EIS Guidelines* issued by the CEA Agency, includes vessel movements within VFPA jurisdiction, including approach, berthing, unberthing, and departure from the terminal. The assessment does not include the anchoring of ships in the Gulf Island area. The MSA includes an assessment of the impacts of Project-associated marine shipping outside the VFPA's jurisdiction. For questions regarding island anchorages, please contact the CEO of the Pacific Pilotage Authority at [email address]. **Addressed in MSA Appendix 5-B (#3):** Anchorage is discussed in MSA Section 4.0. Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. The assessment of marine shipping associated with the	**EIS** 4.4.2.1 Container Ship Manoeuvres Appendix 7.2-B Aboriginal Groups Interests and Issues Table **MSA** 4.0 Activity Description 4.2.2.2 Anchorage Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #01 (IR5-01 of CEAR Document #1078) **TC IR-07 of CEAR Document #982 from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			Deltaport Terminal in 2012 and 2013 were rare, with a frequency range of three to four per year out of an approximate annual total of 270 ship calls to Deltaport Terminal in each of those years. The same frequency can be assumed for marine shipping associated with RBT2, resulting in approximately three to four unforeseen container ship anchorages per year. As defined in the *EIS Guidelines*, issued by the CEA Agency, the scope of the Project includes marine transportation within the VFPA's jurisdiction. Ship traffic through the Gulf Islands is outside of the scope of the Project. The MSA includes an assessment of potential effects associated with marine shipping outside the VFPA's jurisdiction. The spatial boundaries are included in the noise and vibration (EIS Section 9.3) and underwater noise (EIS Section 9.8) assessments. Project-related changes to noise and vibration, both above water and underwater, are not expected to extend from the Project area into this area. The appropriate authority for comments related to island anchorages is the Pacific Pilotage Authority (contact information provided). **18-April-2017, Meeting:** Recorded comment for consideration. **07-Nov-2017, Meeting:** Cowichan Nation Alliance met with federal agencies, including the CEA Agency, Transport Canada, ECCC, Health Canada, DFO, NRC, and the Canadian Coast Guard. Transport Canada committed to connect Cowichan Nation Alliance with a representative of Transport Canada to discuss anchorage concerns further. **16-Nov-2017, Email from the CEA Agency to Cowichan Tribes:** Provided draft meeting notes from the 07-Nov-2017 meeting, which included a link to IR5-01 that discusses aspects of anchorage outside of the VFPA's jurisdiction and TC IR-07.	Project is based on a routine vessel transit scenario. Because anchorage only occurs in rare circumstances, anchorage is not assessed as an activity related to marine shipping associated with the Project. **Additional information provided in response to IR5-01:** The VFPA's response to IR5-01 generally discusses aspects of anchorage outside of the VFPA's jurisdiction. Notably, it references detailed information regarding anchorages in Transport Canada's response to Panel information request TC IR-07 from Transport Canada to the Review Panel. Transport Canada's response to information request TC IR-07 tabulates detailed information regarding anchorages and minimum, mean, and maximum number of days in Appendix D (Pacific Pilotage Authority Anchorage Usage Data 2012 – 2016 for the Pacific Pilotage Authority Marine Shipping Area). As shown in these tables, a total of 124 anchorages occurred between 2012 and 2016 for container vessels destined for VFPA jurisdiction, and the mean number of anchorage days was 2.69, with a minimum of 0.05 days and a maximum of 83.64 days. **Additional information provided by the VFPA:** Information regarding an interim protocol for the use of Southern B.C. Anchorages can be found on Transport Canada's website. The following text is an excerpt from the *Interim Protocol for the Use of Southern B.C. Anchorages webpage*: An interim protocol for the use of Southern B.C. anchorages has been developed by Transport Canada in collaboration with the Chamber of Shipping of BC, the Shipping Federation of Canada, the Pacific Pilotage Authority, the VFPA, and the Port of Nanaimo (working group members). It also takes into account comments provided to Transport Canada by coastal communities about the impact of increased use of anchorages in their surrounding waters. Drafts of the interim protocol were also shared with coastal communities and Indigenous groups. Under the protocol, the VFPA assigns anchorages as equitably as possible, subject to individual anchorage size restrictions, using their computerised queueing system, which takes into account the dimensions of the vessel and specific anchorage usage over the previous 30 days. The objective of this approach is to balance the usage, so that no single anchorage is in constant use, and that that there is an equitable rotation of use through all suitable anchorages. Noise and Lights: All vessels, while at anchor, should minimise noise levels and light usage in consideration of local residents. The following guidelines apply:	**Interim Protocol for the Use of Southern B.C. Anchorages. Available at:** **https://www.tc.gc.ca/en/services/marine/ports-harbours/interim-protocol-use-southern-bc-anchorages.html**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Noise: • Generator usage should be reduced to the minimum required generator(s) to operate essential services and systems; • External doors and hatches to machinery spaces must be kept closed as often as possible; • Use of power tools and chipping hammers must be kept to a minimum and is not permitted on deck on weekends, nor between 1900 and 0700 hours on weekdays. Lights: • While the vessel is to be lit in compliance with the Collision Regulations, deck lights must be kept to a minimum; and • Lighting used to illuminate. Concerns with any of the specifics related to the responsibilities of ships at anchor (e.g., noise, light) within the protocol, can be reported to the VFPA Operations Centre. The VFPA Operations Centre will relay the complaints to the vessel agent with a copy to the Chamber of Shipping of BC, the Shipping Federation of Canada, and Transport Canada with the request to follow up with the vessel. The Interim Protocol is a temporary and voluntary measure that addresses some of the concerns Canada and the Port have heard in recent years. The Oceans Protection Plan, National Anchorage Framework will be undertaking the studies and consultation necessary to develop principles that determine the location and management practices for anchorages outside of ports in the future. In 2017, Transport Canada announced the Oceans Protection Plan's Anchorages initiative. The Anchorages Initiative will engage governments, marine industry, Indigenous groups, community organisations, and stakeholders to: • Develop a process to identify potential anchorage locations; • Analyse and respond to environmental, economic, cultural, safety and security concerns now and over the long-term; • Draft a "best practices at anchor" manual; and • Propose oversight/management options for anchorage locations outside the port authority's boundaries. The comprehensive review will use an evidence-based approach, and includes hearing feedback on issues from Indigenous groups, coastal communities, other levels of governments, and industry. Results and lessons learned from the Interim Protocol will help inform the national Anchorages Initiative.	

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-22.3	Related concerns regarding: • Pollution impacts from anchoring ships to shellfish; • Ships not following proper bilge water regulations; • Invasive species of clams being introduced and varnish clams disappearing; and • Invasive species of mussels (blue) being introduced to Penelakut territory.	17-Jun-2014, Technical Working Group Meeting #4	**17-Jun-2014, Meeting:** There are regulations currently in place that prevent the discharge of bilge water in VFPA jurisdiction. Similarly, vessels that enter VFPA jurisdiction are not permitted to release raw sewage effluent. If required, untreated sewage can be discharged at least 12 miles (19.3 km) from shore with the ship moving faster than 4 knots. If sewage is comminuted (i.e., blended or pulverised), discharges can take place 3 miles (4.8 km) from shore. For ships equipped with approved treatment plants there are also limits to the permissible coliform counts	**Addressed in EIS Section 13.6.2.1:** Potential operation-phase changes from wastewater (sewage) and stormwater discharges, and discharges from ships (bilge water and ballast water) are not expected to affect marine vegetation due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures described in EIS Section 4.2.1, and the implementation of regulatory requirements and guidelines (refer to EIS Section 9.7.8 for more information). **Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. *Spartina* Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6.2.1 Changes in Water Quality

Table 23: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-23.1	Asked who is responsible for the cost of clean-up in the event of a spill and who is responsible for compensation of lost food sources for First Nations people. Stated that the VFPA should be held accountable, not just the shipper. Asked how the VFPA is bolstering WCMRC capacity to respond. Asked whether the VFPA contributes to WCMRC. Asked if Canada's compensation regime for impacts from a major container vessel casualty from its containers, debris, and/or wreckage fully compensate for natural resource damages, as well as to Cowichan Nation Alliance subsistence (non-commercial) and traditional fisheries. If yes, what are these compensation avenues?	07-Oct-2014, Aboriginal Groups Workshop #1 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**07-Oct-2014, Workshop:** Explained that with WCMRC, each vessel (i.e. the shipping company), the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project in the first place, must have a formal agreement with WCMRC, and pay into the fund/service, and then WCMRC responds to the spills. **22-Oct-2014, Workshop:** Stated that the framework of responsibility is based on the polluter pays principle. Each vessel, the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project, must have a formal agreement with Western Canada Marine Response Corporation (WCMRC), and pay into the fund/service, and then WCMRC responds to the spills. Stated that the VFPA would be responsible for the safe access and transit to or from the site, and implementing changes to navigation patterns to keep people clear of a potential spill. Increased traffic and risk of collision is considered in the assessment. The review panel will need to consider the VFPA's role in such an incident. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.*	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on liability on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm **Additional information provided by the VFPA:** The *Canada Shipping Act (2001)* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions 30.3.3 Port Metro Vancouver Practices and Procedures Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
STZ-23.2	Concerned that the assessment for accidents and malfunctions should consider extreme weather events, not only ideal/normal weather patterns.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the VFPA is taking a conservative and worst-case scenario approach, so weather extremes are considered. The worst weather condition might also be overlaid with the timing of something such as spawning season, for the purposes of the assessment. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:**	**Addressed in EIS Appendix 7.2-B (#213):** A description of how local conditions and natural hazards, such as severe or extreme weather conditions and weather-related events, could adversely affect the Project, and how these in turn, could affect the environment, is presented in EIS Section 31.0. Project design and management measures capable of mitigating the effects of extreme weather conditions on the Project also will effectively address any potential effects associated with ideal/normal weather patterns. As described in EIS Section 9.1, climate is recognised as one of the primary drivers in shaping the Roberts Bank ecosystem. The influence of weather patterns typical for	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.1 Climate, Coastal Conditions, and

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	south coast B.C. and Roberts Bank are considered as an aspect of the Project's physical setting in existing conditions, expected conditions, and future conditions in the assessment of Project-related effects on the ICs and VCs.	Geotechnical Considerations 31.0 Effects of the Environment on the Project 31.2.1 Extreme Weather and Weather-related Events
STZ-23.3	Requested a list of hazardous materials/dangerous goods that are shipped in containers. Asked if there has been an assessment done on which hazardous materials are currently being handled in the Port.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded the Port has records and statistics on the contents of containers Noted that more information on the contents of containers would be provided in the EIS. Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx. The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 10.0 Potential Accidents or Malfunctions
STZ-23.4	Asked if shipping of hydrocarbons in containers has been included in the assessment, as hydrocarbons are being increasingly shipped by rail, resulting in incidents. Asked if there is an increase in the movement of coal contemplated in the Project.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that there have not been plans or projections for a change in the distribution of contents of containers. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Interests and Issues Table
STZ-23.5	Concerned about the increased tanker traffic including oil spills, spill response, vessel safety, invasive species and cumulative effects.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use were	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA:** The proposed Project is being designed to exclusively handle containers. There will be no additional tankers as a result of the Project. The proposed Project will undergo a thorough and independent environmental assessment, which will include a component that will look at potential cumulative effects and potential for spills.	
STZ-23.6	Concerned that bunker fuel or cargo spill would be distributed by ocean currents - not just in shipping lanes.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** The document shared by the VFPA on July 27, 2015 included a draft summary of Cowichan Nation Alliance's Current Use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the report to be submitted to the CEA Agency in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with Cowichan Nation Alliance on May 26, 2015, or the *Updated EIS Guidelines*, issued by the CEA Agency on April 17, 2015.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario. **Addressed in MSA Section 10.0:** The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation
STZ-23.7	Concerned with the safety of those participating in Tribal Journeys.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency.	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0, as well as EIS Appendix 30-A. Data collected by DFO between 2008 and 2012 for vessels in DFO sub-areas encompassing Canadian and U.S. waters transited by ships bound for Roberts Bank was reviewed. These data indicated that daily fishing vessel numbers in the area are	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			09-Nov-2015, Letter from the VFPA to Stz'uminus First Nation: Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	low (i.e., no vessels per sub-area on most days; maximum of six vessels on one day in the largest sub-area). On this basis, the quantitated risk assessment estimated the return period for a collision involving a container ship and a fishing vessel as 1 in 50 years, equivalent to a 'very low' probability in this assessment. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues. **Addressed in MSA Section 10.0:** Includes a description of applicable collision risk reduction measures. The assessment of Current Use considers the risk of collision, and perceptions of safety and determined that residual effects of the collision scenario on Current Use was considered significant, though unlikely to occur. **Addressed in response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the Project.	Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions **Information Requests** Response to Sufficiency Information Request #15 (IR10-15)
STZ-23.8	Asked if there will be timely and adequate rescue and tow of a disabled container vessel that is undertaken by a tug of adequate. If yes will these be commercial tugs of opportunity or a dedicated response tug operated by trained and experienced crew for high seas rescue.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
STZ-23.9	Asked if there will be timely and adequate salvage capability provided for a container vessel threatened or stricken with structural failure and needing hull patching and/or container cargo removal? If yes, will the salvage services be from a company sourced internationally, or will services be provided by a salvor representative whose office resides in B.C. and has repositioned equipment strategically located for rapid deployment? What will the timelines be for each salvage service (stability analysis, fire-fighting, hull patching, towing, cargo/fuel removal, shore clean-up) within the marine study area?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-23.10	Asked if there will be planning and collaboration by Transport Canada with the Cowichan Nation Alliance on potential places of refuge within our Traditional Territory Stated that if yes, what are Transport Canada's intentions and approaches?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada's response to information request TC IR-07 discusses planning and collaboration in the development of new places of refuge. In its response, Transport Canada notes it "recently led a review and update of the Pacific regional POR [place of refuge] plan. The plan provides guidance in regional POR planning and decision-making for federal, provincial, First Nations, municipal and non- government partners, and includes a more comprehensive and cooperative mechanism for risk assessment and decision-making. As the federal government retains responsibility for marine shipping, if the urgency of the situation requires immediate action, Transport Canada and Canadian Coast Guard will initiate action under the *Canada Shipping Act, 2001* and engage with other partners (e.g., Province of BC, Public Safety Canada, Parks Canada, Environment and Climate Change Canada, First Nations, municipalities) as soon as possible thereafter using the plan, including the Incident Command System and Unified Command. Under the Oceans Protection Plan, places of refuge engagement will be expanded to the rest of the Pacific coast to enhance the plan with new sub-regional annexes, including for the South Coast, summarising the navigation criteria, in balance with the environmental, socio-economic and cultural values of First Nations and local communities that may be exposed to some risk from a POR decision. These new annexes will modify and/or update current pre-surveyed places of refuge, from the existing regional plan dated 2009. It should be noted that "pre-surveyed" doesn't mean "pre-designated". Actual assignment of a place of refuge anchorage is undertaken in accordance with this plan, using a cooperative risk assessment and decision-making process whenever time and operational imperatives allow. Engagement with other First Nations and coastal communities will ensure these annexes are developed in a balanced and fully informed manner."	**TC IR-07 (CEAR Document #982) from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017**
STZ-23.11	Asked if there are regions and periods whereby sea conditions for daylight oil spill and/or container-debris response are not safe or ineffective within our Traditional Territory. If yes, what would be the frequency of limiting factors such as: waves, wind, fog, currents, etc. within the marine study area?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
STZ-23.12	As a precautionary approach are current and future environmental impact assessments for vessel casualty scenarios and associated means for mitigation to be based on worst-case analysis rather than relying on statistical analysis to render consequences and preparedness lower as "credible" or "plausible" worst-case scenarios? For	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** The methods used to assess the potential accidents and malfunctions are consistent with the *EIS Guidelines* issued by the CEA Agency. **Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	***Updated EIS Guidelines*** **Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	risk determination and emergency preparedness purposes, what direction does Transport Canada provide to the shipping industry and for federal impact assessments in defining the nature, scale and scope of major vessel casualty's consequences?				
STZ-23.13	Asked if heavy fuel oils (bunker) used by the project's container vessels - if spilled in BC's marine temperate waters - submerge (over wash) and/or sink anywhere within the marine study area? If yes, then what is the current capability within industry and government with regards to having specialized equipment and trained personnel to realistically track and recover such oil? How is this specialized equipment and operations evaluated by regulatory agencies?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 10.4:** MSA Appendix 10-B provides qualitative evaluations of the physical fate and transport of potential spills. The evaluation focuses on the Boundary Passage region where the probability of an accident or malfunction and associated spill to the marine environment is greater and the environmental consequence likely higher. The identified residual adverse environmental effects are unlikely to occur, because of the very low probability of the accident scenarios. MSA Section 10.4 discusses existing emergency response mechanisms and arrangements with Response Organisations within the spatial extent of marine shipping associated with the Project. MSA Section 10.4.4.1 specifically discusses the capabilities of WCMRC, the Response Organisation within the marine shipping area. WCMRC maintains a team of full-time and part-time employees, and trains on average 150 to 200 marine contractors and fishers in spill response each year. In addition to formal training, WCMRC conducts a program of equipment deployment and desktop exercises over the three-year certification cycle. WCMRC meets the equipment requirements for certified Response Organisations by maintaining the following: • A dedicated fleet of specialised oil spill response vessels, with a combined skimming capacity of 468 tonnes/hour; • More than 35,500 m of boom; • The capacity to clean-up 1,500 m of shoreline/day; • 8,100 tonnes of primary storage capacity; • Four sweep systems for on-water oil collection; • Incident Command Post kits containing all the materials and equipment required to establish and operate a complete Incident Command Post. Three of these kits are currently stored in trailers ready to be mobilised in Burnaby, Duncan, and Prince Rupert, B.C.; • A communications network that includes fixed and portable repeaters and a mobile communications vehicle for supporting remote operations; • Equipment or Office warehouses in Burnaby, Duncan, and Prince Rupert; and • Equipment caches in Haida Gwaii, Kitimat, Shearwater, Port Hardy, Campbell River, Sunshine Coast, Port Alberni, Nanaimo, Deltaport, Fraser River, and Esquimalt.	**MSA** 10.4 Mitigation Measures 10.4.4.1 Western Canada Marine Response Corporation Capabilities Appendix 10-B Marine Fate of Shipping Spill-type Accidents
STZ-23.14	Asked if there will be a requirement to heat recovered heavy bunker fuels in BC's temperate waters in order to facilitate its transfer from recovery vessels to transport barges then to land for disposal? If yes, then what is the current capability in industry and government with regards to having	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	specialized equipment and trained personnel to heat and transfer highly viscous, weathered bunker oil? If present, how is this specialized equipment and operations evaluated by regulatory agencies?				
STZ-23.15	Asked if ambient-temperature water flushing and deluge systems commonly used for sediment-type shore treatment be singularly effective for weathered heavy fuel oil (bunker) stranded on shore? If not effective, will these water-systems require augmenting by heated water or shore-washing agents? For container-debris is there a systematic process to field assess shoreline impacts and then to identify mitigation measures (i.e., clean-up tactics) -such as modelled after the well-established Shoreline Clean-up Assessment Techniques (SCAT) for stranded oil? If yes, where is this guideline and who has been trained?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management. **Addressed in response to IR11-12:** The VFPA's response to IR11-12, as requested by the Review Panel, will provide information concerning Geographic Response Plans (GRP) mapping for shorelines adjacent to and down-current from potential marine accidents and malfunctions associated with the proposed Project.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)** **Information Requests** Response to Sufficiency Information Request #12 (IR11-12)
STZ-23.16	As a container-debris generally results in a wide-range of types and amounts of HNS (e.g., hazardous materials/dangerous goods), asked who will provide this specialized services for both on-shore and on-water recovery, and who will manage this mitigation measure.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
STZ-23.17	Asked if there will there be an adequate number of willing shoreline workers to undertake a major clean-up of a wide-spread bunker oil spill and/or container debris field. Asked who is prepared to source, register, train, equip,	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	supervise and pay for a workforce that could be in the order of several hundred to a thousand people. Asked if a regional or provincial survey been done to determine public availability, receptiveness, and composition for oil and for container debris clean-up.				
STZ-23.18	For bunker oil and/or container debris clean-up, asked if there will there be adequate logistical support such as vehicles, vessels, planes, camps to transport a large shoreline workforce to remote areas within the marine study area. If yes, who will provide and manage these logistical services for a container vessel? Does provision of such services depend on if there is an oil spill?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
STZ-23.19	Asked if there are waste management solutions for final disposal of oily wastes, container debris of both from a container vessel casualty. If yes, what waste volumes have been considered in oil and in debris, and where are the facilities located for each of these waste streams?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
STZ-23.20	Asked if there has been any provincial or national exercises and plans for managing a major loss of containers and resulting debris-field from a container vessel casualty that entails: salvage services, waste management, logistics, incident management, workforce establishment, hazardous material management, etc. If yes, when, where, and by who?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
STZ-23.21	Asked if there will be financial risks for participants in Unified Command	13-Jan-2016, Letter to the CEA Agency from	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):**	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC	**Transport Canada Response to the Review Panel's April 4,**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	(agencies and First Nations) once a ship-owner (the Responsible Party) reaches its legal limit of financial responsibility that results in the incident's management and further expenditures being transferred to government. If yes, what are these risks?	Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	*"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**2018 Information Requests (CEAR Document #1204)**
STZ-23.22	Asked if the federal and provincial government will be receptive to a formalized government-to-government arrangement with the Cowichan Nation Alliance to guide in major vessel waterway management, cumulative impact assessments, and vessel casualty preparedness and response. If yes, what is the forum in which this can be done?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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Table 24: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-24.1	Concerned that the description of Cowichan Nation Alliance's members' historical village (Tl'uqtinus) and use of the area is inaccurate and not respectful. Stated that Cowichan Nation Alliance will review the information and identify information gaps. Provided a list of recommended revisions to EIS Section 32.0.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 15-Jan-2015, Letter from the Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the information presented is an excerpt from the Kennedy (2014) report. Stated that the information could be made clearer. Requested additional clarification in writing from the Cowichan Nation Alliance. **25-Mar-2015, Letter from the VFPA to the Cowichan Nation Alliance:** Responded to the Cowichan Nation Alliance's requested revisions and demonstrated how they had been considered in the draft.	**Addressed in EIS Appendix 7.2-B (#178):** The VFPA provided draft summaries of past and current use and community information within EIS Section 32.0 for review by each Indigenous group and comments received were incorporated. EIS Section 32.1.1.5 presents Stz'uminus First Nation's community profile information. EIS Section 32.2.4.5 presents information in relation to Tl'uqtinus. **Additional information provided by the VFPA:** On April 24, 2014, the VFPA and Cowichan Nation Alliance, which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum, signed a funding agreement to support a RBT2-specific use study. On July 11, 2014, the VFPA provided Stz'uminus First Nation with a draft of the Community Profile Extract for the opportunity to review and provide comments. On October 16, 2014, the Cowichan Nation Alliance provided the VFPA with a report titled *Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use.* The VFPA met the Cowichan Nation Alliance on December 11, 2014 to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and Treaty Rights and Related Interests and Current Use of Lands and Resources for Traditional Purposes; and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by the Cowichan Nation Alliance, and preliminary conclusions of the assessment. On December 9, 2014, the VFPA provided the Stz'uminus First Nation with an advance draft of the existing conditions section for "Potential or Established Aboriginal and Treaty Rights and Related Interests, and including current use of lands and resources for traditional purposes" of the EIS. The VFPA requested that Stz'uminus First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections were received from the Cowichan Nation Alliance on January 15, 2015.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.1.1.5 Stz'uminus First Nation 32.2.4.5 Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				On March 25, 2015, the VFPA provided the Cowichan Nation Alliance with a table outlining all Cowichan Nation Alliance's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.	
STZ-24.2	Stated that the VFPA is always stating that the Project will have no impacts and is not interested in mitigating effects.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the VFPA is open to hearing suggestions for mitigation measures.	**Addressed in EIS Appendix 7.2-B (#5):** The EIS considers clear, enforceable measures that are technically and economically feasible that would mitigate any adverse effects of the Project, as required by the *EIS Guidelines*. The approach to considering mitigation measures for adverse effects is described in EIS Section 8.0. The proposed approach for mitigation to address Project-related effects to marine biophysical VCs is described in EIS Section 17.0. **Addressed in EIS Appendix 7.2-B (#197):** The VFPA has adopted the use of the following mitigation hierarchy to address Project effects: 1. Avoidance, such as through Project placement and design, and adherence to fisheries-sensitive windows; 2. Reduction, such as through the implementation of standard management practices and Environmental Management Plans; and 3. Offsetting, which involves the creation and enhancement of biophysical habitats that support species of the Roberts Bank ecosystem. Marine sub-components or representative species that undergo decreases in productivity will be offset to the extent feasible using onsite offsetting.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 8.1.6 Mitigation Measures 17.0 Mitigation for Marine Biophysical Valued Components 17.1 Avoiding Potential Effects 17.2 Reducing Potential Effects 17.3.2 Offsetting Framework 17.5 Mitigation Summary for Potential Marine Biophysical Valued Component Productivity Losses
STZ-24.3	Concerned that the timing and funding offered by the VFPA to support a TUS study was inadequate. Stated that the VFPA was not provided with the whole breadth of information related to current use, given the timeline and funding provided.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Explained that if the Current Use study had not been provided to the VFPA, the authors would have been relying on other sources of information, and there may not have been any content in the Current Use report. Stated that there is a lot of value to what is provided by Indigenous groups. If there are major concerns with the way information is being presented in terms of conclusions or content, the VFPA invites Cowichan Nation Alliance to comment.	**Addressed in EIS Appendix 7.2-B (#175):** The VFPA provided funding to the specified Indigenous groups to support consultation. Additionally, the VFPA provided funding to support completion of traditional use studies to these Indigenous groups and all groups provided a traditional use study. Further information, provided during fall 2014 consultation and in writing, has been incorporated into the EIS. The VFPA will continue to consult with appropriate Indigenous groups and there will be further opportunities to provide information through the CEA Agency process.	**EIS** 7.0 Engagement and Consultation Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
STZ-24.4	Concerned that current use assessment precludes an assessment of future use. Stated that commercial harvesting, government regulations and legislations have made participation in commercial fishing challenging.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the rights portion (EIS Section 32.0) of the assessment incorporates past use as well as interest in future use.	**Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project on Current Use are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that Cowichan Nation Alliance plans to be fishing in the Project area in the future. Stated that the Cowichan Nation Alliance will supply information about how they see future use fitting into the assessment.		**01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	The rationale for the determination of negligible residual effects to Current Use is included in the EIS. Information sources used in EIS Section 32.0 are listed in EIS Section 32.2.3, with Project-specific studies appearing in EIS Section 32.2.3.1. A full list of references cited appears in EIS Section 32.4. **Addressed in response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.3 Information Sources 32.2.3.1 Project-Specific Studies. 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis 32.4 Existing Conditions ***Updated EIS Guidelines*** **Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
STZ-24.5	Concerned that Draft Report of Current Use does not include cumulative effects.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."*	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out.	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
STZ-24.6	Concerned that the Draft Report of Current Use does not include effects from malfunctions or accidents.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."*	**Addressed in MSA Appendix 5-B (#87):** MSA Section 10.0 includes consideration of a collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for VCs marine commercial use, outdoor recreation, human health, and Current Use. MSA Section 9.5 considers the risk of collision and perceptions of safety. MSA Section 10.0 considers plausible worst-case spill scenarios. **Addressed in MSA Section 10.0:** MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	10.5.11 Outdoor Recreation 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
STZ-24.7	Concerned that Draft Report of Current Use emphasizes Cowichan activities in the international shipping lanes only.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"Your letter additionally includes an expression of concern related to the VFPA's definition of the [marine shipping area]. The [marine shipping area] is defined to include activities that take place between the 12 nautical mile limit of Canada's territorial sea to the limit of the VFPA's care and control. The [marine shipping area] is defined more broadly than the international shipping lane, and is*	**Addressed in MSA Section 9.5:** The spatial boundaries for the assessment are summarised in MSA Table 9.5-1 and shown in MSA Figure 9.5-1 through MSA Figure 9.5-11. The LAA for each Indigenous group was selected to conservatively define the area within which Project-associated shipping has the potential to affect the Current Use activities of that Indigenous group. The RAA for each Indigenous group was established to provide a regional context for that Indigenous group	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			intended to include areas that could potentially be impacted by marine shipping associated with RBT2. It includes the trans-boundary inland marine waters in this area, as well as numerous islands and islets belonging to either the Gulf Islands or San Juan Islands."	for the assessment of effects from Project-associated shipping.	
STZ-24.8	Stated that the EIS identifies "Outdoor Recreation" and "Labour Market" as "Valued Components", saying "Valued components are the focus of the environmental assessment for the purposes of evaluating Project-related effects". But the EIS classifies "Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes" as an "Other effects assessment" undertaken "in addition to the assessment of intermediate and valued components". Explain the rationale for this distinction: Why is the Protection of Aboriginal Rights not a Valued Component?	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letters from the CEA Agency to Stz'uminus First Nation (CEAR Document #311):** *"This appears to be an item better addressed to [the VFPA] given that they have determined how to determine and characterize valued components. The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 32.1:** Section 32.1 of the EIS explains that the assessment of the current use of lands and resources for traditional purposes (Current Use) is subject to different requirements in the EIS Guidelines than the assessment of potential impacts on the exercise of asserted or determined Aboriginal and treaty rights (pp. 32-1 to 32-2). **Additional information provided by the VFPA:** The identification of a component as a "Valued Component" (VC) is based on the definition of environmental effects in Section 5 of CEAA 2012, not on whether a component is valued. The distinction between the assessment of environmental effects defined under Section 5 of CEAA 2012 versus the assessment of potential impacts to Aboriginal and treaty rights comes down to statutory versus common law requirements, which are reflected in the structure of the EIS Guidelines. Section 5 of CEAA 2012 identifies factors for which environmental effects must be assessed under that statute, including under subsection 5(1)(c), which relates to the effects of a change to the environment on Aboriginal people. If residual effects to these factors are identified, the significance of these residual effects must be determined, and cumulative effects assessed, per Section 19(1) of CEAA 2012. The EIS Guidelines identified how Section 5 environmental effects were to be assessed in sections 10.1, 11.1, 12.1, and 13.1. The requirements for the assessment of Section 5 environmental effects (statutory requirements) do not apply to the assessment of rights. Rather, the requirements for the assessment of potential impacts to the exercise of rights stems from common law requirements relating to the Crown's duty to consult and accommodate. The EIS Guidelines lays out the requirements for the rights assessment in sections 9.2, 10.2, 11.2, 12.2 of the Guidelines, which are different from those relating to Section 5 factors (as above, sections 9.1, 10.1, 11.1, 12.1, 13.1). The determination of significance and assessment of cumulative effects, while required for Section 5 factors per Section 19(1) of CEAA 2012, are not required for rights.	**EIS** 32.1 Component Overview and Regulatory Setting

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				While Current Use is a Section 5 CEAA 2012 factor (under subsection 5(1)(c)), and was accordingly assessed using the VC methodology to meet the requirements of the EIS Guidelines, the VC methodology was not applied to the rights assessment; however, because the Current Use and rights assessments were embedded within the same EIS chapter, but subject to different assessment methods, the chapter was not referred to as a "VC" assessment, even though a part of the chapter was assessed using the VC methodology, and the results drawn forward for application to the rights assessment.	
STZ-24.9	Stated that the conclusions of the VFPA's experts that the impacts on the marine environment will be either non-existent or immaterial is at odds with the fact that the terminal will displace at least 117 hectares of marine area that was previously a useable fishing/marine resource. Stated that the impact is always determined to be negligible, and presentations do not acknowledge the impact that will occur.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Shared preliminary results from the environmental assessment, provided information about the proposed mitigation of Project effects, and sought input from members of the Cowichan Nation Alliance.	**Addressed in EIS Section 8.0:** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012* and Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the Guideline for the Selection of Valued Components and Assessment of Potential Effects, among others.	**EIS** 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment

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Table 25: Project Overview and Description

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-25.1	Requested to know how much of Roberts Bank is taken up by the Project.	05-Mar-2013, Meeting with Cowichan Nation Alliance	**05-Mar-2013, Meeting:** Committed to following up. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#1):** The engineering design of the Project components, as well as construction phase activities are described in detail in EIS Section 4.0. EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. The proposed Project consists of three main components: 1. A new three-berth marine container terminal; 2. A widened causeway to accommodate additional road and rail infrastructure; and 3. An expanded tug basin to accommodate a second tug operations contractor. The marine terminal would be located immediately west of the existing Roberts Bank terminals, approximately 5.5 km from the east end of the causeway. The terminal would be rectangular in shape, approximately 1,700 m long and 700 m wide, and would support moorage of three container ships on the south side, container storage in the centre, and rail intermodal yards on the north side. The total usable above-water area of the marine terminal would be 108 ha. The Roberts Bank causeway would be widened to link existing road and rail networks to the marine terminal and to accommodate additional road and rail infrastructure. Widening would range from 0 m to approximately 140 m at the widest point. **Addressed in Project Construction Update:** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018. The report updates EIS Table 4-1, presenting minor changes to the Project footprint. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA:** The total marine footprint of the terminal will be approximately 117 ha. The orientation of the proposed terminal has been designed to facilitate the berthing of container ships, and to minimise disturbance to marine physical components (e.g., water and sediment) processes. The environmental assessment will include an analysis of potential effects on water areas.	**EIS** 4.0 Project Description 4.4.1 Construction-phase Activities 4.2.2 Project Component Details, Widened Causeway 4.2.3 Expanded Tug Basin 5.0 Alternative Means of Carrying out the Project Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Project Construction Update (PCU; CEAR Document #1210)**

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Table 26: Project Benefits

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-26.1	Asked what is being proposed for accommodation. Recalled that accommodation for the Deltaport Third Berth (DP3) Project was extended to Musqueam and Tsawwassen, with other nations receiving participation funding only. Asked about the revenue from the Project. Interested in dicussions around a Mutual Benefits Agreement.	01-Nov-2013, Meeting with Cowichan Nation Alliance 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 16-Jan-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 10-Nov-2015, Meeting with Cowichan Nation Alliance 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Stated that the VFPA will provide the Cowichan Nation Alliance with more information regarding economic opportunities at a later date. **11-Dec-2014, Workshop:** Noted interest in joint venture partnership and revenue sharing. Stated that this will be an ongoing discussion. **10-Nov-2015, Meeting:** Recorded comment for consideration by Project team. **18-Apr-2017, Meeting:** Discussed the development of a mutual benefits agreement with Cowichan Nation Alliance and asked for input on what could be included – business, contracting, employment, etc. **16-Jun-2017, Letter from the VFPA to Stz'uminus First Nation:** "Further to discussions at our meeting on April 18, 2017, the VFPA is interested in initiating discussions with Stz'uminus First Nation regarding potential legacy benefits from the Project, Legacy benefits are intended to benefit Aboriginal groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalizing aquaculture. As we discussed with you, it is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Aboriginal groups involved in the RBT2 Project. We welcome input regarding potential legacy benefits for Aboriginal groups that could be provided as part of the Project. With that in mind, we request a meeting with Stz'uminus First Nation to hear about your community's priorities in relation to this funding. In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Stz'uminus First Nation regarding a potential mutual benefits agreement ("MBA') for the Project."	**Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project. **Additional information provided by the VFPA:** Stz'uminus First Nation, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting. Discussions regarding Legacy Benefits are also ongoing.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
STZ-26.2	Concerned about skills training and the opportunities available. Interested in the skills and training requirements referenced.	01-Nov-2013, Meeting with Cowichan Nation Alliance 17-Jun-2014, Technical Working Group Meeting #4 03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 11-Dec-2014, Health & Aboriginal Rights	**01-Nov-2013, Meeting:** Referred to the InterVISTAS Study and how there is information on the jobs contained within that report. Stated that all jobs will not be unionised and that the VFPA cannot even say there will be a union at the RBT2 terminal. That is not a VFPA decision. These are early days and we are about 7 to 10 years out from being finished. There is an opportunity to identify jobs and skills needed to build it. Talked about support businesses, direct and indirect jobs such as: trucking, logistics centres, and rail business. There is an	**Addressed in EIS Appendix 7.2-B (#215):** During a five-and-a-half-year construction period, the Project would generate significant employment benefits for B.C. Project construction would generate a total of 12,719 person-years of direct, indirect, and induced employment of B.C. workers, and approximately $1 billion in wages: • 4,150 person-years of direct employment, with wages of $494 million;	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
		Workshop – Cowichan Nation Alliance 10-Nov-2015, Meeting with Cowichan Nation Alliance 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	opportunity to identify jobs and to look at long-term opportunities around employment. Committed to prepare a written response regarding job opportunities, skills, and training. **17-Jun-2014, Workshop:** Stated that skills and training requirements will be considered under the proposed labour market VC, and the VFPA is interested in discussing this in more detail. A discussion is needed on the importance of flagging training relevant to upcoming Project-related jobs. The VFPA is aware of the importance of giving communities time to prepare for employment opportunities. **03-Jul-2014, Workshop:** Stated that the VFPA is trying to access the historical data, in relation to Indigenous versus non-Indigenous employment related to port activities. Stated that the VFPA does have data on what we call labour force characteristics (age, educational level, skill training level, in what particular industries the Indigenous workforce is working). This helps us profile the Indigenous population generally within our study area, which is the area that we are concerned about. Stated that ultimately the goal is to be able to present what we call benefit enhancement recommendations, that is linked integrally to the labour market strategy that will be put forward through the Project, that not only talks quantitatively about how many jobs, but also how, and what sort of target initiatives could be put forward to enable certain segments of the population to take advantage. **11-Dec-2014, Workshop:** Asked for information on the benefits and opportunities the Cowichan Nation Alliance may be interested and noted that discussions are just beginning. **10-Nov-2015, Meeting:** Recorded comment for consideration by Project team. **12-May-2016, Letter from the VFPA to Stz'uminus First Nation:** Enclosed an Information Sheet specific to Employment. Stated that the VFPA would like to meet to discuss employment opportunities related to the Project.	• 6,264 person-years of indirect employment, with wages of $374 million; and • 2,305 person-years of induced employment, with wages of $129 million. Of the Project's direct spending on materials, goods, and services for construction, approximately $862 million, or an average of $157 million per year, would be spent on materials, goods, and services in B.C. An additional $482 million would be spent on production inputs to make or provide the direct materials, goods, and services. The total gross revenues for businesses in B.C. supplying materials, goods, and services for Project construction is estimated as $1.3 billion, with $837 million of this revenue accruing to businesses in Metro Vancouver. During the operation phase, Project activities on the marine terminal, widened causeway, and expanded tug basin would generate an annual total of 1,553 person-years of direct, indirect, and induced employment, and total wages of approximately $185 million: • 928 person-years of direct employment connected to terminal operations, with wages of approximately $153 million; and • 625 person-years of indirect and induced employment to support terminal operations, with wages of approximately $32 million. During the operation phase, the annual average goods and services revenues for B.C. due to terminal operations spending are estimated at $23.3 million with an additional $10.0 million in goods and services revenues for upstream supply industries. The total gross revenues for businesses supplying B.C. materials, goods, and services for terminal operations are estimated as $33.3 million annually. Approximately $31 million of this revenue would accrue to businesses in Metro Vancouver. The VFPA proposes to assist Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribes, Hwlitsum, and Métis Nation British Columbia in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training	Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				and employment opportunities related to the Project are described in EIS Section 32.3.3. **Addressed in EIS Appendix 7.2-B (#112):** As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. **Additional information provided by the VFPA:** Stz'uminus, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting.	

Table 27: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s) / Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-27.1	Asked about the effects of truck traffic on sediment along the causeway with respect to contaminants.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#202):** There is not anticipated to be a Project interaction between air emissions from truck traffic on the causeway, and uptake of contaminants in soils, plants, or species relying on soils and plants. Rationale for this conclusion is included in EIS Appendix 27-A.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health Appendix 27-A Air Quality HHRA Technical Report
STZ-27.2	Asked about potential heavy metals, PCBs, hydrocarbons, contaminants, and pollutants in sediment along the causeway and around the Project area. Asked which contaminants the sediment samples tested for and for the baseline results. Asked if the conclusions of the assessment are based on the averages of those samples. Concerned about the potential effects on clams and other shellfish.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** There were approximately 57 different metals the samples were tested for, and stated that the full list will be in noted in the EIS. Slide 10 says the assessment is focused on areas where there will be disturbance. The results have not been rolled into an average. The EIS will include a detailed table that shows results for each of the data points. There were no PCBs or hydrocarbons present in the areas that were surface sampled. Sampling at the actual terminal site was of a higher intensity because that is where the greatest disturbance is expected, because of disposal at sea (DAS) and dredging activities. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. Baseline levels of heavy metals and other contaminants along the causeway are included in EIS Section 9.6. Specific listings of studied contaminants—and how the analyses were completed—are available in EIS Appendix 9.6-A. Overall, sediment quality within the study area is within the range of levels expected in an estuarine environment and without local contamination sources. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. The shellfish consumption human health risk assessment in EIS Appendix 27-C addresses this scenario by examining tissue contaminant concentrations in existing areas of Roberts Bank with higher concentrations of coal dust contaminants. Any construction-related sediment re-suspension will result in sediment contaminant concentrations that are lower than the assessed existing conditions since (i) once re-suspended, the re-settled sediments will be a mixture of the historical deposits and new sediment contributions from Fraser River outflows; and (ii) there is no plausible mechanism for the geochemical focusing of the contaminants of potential concern as a result of the re-suspension scenario. **Addressed in EIS Section 12.6.2.1:** While contaminants are present at Roberts Bank, they are closely associated with fine sediment and have therefore accumulated in locations outside those that will be disturbed by Project activities, such as the upper intertidal zone north of the causeway. No appreciable sediment contamination was observed in Project areas. Because sediments that will be re-suspended and deposited as a result of construction phase activities are not contaminated, changes in contaminant concentrations bioavailable to the food chain are not anticipated. Overall, contaminant re-suspension is not considered to affect marine invertebrate productivity because: (i) there are no Project-related inputs of contaminants in the LAA; (ii) no appreciable sediment contamination was observed in Project areas; and (iii) where contaminants are present, concentrations are either below applicable thresholds in sediments or below consumption thresholds in bivalve shellfish and Dungeness crab tissue based on rigorous human health risk assessment (EIS Sections 12.5.2.5 and 12.5.3.5). Project-related contamination is therefore unlikely to occur.	**EIS** 9.6 Physical Setting, Surficial Geology and Marine Sediment Appendix 9.6-A Sediment and Water Quality Characterization Studies 12.5.2 Bivalve Shellfish 12.5.3 Dungeness Crabs 12.6.2.1 Changes in Water Quality Appendix 27-C Human Health Risk Assessment

Stz'uminus First Nation

#	Interest / Concern Raised	Date(s) / Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-27.3	Concerned with the potential effects of disposal at sea on the sea bed.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Explained that the DAS would occur at 3 locations along the -45 m contour line directly off the berth face of the planned terminal. Stated that the VFPA is working on that matter and it will be included in the EIS. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** Dredging and DAS-related activities are described in the EIS and considered in the assessment of potential effects on marine physical and biophysical components. As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. DAS activities will occur subject to Environment Canada's DAS permit requirements under the *Canadian Environmental Protection Act, 1999*. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. See EIS Section 9.6.8 and EIS Appendix 9.6-C for more information. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40:** As noted in in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40, based on information provided by ECCC (CEAR Document #564), discharge of supernatant containing unsettled fines from the containment dykes during filling is not expected to be subject to DAS permitting. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations, or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 4.0 Project Description 4.4.1 Project Activities, Construction Phase Activities Table 4-5 Source and Quantities of Material Requiring Disposal at Sea Figure 4-21 Intermediate Transfer Pit and Disposal at Sea Candidate Locations Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Table 8-1 Intermediate Component and Valued Component Linkages 9.0 Physical Setting 9.6 Physical Setting, Surficial Geology and Marine Sediment 9.6.5 Methods 9.6.6 Surficial Geology and Marine Sediment, Existing Conditions 9.6.8 Future Conditions with the Project Appendix 9.6-C Roberts Bank Terminal 2 Technical Report, Dredging Studies – Dispersion Modelling 9.7 Physical Setting, Marine Water Quality **Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928) **PCU (CEAR Document #1210)**

Table 28: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
STZ-28.1	Asked if above-ground noise is transmitted under water.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Above ground noise is not anticipated to propagate into the water to result in behavioural effects to marine mammals and was determined to be a negligible effect.		
STZ-28.2	Stated that different species experience different perceptions of noise. Asked how much is known about the different ways species perceive noise. Asked about the effect of impulsive noise events on fish and other marine species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 12-Nov-2014 Cowichan Nation Alliance EIS Workshop #2	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised: • Human generated underwater noise can affect fish and marine mammals (assessed separately as VCs) with representative species for each VC that may experience noise differently; • The VFPA conducted extensive state-of-art field and modeling studies for RBT2, using most up to date science on how different species hear and respond to underwater noise, conducted new studies on what levels of underwater noise may affect southern resident killer whales; • Existing underwater noise conditions relatively high, primarily due to commercial vessel traffic, including ferry traffic; • RBT2 will produce underwater noise (construction and operations); no impulsive noise is planned during construction (i.e., impact piling not anticipated, only vibratory piling); and • Preliminary results of studies indicate RBT2 noise levels will be minor to moderate.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project
STZ-28.3	Requested more information on the types of mitigations implemented for underwater noise.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised mitigation	**Addressed in EIS Section 33.3.7:** The Underwater Noise Management Plan will describe measures to manage underwater noise and over-pressure waves generated during pile driving and other construction activities as necessary to avoid or reduce potential effects on marine mammals, diving coastal birds, and aquatic life. Key components of the plan will	**EIS** 33.3.7 Underwater Noise Management Plan

Stz'uminus First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			measures to address potential effects of underwater noise during construction. • Project placement and design; • Best management practices and standards; • Industry practices; • Equipment maintenance and noise reduction; • Timing or seasonal windows; • Marine mammal observers and hydrophone; • Monitoring of zones of potential injury or disturbance; and • Onsite juvenile Chinook habitat restoration. **01-Apr-2015, Letter from the VFPA to Stz'uminus First Nation:** Provided a copy of the EIS, which included EIS Section 33.3.7 Underwater Noise Management Plan.	include use of underwater noise reduction and dampening methods and technologies. The plan will incorporate measures described in Best Management Practices for Pile Driving and Related Operations, prepared by the B.C. Marine and Pile Driving Contractors Association and DFO (2003). Compliance monitoring parameters for underwater noise will be addressed as part of the Construction Compliance Monitoring Plan.	

APPENDIX IR10-01-C6

COWICHAN TRIBES: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Cowichan Tribes

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-1.1	Asked for clarification on the assertion that air quality is expected to improve while climate emissions increase. Requested additional information on the new air emission standards.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that air quality improves with a decrease in emissions for criteria air contaminants as well as for some traces in organic compounds. Greenhouse gas emissions will be higher in terms of global emissions, so that is what is meant by an improvement in air quality as well as an increase in climate emissions. There will be decreases in emissions both overall and on a per-truck basis because of new, more stringent emission standards for on-road vehicles. The assessment only considers emission reduction measures that have been confirmed. There may well be additional reduction measures in the future that would further contribute to lowering emissions. Future reductions in emissions can be estimated based on expected equipment turnover. The Vancouver Fraser Port Authority's (VFPA) truck licensing system restricts the engine age and emissions standards of vehicles that are allowed to enter VFPA terminals. By 2015, all trucks that access VFPA marine terminals will be required to achieve a 2007 engine emission performance or better. The International Maritime Organization (IMO) is implementing the North American Emission Control Area (ECA), which will be coming into effect in January 2015, requiring the sulphur content in fuel to be no higher than 0.1% for vessels.	**Addressed in EIS Section 9.2.7.1:** Regulatory initiatives for air quality and their incorporation into the assessment of future emissions are described in EIS Section 9.2.7.1. **Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of Roberts Bank Terminal 2 (RBT2 or Project). The results of the air quality assessment were used in the assessments of human health and current use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related fuel combustion and fugitive dust emission sources during the construction phase, and fuel combustion emission sources during the operation phases, and compared future conditions with the Project to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and cargo handling equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial, and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected to continue in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Predicted maximum concentrations were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving future air quality compared to predicted concentrations. The predicted concentrations also did not account for the switch to the use of liquefied natural gas (LNG) fuel for ferry vessels at the BC Ferries Terminal. The assessment concludes that: • Air quality in the region will improve in the future, with or without the Project, as a result of improvements in engine technologies as older equipment is replaced by newer equipment at the three existing marine terminals, and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected improvements in future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants, but will be mitigated through the use of emission reduction measures to limit fugitive dust emissions and a monitoring program to guide construction activity in the event that ambient air concentration exceed defined criteria threshold levels. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminants (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below ambient air quality criteria on land, with limited exceptions. The exceptions for predicted nitrogen dioxide levels near the causeway are considered to be an artificially caused by the conservative methods used in the air quality assessment, and are not expected to actually exceed established ambient air quality criteria. • The Project is expected to have a negligible effect on future ozone levels. • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.7.1 Regulatory Initiatives 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Appendix H – Westshore Coal Dust Assessment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality because air quality is expected to improve. The benefits of existing emission reduction initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits to air quality, such as improvements in engine technology and fuel quality, are described based on their anticipated level of benefit to future air quality emissions, in EIS Section 9.2.7. Through its ongoing Air Action Program*, the VFPA is constantly looking at addressing air quality and climate change, by focusing on the use of technologies and the promotion of operational efficiencies to reduce air emissions from port operations, such as those mitigation measures suggested during consultation. Key components of the Air Action Program include the EcoAction Program, the Northwest Ports Clean Air Strategy, the Landside Air Emissions Inventory, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air Action Program can be found at http://www.portmetrovancouver.com/en/environment/initiatives/Air.aspx. *The Air Action program was renamed to Air, Energy and Climate Action. As part of the Deltaport Third Berth Project (DP3), the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings. **Additional information provided by the VFPA:** The analysis of the data from this station indicates that there has been a reduction in both sulphur dioxide (SO_2) and fine particulate matter ($PM_{2.5}$) concentrations measured at this monitoring station after the implementation of the requirements for low sulphur fuels from ships under ECA regulations. For 2010, the levels of carbon monoxide, SO_2, $PM_{2.5}$, and ground-level ozone meet the most stringent of Canadian, provincial, and regional ambient air quality standards or objectives. **Additional response provided by the VFPA:** During operation, Project-related exposures to air emissions are not predicted to result in measurable health effects. During construction, a moderate health effect is predicted for a small area over water between the Westshore and RBT2 terminals, where public access is not likely. Therefore, health effects during construction are unlikely to occur. Air quality will be monitored during construction and operation, and there would be adaptive measures should Project emissions result in exceedance of ambient air quality objectives/criteria.	

Cowichan Tribes

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-2.1	Asked about the process of determining whether the Project is feasible, and whether the decision was made based on only economic and technical factors, or if environmental or cultural impacts were considered.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that in going through the process of selecting the Project location and design, the VFPA has considered environmental effects throughout the design process, and many changes have been made along the way. Stated that the design that has been selected is conceivably acceptable to environmental regulators. Stated that the Panel will determine whether the effects of the Project can be mitigated sufficiently.	**Addressed in EIS Appendix 7.2-B (#2):** The VFPA's approach for identifying and selecting alternatives was undertaken internally. As part of this process, the VFPA reviewed and considered Indigenous input provided as part of the environmental assessment processes for prior projects at Roberts Bank. Alternatives to the Project are described in EIS Section 5.0. The VFPA considered the following alternatives for creating container capacity to meet the forecasted demand, both within and outside of its jurisdiction: • Incremental capacity and efficiency increases are underway or in planning at Deltaport Terminal and Centerm. These projects will help meet short-term container demand to the early 2020s, but would not meet forecasted longer-term requirements. • Lease tenures on properties adjacent to the Vanterm property will persist until at least the late 2020s, and converting them to containers would displace other trade-related activities. If improvements at Vanterm were feasible, expansion would not be anticipated until sometime after 2030, and therefore would not meet the need to deliver additional container capacity required by the mid-2020s. • Larger container ships, such as those visiting Deltaport Terminal, Centerm, and Vanterm, cannot be accommodated in the Fraser River channel due to draught requirements and length (ability to turn around in the river). Fraser Surrey Docks is not expected to be a major source of container capacity to meet demand beyond 2018. • Conversion of the Lynnterm terminal to handle containers is not technically or financially feasible, due to road constraints and conflict with current handling operations. • Development of the VFPA's Fraser Richmond properties to provide large-scale container capacity is not technically feasible due to road and rail capacity constraints and issues with larger container ships in the Fraser River channel. • Planned expansions at the Fairview Terminal in Prince Rupert will help meet short-term west coast container demand to the early 2020s, but will not meet forecasted longer-term requirements. The results of the VFPA's analysis concludes that the Project is the only technically and financially feasible option to meet long-term demand for container capacity on Canada's west coast. Feasibility of the Project will also be determined by the outcome of the environmental assessment process, and the decisions by provincial and federal ministers of the environment. **Addressed in response to IR1-06:** Technical feasibility criteria used to evaluate alternatives to the location, orientation, layout and configuration of the marine terminal at Roberts Bank was based on whether potential environmental effects were deemed to be acceptable by regulators. Generally, alternatives located in subtidal habitat (i.e., deeper waters) were considered favourable as the potential for environmental effects in shallower, intertidal waters would increase the potential for effects to marine invertebrate and fish habitats, and pose a risk to obtaining the permits required for the Project (i.e., Fisheries Act Authorization). Economic feasibility criteria considered construction costs and schedule (including dredge, fill, and soil improvement requirements), as well as operational costs associated with downtime from weather/navigation constraints, yard efficiencies, and maintenance dredging. Options W1 and W2 of the terminal, located west of the existing Roberts Bank terminals were considered to be technically and economically feasible (Table IR1-06-2). An assessment of environmental effects of these alternatives is provided in the VFPA's response to IR1-07.	**EIS** 5.0 Alternative Means of Carrying out the Project 5.3.1 Increase Capacity and Efficiency of Existing Container Terminals within VFPA Jurisdiction 7.0 Engagement and Consultation 7.2.1 Aboriginal Groups Engagement and Consultation, Engagement and Consultation Process Overview Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) Response to Sufficiency Information Request #07 (IR1-07 of CEAR Document #897)

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-2.2	Requested additional information and asked about the Port Alberni Trans-shipment Hub concept.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the Port Alberni Port Authority has put forth a proposal that would see the creation of a transshipment container terminal where containers would be unloaded from vessels and transferred to barges for shipping. From there the containers would [be barged to Vancouver and] unloaded from the barges at a terminal and transferred for intermodal transport by truck and rail. It is a concept that has been publicly presented, but its current status is uncertain with respect to economic viability and willingness-interest from industry; it would require a major shift in the way containers are handled on the west coast of North America, [and would still require additional terminal capacity in Vancouver].		**EIS** 5.0 Alternative Means of Carrying out the Project 5.3 Location of Marine Terminal within British Columbia Alternatives Appendix 7.2-B Aboriginal Groups Issues and Interests Table

Cowichan Tribes

Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-3.1	Requested more information on beach weirs and historic tidal channels. Concerned that the Archaeological Overview Assessment only considers fish weirs for sturgeon and does not consider other types (i.e., salmon).	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#154):** Ethnographic information including Indigenous Traditional Knowledge (ITK) suggests that salmon were traditionally caught using methods other than those using wooden stakes. These methods, trawl nets and harpooning, are not likely to have left archaeological evidence if they were used. The potential effects are to "fish trap stakes" in general and consider other species of fish in addition to sturgeon (i.e., salmon).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.5.1.2 Ethnography
CT-3.2	Concerned about the exclusion of Cowichan Nation Alliance member nations from the scope of the Archaeological Overview Assessment.	04-Mar-2014, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**04-Mar-2014:** Recorded comment for consideration by the Project team. **06-May-2014, Letter from the VFPA:** Stated that the purpose of the Archaeological Overview Assessment is not to provide a detailed ethnographic history, but an ethnographic overview of the study area. However, the ethnography section has been revised and also includes a listing of all First Nations that have a potential claim to the study area, according to GeoBC's Consultative Areas Database. The Cowichan Nation Alliance provided the Brealey report to the VFPA in confidence. The VFPA requested permission from the Cowichan Nation Alliance to provide the report to Millennia Research Limited but was denied. Therefore, this information is not included in the Archaeological Overview Assessment. **22-Oct-2014, Workshop:** Stated that Tsawwassen First Nation, Musqueam First Nation, and Hwlitsum provided the VFPA with information about fish weir use on the intertidal flat and that this preliminary assessment was written before more recent information had been received. The VFPA has read the report prepared by Dr. Kennedy and submitted by the Cowichan Nation Alliance regarding historical use, and recalled that information about Halalt use of traps for salmon was provided. The VFPA apologised that information is not reflected in the presentation, and explained this presentation had been prepared prior to reading the report. The scope of the Archaeological Overview Assessment is not meant to cover proof of claim. There is a section covering Current Use that includes a very comprehensive discussion of the interests and use of the Cowichan Nation Alliance, which is much broader than this assessment, which considers the potential physical disturbance of archaeological sites.	**Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the local assessment area (LAA). The results of the archaeological and heritage resources assessment were considered in EIS Section 32.0. The LAA included the physical footprint of the Project plus a 100 m buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area (RAA) considered a four kilometre (km) area around the Project area. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past uses are directly linked to the type of physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.2 Selection of Archaeological and Heritage Resources VC 28.3 Assessment Boundaries 28.4 Information Sources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			The VFPA committed to take the feedback and information shared and provide it to the teams working on the assessment and writing the reports. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The scope or methods of the archaeological and heritage resources assessment are described in EIS Section 28.0.	

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-4.1	Asked whether there is potential for wildlife to confuse day for night due to lights.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that this was considered for birds, and more information would be provided in a later presentation on light. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presented on coastal birds, stating that effects from disturbance (noise, light, vessel movement) can be effectively mitigated. Presented mitigations measures to address lighting impacts, valances to minimise light trespass. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on valued components (VCs) and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources, and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of Environmental Management Plans, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. **Addressed in EIS Appendix 7.2-B (#99):** A review of documented effects of both natural and artificial light on birds is provided in EIS Section 15.7.2.1. The EIS considers the potential effects of artificial light on coastal birds, including the potential for increased risk of predation on shorebirds by nocturnal raptors (i.e., owls). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds. **Addressed in MSA Section 8.3:** Potential effects of artificial light from shipping traffic in the marine shipping area. The MSA notes that nocturnal feeding marine birds can be attracted to artificial light sources, such as ship lighting, and that mortality is known to occur. For the LAA, no collisions with vessels have been recorded, which indicates that collisions with vessels are most likely infrequent and, if they do occur, do so on a small scale (in terms of the number of birds).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines 13.0 Marine Fish 13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity, 13.7.5 Mitigation Measures, Mitigation #4 for Changes in the Light Environment 15.0 Coastal Birds 15.7.2.1 Mechanisms Affecting Productivity 25.0 Visual Resources 25.7.2 Mitigation Measures, Mitigation Measure #2 – Lighting Design and Operation – Light Management Plans 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan **Marine Shipping Addendum (MSA, CEAR Document #316)** 8.3 Coastal Birds **Information Requests** Response to Sufficiency Information Request #02 (IR9-02)

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in response to IR9-02: The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	
CT-4.2	Asked if Tundra and Trumpeter Swans use the Project area, and whether or not they were considered in the assessment. Added that swans were historically numerous, then disappeared.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that swans have been in the area, and that long-term use of that area by the species is understood. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#93):** The Fraser River estuary is an important area to many coastal birds because of the abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds. The assessment of coastal birds focused on seven sub-components: • Shorebirds, represented by Pacific dunlin and western sandpiper; • Waterfowl, represented by American wigeon and brant (which is a proxy for swans); • Herons, represented by great blue heron; • Diving birds, represented by surf scoter and western grebe; • Raptors, represented by bald eagle, barn owl and peregrine falcon; • Gulls and terns, represented by Caspian tern and glaucous-winged gull; and • Passerines, also known as songbirds, represented by barn swallow. The use of the Fraser River estuary and the Project area by trumpeter swan and tundra swan is described in the EIS, under the waterfowl section (EIS Section 15.5.4). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity
CT-4.3	Asked why humans had not been considered in the Shorebird Opportunity Model.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that interactions are addressed separately in the EIS. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 15.0:** The focus of the Shorebird Opportunity Model (EIS Appendix 15-B) was on shorebird access to food sources and the capacity of the LAA to support existing and future shorebird populations (with the project). Although humans may interact with shorebirds, the food resources upon which shorebirds depend are largely in the intertidal zone where the potential for shorebird-human interactions are minimal.	**EIS** 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity

Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-5.1	Stated that elders in 1990 asked for flow to be maintained through the causeway. Commented that sand appears to have accumulated on the north side of the causeway. Asked about the long-term environmental impacts of the existing causeway.	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**01-Nov-2013, Meeting:** Responded that work completed by a coastal geomorphologist and by a fisheries biologist determined that by breaching the causeway more damage would be done. Responded that work was completed to look at flow through the causeway and it was determined that while it was conceptually okay, in practice it would create a bigger issue (i.e., it would remove the mudflat if you removed the causeway). The reason why the terminal is situated further out from the mudflats is because building a terminal near the mudflat would have a negative impact. The further out the terminal is built, the less impact to the mudflat. **22-Oct-2014, Workshop:** Presented information on coastal geomorphology, including the existing conditions and the anticipated future changes as a result of the Project. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Additional information provided by the VFPA:** An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes and hydraulic behaviour in the inter-causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. Furthermore, the assessed opening would be expected to have only a minimal contribution to flushing flows in the inter-causeway area. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway. Further information concerning this study is available in the VFPA's response to IR1-13. **Addressed in the EIS Appendix 7.2-B (#52):** EIS Section 9.5 describes existing conditions on Roberts Bank, including the past influences of the Roberts Bank causeway and BC Ferries Terminal causeway on the Roberts Bank ecosystem. The potential effects of the Project on ocean currents (hydrodynamics), wave climate, and local seabed scour and deposition (morphodynamics) were investigated using the TELEMAC numerical modelling system. Since no reasonably foreseeable projects or activities were identified during the assessment that will influence or change the conditions of coastal geomorphology within proximity of the Project, an assessment of future incremental cumulative changes to coastal geomorphology was not undertaken. **Addressed in response to IR2-09:** Additional clarification is provided in the VFPA's response to IR2-09, which describes how sand was deposited on the north side of the causeway during the initial causeway construction activities in 1969. These sediments have persisted and are not the result of ongoing coastal geomorphology processes. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The potential effects of opening the causeway were assessed by Northwest Hydraulic Consultants Ltd. in June 2005. Based on the tidal influence in the area, it was determined that there would be no benefit with regard to introducing flows through the causeway (e.g., the amount of water that would flow through the opening would be very small compared to the tidal exchange in the inter-causeway area), and such an opening may actually result in new channel formation and concurrent erosion of existing eel grass.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.5.5 Methods 9.5.6 Existing Conditions 9.5.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.5-B Rationale for Exclusion of Other Certain and Reasonably Foreseeable Projects in the Cumulative Change Assessment of Coastal Geomorphology **2005 Memorandum Concerning Potential Effects of Opening the Roberts Bank Causeway** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. **Information Requests** Response to Sufficiency Information Request #13 (IR1-13 of CEAR Document #897) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961)
CT-5.2	Asked how the Project affects the water. Asked for further clarification related to changes in geomorphology	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **22-Oct-2014, Workshop:** Responded that the environment will experience only very slow change.	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.6 Surficial Geology and Marine Sediment

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	associated with the proposed Project. Asked what the environment will look like with changes in accretion and siltation.	EIS Workshop #1	Stated that there is not expected to be a lot difference with the addition of the proposed Project. Referred to the image on slide 31 of the presentation that illustrated where a difference is expected. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology Technical Advisory Group (TAG). The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration have been modified to reduce the potential for a number of adverse changes to geomorphology during Project construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur during construction only, and will be temporary and reversible. The VFPA will ensure the study and management of potential channel formation related to drainage of tidal waters through the causeway dyke during the construction phase. Changes will be incorporated in detailed design, as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities. **Addressed in response to IR2-08:** As outlined in the VFPA's response to IR2-08, ongoing geomorphic processes have resulted in changes to the Fraser River delta foreslope (located in deeper water at the outer edge of the tidal flats) in the vicinity of the proposed terminal. Construction of RBT2 will result in armouring of a 1,700 m long section of the foreslope down to -30 m chart datum (CD), and will effectively halt any erosion of the foreslope in that area that may be occurring at present. **Addressed in responses to IR2-07 and IR2-09:** As outlined in the VFPA's responses to IR2-07 and IR2-09, topographic changes on the tidal flats have been evaluated, including changes to existing tidal channels. These changes are related to ongoing geomorphic processes as well as changes related to previous construction of the causeway and existing terminals. Widening of the causeway and development of RBT2 is not predicted to change drainage patterns or the morphology of the tidal flats in this area north of the causeway in the future with the Project. **Addressed in response to IR2-16:** Clarification concerning the assessment of changes to coastal geomorphology that may occur in relation to the construction and operation of the proposed Project is provided in the VFPA's response to IR2-16. The response confirmed that all Project components have been assessed in	9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 35.0 Effects Assessment Summaries **Information Requests** Response to Sufficiency Information Request #07 (IR2-07 of CEAR Document #961) Response to Sufficiency Information Request #08 (IR2-08 of CEAR Document #961) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961) Response to Sufficiency Information Request #16 (IR2-16 of CEAR Document #961) Response to Sufficiency Information Request #17 (IR2-17 of CEAR Document #961)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				accordance with the requirements of the *Updated EIS Guidelines* for the local study area, which extends from the BC Ferries Terminal to Canoe Passage. **Addressed in response to IR2-17:** The VFPA's response to IR2-17 includes additional clarification concerning the expected extents of changes to coastal geomorphology related to the proposed Project. Changes to coastal geomorphology and hydrodynamic conditions in areas on the south side of the existing Roberts Bank causeway, including the inter-causeway area and areas south of the BC Ferries Terminal, that are related to the Project components on the north side of the causeway are not anticipated because areas on the south side are hydrodynamically isolated from the north side of the Roberts Bank causeway by deep water and the presence of the existing causeways. The only Project component expected to influence coastal geomorphology or hydrodynamics in the inter-causeway area is the expanded tug basin, which is expected to result in localised changes to the existing coastal landforms in that area.	
CT-5.3	Concerned that Canoe Pass is getting closed off because of the current terminal configuration and corresponding build-up of sand.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration for the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table

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Table 6: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

CT-6.1	Asked whether potential negative impacts on other industries are assessed in the economic development valued component.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:**
			Responded that the impacts on other industries was assessed in the EIS.
			01-Apr-2015, Letter from the VFPA to Cowichan Tribes:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.
				Addressed in EIS Appendix 7.2-B (#113):
				The economic development assessment evaluated potential Project-related effects on local and regional economies, and focused on:
				• Business revenues associated with the direct supply of materials, goods, and services to the Project for construction and operation;
				• Business revenues associated with supply of inputs to the businesses that are directly supplying goods and services to the Project;
				• Induced revenues for businesses related to household spending by workers employed as a result of the Project;
				• Construction sand supply and consumption; and
				• Consistency with economic development plans.
				The economic development assessment concluded that:
				• The Project is expected to result in the following positive effects on economic development in Metro Vancouver:
				  ○ During the 5.5 year construction phase:
				  ▪ $837 million in additional gross revenues to businesses in Metro Vancouver
				  ▪ $238 million in induced household spending in Metro Vancouver
				  ○ During operation:
				  ▪ $31 million annually in materials, good, and services contracting revenue to the economy of Metro Vancouver
				  ▪ $71 million of annual induced household spending in in Metro Vancouver
				• The Project is expected to result in an increase in materials, goods, and services contracting revenues for Indigenous businesses located in Metro Vancouver.
				• The Project is expected to result in negligible effects on construction sand availability and price.
				• The Project is consistent with economic development strategies in Metro Vancouver's Regional Growth Strategy, the economic development objectives of the City of Delta, and the general directions set out in the Tsawwassen Land Use Plan of Tsawwassen First Nation.
				• The Project is expected to result in positive effects to economic development in Metro Vancouver; therefore, the Project is not expected to result in measurable adverse residual effects. The Project is not expected to result in incremental adverse cumulative effects on economic development.
				• The economic development assessment includes assessment of potential adverse effects on local sand supply, resulting from the Project-related demand, as well as potential adverse effects on labour market balance (including wage inflation or labour shortages). Further details on rationale for the scope, methods, and conclusions are provided in EIS Section 20.0.
					EIS
					Appendix 7.2-B Aboriginal Groups Issues and Interests Table
					19.0 Labour Market
					19.7.3 Potential Effect #3 - Potential Change in Labour Market Balance
					20.0 Economic Development
					20.6.1 Rationale for Negligible Effect – Change in Construction Aggregate Availability and Price
					20.6.2 Potential Effect #1 – Change in Materials, Goods, and Services Contracting Revenues
					20.6.3 Potential Effect #2 – Change in Induced Output (Revenues)
					20.6.4 Potential Effect #3 – Consistency with Economic Development Plans
					20.8 Characterisation of Residual Effects and Context

CT-6.2	Requested longitudinal socio-economic studies beyond what is required for the EIS.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by Project team. **29-Oct-2014, Aboriginal Groups EIS Preliminary Results Workshop #4:** Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs.	**Additional information provided by the VFPA:** The EIS was developed to meet the requirements specified in the *EIS Guidelines*, including the nature, scope, and extent of the information required of a designated project being assessed pursuant to the *Canadian Environmental Assessment Act, 2012* (*CEAA, 2012*) and the *BC Environmental Assessment Act*. The socio-economic studies undertaken to support the EIS fulfil this requirement.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2: Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-May-2016, Email from the VFPA to Cowichan Tribes:** Provided an "Employment Opportunities Information Sheet." The information sheet highlighted opportunities during construction and operations.		32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**
CT-6.3	Concerned about the labour market and economic development studies excluding Aboriginal members and/or communities located outside the Metro Vancouver region.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **19-Apr-2016, Letter from the VFPA to Cowichan Tribes:** Shared meeting notes from the 11-Dec-2014 meeting, which included the following post-meeting note: As noted in the response for issue ID# 111 of RBT2 EIS Appendix 7.2-B, the local assessment area (LAA) for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measureable or detectable. While there may be members of Aboriginal groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Aboriginal groups were not considered to be measureable or detectable. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in the EIS Appendix 7.2-B (#111):** The LAA for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measureable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measureable or detectable. **Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 18.0 Social and Economic Setting 18.4 Population 19.0 Labour Market 19.3.1 Spatial Boundaries 20.0 Economic Development 20.3.1 Spatial Boundaries 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

Cowichan Tribes

Table 7: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-7.1	Proposed that certain central terms be defined to ensure consistent use and understanding throughout the Project review process – namely "cumulative effect," "cumulative environmental effect," "mitigation," and "report".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Canadian Environmental Assessment Agency (Agency) has developed a glossary of terms used in the context of the* Canadian Environmental Assessment Act, 2012 *(CEAA 2012) and it is available at: http://www.ceaa-acee.gc.ca/default.asp?Lang=en&n=E7F0FC59-1&offset=&toc=hide. In addition, CEAA 2012 defines the term "mitigation measures" as measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means."* *For the purposes of Crown consultation, if members of the Cowichan Nation Alliance would like to provide information to the Review Panel about the impacts of any aspect of the Project, including marine shipping, the Review Panel will receive this information as directed in Section 3.9."*	**Additional information provided by the VFPA:** In developing the EIS, the VFPA relied on federal guidance documents (such as noted by the CEA Agency in their April 17, 2015 letter (CEAR Document #278)). The EIS also includes a glossary (summary of definitions) applicable specifically to the EIS.	
CT-7.2	Stated that in order to comprehensively assess the full extent of Project impacts, it is essential that the Review Panel consider cumulative effects that are measured against a pre-industrial baseline; this is necessary to understand the extent to which the environment and the ability of Aboriginal peoples to exercise Aboriginal and Treaty rights has already been compromised. Recommended that the draft ToR include a non-exhaustive list of projects and activities that should be included to ensure their impacts are considered e.g. the Tsawwassen Ferry Terminal, the Deltaport Terminal Road and Rail Improvement Project, the South Fraser Perimeter Road, the Tsawwassen First Nation Industrial Land Development, the Tsawwassen Mills and Power Centre and the Deltaport Third Berth Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"A list of projects has been provided in the Environmental Impact Statement (EIS) Guidelines http://www.ceaa-acee.gc.ca/050/documents/p80054/97463E.pdf on page 31 and includes the following direction to the Proponent: "The EIS will include a narrative discussion of existing projects in the vicinity of the proposed project, including but not limited to the Tsawwassen Ferry Terminal, Deltaport Terminal Road and Rail Improvement Project, South Fraser Perimeter Road, Tsawwassen First Nation Industrial Land Development, Tsawwassen Mills and Power Centre and Deltaport Third Berth."* *On page 32 of the EIS Guidelines request that* "This narrative discussion should include historical data, where available and applicable, to assist interested parties to understand the potential effects of the project and how they may be addressed." *Also, if members of the Cowichan Nation Alliance have information relating to the state of the environment as it relates to the Project, including effects, we invite you to contact the proponent with any pre- industrial baseline information or data you*	**Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in completeness-phase AIR-12.04.15-13, including in that responses' schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			may have, including Aboriginal traditional knowledge."		
CT-7.3	Stated that Cowichan Nation Alliance anticipates there will be a significant need for ongoing environmental monitoring of the integrity of the Fraser River estuary upon consideration of the growing number of developments in that area. Recommended express direction to the Review Panel to consider the value of ongoing monitoring. Recommended amendment to section 3.2 to of the ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered. However, the Agency encourages you to provide any information or concerns you have related to the Fraser River estuary to the Review Panel for their consideration as part of the environmental assessment."*	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada (ECCC). Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program
CT-7.4	Stated that the Review Panel's identification and recommendation of mitigation measures aimed at addressing potential impacts to Aboriginal and Treaty rights is a significant aspect of the Project review. As such, it is critical that the Review Panel be directed to consider all relevant factors when undertaking this task. For example, the Review Panel's consideration should not be restricted solely to the information received pursuant to section 3.5, but should also include the Review Panel's analysis of the section 2.1 factors, including the Review Panels' assessment of the effects of the Project on asserted and established Aboriginal and Treaty rights, including	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 3.7, now Section 3.11, has been revised to direct the Review Panel to use information received throughout the environmental assessment, which allows it to use information collected under any section of the Terms of Reference.* *Please see page 3 of the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf for further details. If the Cowichan Nation Alliance has information or opinions on*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	cumulative effects and the significance of those effects. Stated that it is also important that section 3.7 reflect the importance of considering impacts to Aboriginal and Treaty rights independent of the Review Panel's recommendation of mitigation measures. Recommended that the Review Panel specify the degree to which each recommended mitigation measure will avoid or minimise the potential adverse effects of the Project on Aboriginal and Treaty rights. This aspect of the analysis is fundamental to the determination of whether a particular mitigation measure is suitable, whether additional accommodation of Aboriginal and Treaty rights is warranted, and may ultimately influence whether the Project should proceed. Recommended amendments to section 3.7 of the draft ToR to address this concern.		*proposed mitigation during the EA process, the Review Panel would welcome that information. The Review Panel has been mandated to provide in its report rationale, conclusions and recommendations on the environmental assessment including any mitigation measures and follow up programs. Section 3.11 allows the Review Panel to make recommendations, which will be considered by the Crown, on avoiding or mitigating environmental effects related to potential impacts on potential or established Aboriginal or Treaty rights.* *At the end of the process it is up to the federal government to decide whether or not to adopt the recommendations contained in the Review Panel's report."*		
CT-7.5	Asked whether the EwE Model Study Area predicts Project impacts south of the American border.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the answer varies based on the VC in question, but there may be some localised effects. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#101):** The ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment. No productivity changes, as determined by the ecosystem model, are anticipated outside of Canadian waters, as productivity-related effects result from construction activities, the Project footprint itself, and indirect localised changes to coastal processes around the terminal.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis
CT-7.6	Asked about the third party review of the EwE model: who is conducting the review, what the review consists of, and why the review is being conducted.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that a VFPA-commissioned third party is conducting the review who is experienced in the study of marine ecosystems and modelling, and speculated that he will be looking at the inputs, the results, and assessing whether or not they are valid and based on correct information.	**Additional information provided by the VFPA:** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the EwE (Ecopath with Ecosim and Ecospace) model, also referred to as the Roberts Bank ecosystem model, is subject to review by the Review Panel. The independent review of the EwE model commissioned by the VFPA (as noted in the previous column) was undertaken prior to finalisation of the EIS. The results of the review informed and were incorporated into the model as it is presented in the EIS.	**Information Requests** Response to Information Request #6 (IR-7.31.15-06 of CEAR Document #314) Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			Explained that David Preikshot (the independent reviewer) has a PhD in Fisheries Science at UBC.	**Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** As noted in the Preamble in Support of Responses to IR3-01 to IR3-24, the VFPA has actively responded to questions about the application of the Roberts Bank ecosystem model, including through completeness information request responses (see IR-7.31.15-06) and in separate, agency-specific engagement. DFO and Natural Resources Canada (NRC) provided written questions to the VFPA based on a preliminary review of the EIS on November 19, 2015, ahead of an in-person meeting on November 23, 2015. The meeting included representatives from the VFPA, NRC, DFO, ECCC, and other federal agencies. Following this large-scale engagement, a series of more topic-specific meetings were held with individual and/or combinations of agencies through December 2015 and February 2016. Involving DFO, NRC, ECCC, and the VFPA, the meetings provided clarity on topics such as hydrology, sediment modelling, and ecosystem modelling questions posed by the agencies. The VFPA provided a cumulative submission of responses to the agencies in March and May 2016, and these questions and responses were posted to the CEA Agency's registry on September 28, 2016 (CEAR Document #547). In December 2016, the Canadian Science Advisory Secretariat of the DFO Science Branch released its independent review of the Roberts Bank ecosystem model (CEAR Document #900). Numerous federal experts conducted the review, including from DFO and the Canadian Wildlife Service. The general conclusions of the review support how the model was established and agreed that input parameter estimates were adequate for the Roberts Bank ecosystem. Importantly, the DFO Science Branch (with input from NRC) concluded "the EwE model, as implemented in this project and reviewed here, is a useful first-order framework to organise information and derive initial estimates of how the system may respond to perturbations" (CEAR Document #900, p.20).	**From the VFPA to the Review Panel re: Answers to preliminary technical questions submitted during the completeness phase from DFO, NRC, and Environment and Climate Change Canada, concerning the ecosystem modelling to support the RBT2 environmental review (NOTE: Updated September 28, 2016) (CEAR Document #547)**
CT-7.7	Asked about the funding for the ecosystem productivity model and whether the model is objective.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Explained that the VFPA is working with the University of British Columbia's Fisheries Centre (now the Institute for the Oceans and Fisheries), a leader in ecosystem modelling and the key developer of the EwE approach. Stated that in the environmental assessment application will have all the different assumptions used, all the data sources and why the technical team picked those, for people to critique and give the VFPA feedback on. Stated that the VFPA is trying to be as transparent and open as possible.	**Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** The VFPA obtained input on selecting the appropriate approach to assessing productivity at Roberts Bank through the Productive Capacity TAG process. The TAG process recommended use of the EwE model, which is well documented in the scientific literature and has been widely used to quantitatively describe marine food webs, fisheries policy exploration (regulatory decisions on managing fisheries), ecosystem-based fisheries management, and a joint B.C.-Canada environmental assessment. The EwE model was developed at the Institute for the Oceans and Fisheries, and more than 400 ecosystem models applying the software have been published. Thirteen of these publications describe marine areas in B.C., six of which are located in the Strait of Georgia. More information on this model can be found at http://www.ecopath.org/. Additional information concerning the VFPA's selection and use of the EwE model in the environmental assessment is available in	**Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24.	
CT-7.8	Noted stark disagreement between the Cowichan Nation Alliance and the VFPA about how cumulative effects are assessed and applied to impacts to Rights. Expressed concern with the cumulative effects studies.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, and Malahat First Nation	**11-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses. **29-Aug-2017, Workshop:** Committed to provide information from the EIS and information requests related to cumulative effects studies for RBT2. **20-Feb-2018, Email from the VFPA:** The VFPA provided draft meeting notes from the 29-Aug-2017 Follow-up Program Workshop. A post-meeting note was included regarding cumulative effects: *"Section 8.1.9 of the RBT2 EIS describes the cumulative effects assessment methodology for the RBT2 environmental impact assessment. An assessment of future cumulative effects was conducted when an adverse residual effect was predicted to occur to a valued component (VC) due to a Project-related interaction. For an intermediate component (IC), an assessment of future cumulative change was conducted to assess when Project-induced changes to an IC may combine cumulatively with changes caused by other projects and activities that will be carried out. Assessment of future cumulative effects for VCs and future cumulative change for ICs can be found in the following sections of the EIS:* *ICs:* • *Air Quality: Section 9.2.9* • *Noise and Vibration: Section 9.3.10* • *Light: Section 9.4.9* • *Coastal Geomorphology: Section 9.5.9* • *Surficial Geology and Marine Sediment: Section 9.6.9* • *Marine Water Quality: Section 9.7.9* • *Underwater Noise: Section 9.8.8* *Biophysical VCs:* • *Marine Vegetation: Section 11.10* • *Marine Invertebrates: Section 12.10* • *Marine Fish: Section 13.10* • *Marine Mammals: Section 14.10*	**Additional information provided by the VFPA:** The *EIS Guidelines* issued by the CEA Agency do not require a cumulative effects assessment with respect to the ability of Indigenous groups to exercise their asserted or established treaty or Aboriginal rights. **Addressed in EIS Appendix 7.2-B (#27):** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and is consistent with existing guidance documents, including the "Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act 2012*" and "Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects," the "Cumulative Effects Assessment Practitioners' Guide," and the "Guideline for the Selection of Valued Components and Assessment of Potential Effects," among others. Descriptions of existing pre-Project conditions relevant to each VC and IC were developed based on existing information, field studies, data analysis, and modelling. The description of existing conditions considered how ICs and VCs have been already affected by other projects and activities that have been carried out. Expected conditions were also determined where substantial changes are expected to occur to a VC or IC in the future prior to Project construction or operation, such as from changes in regulation or as a result of other projects or activities currently underway. Potential Project-related effects that may persist after the implementation of mitigation measures are called residual effects. The EIS identifies Project-related residual effects and their significance. The determination of significance is specific to each VC and the EIS presents the rationale for the significance thresholds applied. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. Where the Project was predicted to contribute to cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures. Where it was determined that potential adverse effects could occur, technically and economically feasible mitigation measures to avoid, reduce, or offset potential adverse effects to an acceptable level have been proposed. The design and implementation of proposed mitigation measures considers input received from regulators, Indigenous groups, local government, and the public.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual Effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment ***Updated EIS Guidelines***

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			• *Coastal Birds: Section 15.11* *Socio-Economic VCs:* • *Marine Commercial Use: Section 21.11* • *Visual Resources: Section 25.10* • *Land and Water Use: Section 26.10* • *Human Health: Section 27.10* • *Cumulative Effects Assessment: Section 28.10* *Information requests related to cumulative effects for RBT2 include:* • *IR #13 – Cumulative Effects Assessment* • *AIR #13 – Cumulative Effects Assessment"*	The methods used to assess the potential effects of the Project, including mitigation measures, residual effects and cumulative effects, are described in the EIS. The VFPA has consulted with Indigenous groups regarding Project components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. Indigenous groups were also provided draft community profiles and rights and Current Use information for their review and comments. Feedback received was incorporated into the EIS.	
CT-7.9	Concerned about the use of representative species in the assessment.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Provided participants with a handout showing ICs, VCs, and species represented by each VC. Discussed how representative species are used in environmental assessments. Explained that for example for the VC marine fish, there are a number of representative focal species and sub-components, more for ease of organisation than anything. For marine fish there are five sub-components, and of those, 13 focal species are covered. Explained why those focal species were selected and some of the studies that supported our selection. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0. EIS Section 8.0 describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs, and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Addressed in EIS Section 8.0:** Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for the ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. **Addressed in Information Request Package 5 – Response to Information Requests Relating to Representative Species:** Representative species are considered in terms of the biological and ecological similarities they share with other species within the sub-component, and for potential similarities in how the Project may interact with and affect them. In some cases, biological attributes may differ within a sub-component grouping, but their interactions with the Project and mechanisms contributing to potential effects from the Project are considered to be analogous. As a result, the VFPA selected representative species for each sub-component for which sufficient information is known, in order to provide an assessment that considers all potential interactions and Project-related effects. For example, substantial information exists for the southern resident killer whale (the representative species used for toothed marine mammals) and much less so for the transient killer whale. While there are some biological differences between the two, they are considered the same species; both rely on underwater noise for prey detection; and potential Project effects and mitigation measures are the same. In this example, it would be both impractical and inefficient to undertake	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods **Information Requests** Information Request Package 5 – Response to Information Requests Relating to Represented Species

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				an assessment on both species as the conclusions of the assessment would be the same. Moreover, in selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. This approach was taken as it would be impractical to characterise existing conditions and assess effects on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions.	
CT-7.10	Stated that the broad drafting of the VCs risks insufficient coverage of environmental components of importance to the Cowichan Nation Alliance. Requested that the following species be listed under the relevant Valued Component heading: i. Marine vegetation: green seaweed ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas iii. Marine fish: Coho, Spring, Chum, Pink, Chinook, and Sockeye Salmon, eulachon, herring, cod, halibut, flounder and sturgeon iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels v. Marine mammals: harbour seal vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** Aboriginal Groups Valued Components Workshop #1 and #2 provided an opportunity for Indigenous groups to comment on the VCs.	**Addressed in EIS Volume 3:** i. Marine vegetation: Green seaweed (EIS Section 11.0 has been included as the marine vegetation sub-component macroalgae, which includes *Ulva* spp., as well as other brown algal species (bull kelp, rockweed). ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas (EIS Section 11.0). This was considered when selecting marine vegetation sub-components (EIS Section 11.2.1). As the Project is located in the marine environment and Project-related interactions with terrestrial vegetation species are not anticipated, these species were not incorporated into the effects assessment (without an interaction, there is no potential for an effect on these species). iii. Marine fish: coho, spring, chum, pink, Chinook, and sockeye salmon, eulachon, herring, cod, halibut, flounder, and sturgeon (EIS Section 13.0). • All Pacific salmon were considered in the assessment under the sub-component Pacific salmon. Chum and Chinook were selected as representative species for the five salmon species, as they are more estuarine dependent (any predicted effects to chum and Chinook are representative of effects to the other species). Refer to EIS Section 13.2.1 for more information. • Eulachon was assessed through representative forage fish species (see EIS Sections 13.6.2.1 and 13.6.3.3). Eulachon was not selected as a representative species as it is rare within the marine fish LAA based on surveys conducted at Roberts Bank and Sturgeon Bank in past years (EIS Section 13.2). • Pacific herring was included in the assessment as a representative species under the forage fish sub-component. • Lingcod was included in the assessment as a representative species under the reef fish sub-component. Rock cod were assessed through their representation by rockfish, as discussed in EIS Section 13.5.2. • Starry flounder was included in the assessment as a representative species under the flatfish sub-component. Pacific halibut are not typically found in estuarine environments (including the Fraser River estuary) and therefore would not interact with and be adversely affected by the Project.	**EIS** 11.0 Marine Vegetation 11.2.1 Sub-components 12.0 Marine Invertebrates 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.5.2 Selection of Marine Fish Valued Component 14.0 Marine Mammals 14.2.1 Sub-components 15.0 Coastal Birds 15.2.1 Sub-components

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				• Sturgeon were assessed through the use of Chinook and chum salmon representative species. Sturgeon was not selected as a representative species as it is also rare within the marine fish LAA. Refer to EIS Section 13.2.1 for more information. iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels (EIS Section 12.0). • Red sea urchin and sea cucumbers were assessed through the use of Dungeness crab representative species. Red sea urchin and sea cucumbers were considered when selecting marine invertebrate sub-components, but were not selected as representative species as their typical habitat is not an estuarine sand-dominated environment like Roberts Bank. As such, Project-related effects to these species are anticipated to be very limited. • Mussels (specifically the bay mussel (*Mystilus trossulus*)) was included in the assessment under the bivalve shellfish sub-component. v. Marine mammals: harbour seal (EIS Section 14.0). • Harbour seal was considered and included in the marine mammals' effects assessment under the seals and sea lions sub-component. vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard (EIS Section 15.0). Brant was included in the coastal birds' effects assessment as a representative species of the waterfowl sub-component. American Wigeon represented Mallard, while common merganser and canvasback duck are represented within the diving bird sub-component. These latter two species were not selected as representative species as they are not common at Roberts Bank, nevertheless, any potential effects to these species are assessed through more common species (that have been selected as representative species). Refer to EIS Section 15.2.1 for more information.	
CT-7.11	Requested more information on the scope and purpose of field studies.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the studies have been undertaken, and will be included in the EIS for review. Each IC and VC section of the EIS contains information on field studies that were undertaken in support of the EIS.	**Additional information provided by the VFPA:** In 2012, the VFPA initiated field, desktop (i.e. literature review), and modelling studies to inform the understanding of existing conditions at Roberts Bank. Building on available information, these studies were designed to address known data gaps, as well as issues and interests of Indigenous groups, stakeholders, and the public, as well as to provide baseline information to assess Project-related effects as part of the environmental assessment. Some Technical Data Reports are appendices to EIS sections, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/	**RBT2 Project website** http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/
CT-7.12	Stated that scoping is arguably the most important part of EIS preparation and Aboriginal interests must be considered, particular during the selection of Valued Components and defining baseline conditions.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First	**01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA is described in the VFPA's response to IR-7.31.15-08 and MSA IR-02.24.16-4. During the scoping phase of the environmental assessment, specific feedback was sought from Indigenous groups on a list of proposed VCs	**EIS** Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Requested a rationale for excluding Cowichan Nation Alliance participation in the TAG process. As described further in Section 7.4, the TAG process focused on four key areas identified by [the VFPA]: 1. Coastal Geomorphology, 2. Productive Capacity, 3. Biofilm and Shorebirds, and 4. Southern Resident Killer Whales. Requested a rationale for how the four key areas represent the breadth of Aboriginal interests on Roberts Bank. Stated that First Nations participated in the Technical Working Group process during the Deltaport Third Berth evaluation and deserve a place at the Technical Tables. Asked which technical gaps exist within this process due to inadequate Aboriginal participation.	Nation (CEAR Document #242)	**13-Oct-2015, Letters from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"The Agency has requested additional information on Aboriginal Traditional Knowledge in its letter of July 31, 2015 to [the VFPA] (page 3, #8). Within that information request the following was requested:* *"Provide a description of where and how Aboriginal traditional knowledge has been used to support the selection of valued components, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. If Aboriginal traditional knowledge was not used, provide a rationale for why that information was not considered.""* *"This is a comment about the involvement of First Nations in [the VFPA's] TAGs and preparation of the EIS. This is not a completeness issue."* *"There is no requirement in the EIS Guidelines to focus TAG's work on specific topics. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	and sub-components. As described in EIS Appendix 7.2-A, a VC selection and rationale document was sent to Indigenous groups for review and feedback in April 2014. An additional opportunity for input on VC and sub-component selection was provided through participation by Indigenous groups in VC selection workshops held in June and July of 2014. In addition to these specific opportunities to provide feedback on VC and sub-component selection, as engagement activities continued, relevant information provided by Indigenous groups was taken into consideration (as described in EIS Section 7.2). **Addressed in EIS Appendix 7.2-B (#23):** The VFPA established the TAG process in 2012 to engage and consult with leaders in the technical and scientific community to provide guidance on four key topic areas – southern resident killer whales, biofilm and shorebirds, coastal geomorphology, and productive capacity. The TAG Terms of Reference and Summary Reports are available on the Project website: http://www.robertsbankterminal2.com/information-centre/project-documents/. The following Indigenous groups were invited to contribute to the TAG process: • Tsawwassen First Nation; • Musqueam First Nation; • Semiahmoo First Nation; • Tsleil-Waututh Nation; • Stó:lō Nation; and • Stó:lō Tribal Council. The TAG process was also discussed in meetings with Indigenous groups, and summary reports on the TAG process were provided to all Indigenous groups for review and comment. Additional information provided by the VFPA: Summary Reports are also available as appendices to the following IR responses: • Package 2 Preamble - Appendix IR2-A Coastal Geomorphology Technical Advisory Group Summary Report • Preamble in Support of Responses to IR3-01 to IR3-24 - Appendix IR3-A Productive Capacity Technical Advisory Group Summary Report • Appendix IR5-29-B Biofilm & Shorebirds Technical Advisory Group Summary Report • Appendix IR5-29-C Southern Resident Killer Whales Technical Advisory Group Final Report	7.3.3.2 Consultation **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Revised Responses to Information Request Package 2 (CEAR Document #961) Responses to Information Request Package 3 (CEAR Document #984) Response to Information Request #5 (IR56-29 of CEAR Doc #1185)
CT-7.13	Requested information about the process whereby it was determined that a VC was of interest to Aboriginal groups. Asked which VCs were identified by Aboriginal groups. Requested list of specific VCs that were selected based on Community Knowledge and ATK.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letters from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"The Agency has requested additional information on Aboriginal Traditional Knowledge in its letter of July 31, 2015 to [the VFPA] (page 3, #8)."* See additional detail above.	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA, including when it was used to inform VC selection, is described in IR-7.31.15-08 and MSA IR-02.24.16-4. During the scoping phase of the environmental assessment, specific feedback was sought from Indigenous groups on a list of proposed VCs and sub-components. As described in EIS Appendix 7.2-A, a VC	**EIS** 7.2 Aboriginal Groups Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group **Information Requests**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that candidate VCs of interest to Aboriginal groups were excluded if the following two additional questions were not answered affirmatively: "Does the candidate VC occur near or within the Project Area?" and "Could the Project interact with the candidate VC?" Asked how Community Knowledge and ATK was incorporated to answer these two additional questions.		*"The Agency did not request additional information regarding VC selection since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to VC selection to inform its sufficiency review."*	selection and rationale document was sent to Indigenous groups for review and feedback in April 2014. An additional opportunity for input on VC and sub-component selection was provided through participation by Indigenous groups in VC selection workshops held in June and July of 2014. In addition to these specific opportunities to provide feedback on VC and sub-component selection, as engagement activities continued, relevant information provided by Indigenous groups was taken into consideration (as described in EIS Section 7.2).	Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
CT-7.14	Requested the threshold criteria which were adopted with respect to determination of significance of residual adverse cumulative effects. Stated that they need to understand what the thresholds as they dictate the classification of "significance."	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letters from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 8.0:** To determine the significance of residual adverse effects, the assessment considered the nature of each residual effect and the context within which it is expected to occur. The existing (or expected) condition of each VC was compared with the future conditions predicted to result from the Project. The anticipated future condition of each VC with the Project was compared to a threshold of significance defined for that specific VC. The threshold of significance is the point beyond which the integrity of the VC may be compromised, and the residual effect is considered to be significant. If the future condition of the VC with the Project does not exceed the defined threshold, the effect is considered to be not significant. If the future condition of the VC with the Project does exceed the defined threshold, the effect is considered to be significant. When defining the threshold of significance, the assessment included consideration of existing standards, guidelines, or objectives that have been established by government through regulation or applicable regional land and resource use management plans or other mechanisms, where available and suitable for determining significance. If no appropriate government-established threshold was available, the significance threshold was defined using the professional judgement of the Project team and current scientific knowledge about the VC. The rationale for the significance threshold used in the assessment and for the determination of significance is provided for each VC.	**EIS** 8.0 Effects Assessment Methods 8.1.8 Determination of Significance of Residual Adverse Effects
CT-7.15	Asked why cumulative effects on the ability of First Nations to exercise Aboriginal rights was not identified as a VC.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"This item was not required by the EIS Guidelines. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *Aboriginal groups are encouraged to describe to the Panel how past projects and the proposed project have/will potentially cumulatively impact First Nation's future ability to exercise asserted or established Aboriginal or Treaty rights.* *The Agency has requested additional information on cumulative effects in its letter of July 31, 2015 to [the VFPA] (page 8, #13). This*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			information should inform the cumulative environmental effects of the proposed project and may assist in understanding potential cumulative impacts on First Nation's future ability to exercise asserted or established Aboriginal or Treaty rights."		
CT-7.16	Asked if the cumulative effect of a 6% increase in container vessel traffic will become the tipping-point that results in measurable and undesirable impacts when all project-based vessel traffic increases are taken into consideration located within both B.C. and the State of Washington. Only southern resident killer whales were deemed to be near such a threshold.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Agency requested additional information on the projects used in the cumulative effects assessment in additional information request "#7 Reasonably Foreseeable Projects and Activities".* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 6.7:** As noted in MSA Section 6.7, each assessment section in MSA Sections 7.0, 8.0, and 9.0 includes an assessment of potential additional future cumulative interactions between the residual effects anticipated for the VC (or residual changes for an IC), if any, and effects associated with additional marine shipping activity in the marine shipping area in 2030 related to reasonably foreseeable projects and activities. Projected future marine shipping traffic volumes are provided in MSA Table 4-7. These traffic volumes are associated with certain and reasonably foreseeable projects and activities listed in MSA Appendix 6-A. The significance determination for any residual cumulative effects is made using the same significance threshold as defined for the assessment of residual effects. Potential interactions with future certain or reasonably foreseeable marine-based projects are limited to increases in vessel traffic associated with those projects. The MSA concludes that no adverse cumulative effects are anticipated, with the exception of potential effects to southern resident killer whales. Consistent with the conclusions reached in the EIS, the MSA concludes that southern resident killer whales have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant. Further information concerning how significance criteria was utilised in the MSA is further discussed in MSA IR-02.24.16-7.	**MSA** 6.7 Cumulative Effects Assessment Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments 7.0 Physical Environment Effects Assessments 8.0 Marine Biophysical Environment Effects Assessments 9.0 Human Environment Effects Assessments **Information Requests** Response to Additional Information Request #7 (MSA IR-02.24.16-7 of CEAR Document #386)
CT-7.17	Noted that identified rockfish predators include dolphins and porpoises, pinnipeds, southern resident killer whales, bald eagles, gulls and terns, juvenile and adult salmon, dogfish, large demersal fish, lingcod, rockfish, skate, and starry flounder. Requested a more accurate list. Asked why human withdrawals (i.e., fishing) were excluded.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS in Section 16: Ongoing productivity of Commercial, Recreational and Aboriginal Fisheries Effects Assessment. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Appendix 7.2-B (#101):** The Roberts Bank ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not included in the food web.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-7.18	Concerned that information can be manipulated in the assessment to minimise the appearance of impacts to certain species. For example: • Assessments average things out over populations and a period of time, and underrepresent the effect. • Species will have different baseline biomass depending on the time of the year.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that results have not been averaged, and that the team fully understands a lot of species are there temporarily. Explained that this presentation is a high level summary and more detail and specificity will be provided in the EIS. For context, many birds are there for short periods of time. Even though they are there in large numbers for a few weeks, the biomass their presence amounts to over the course of a year is small, which is the timeframe used for the model; the model incorporates seasonal information.	**Additional information provided by the VFPA:** As is noted in the VFPA's response to preliminary questions from DFO and NRC in 2015, question 2.17 Time Steps (2.2.6), annual averages are used to include both spatial and temporal variation in biomass estimates for Roberts Bank. This allows comparisons across highly seasonal and endemic groups. Annual averages are a standard metric for ecological questions and are necessary when conducting an ecosystem level assessment (Harvey 2013, Mackinson and Daskalov 2008, and Preikshot 2013). Understanding that there is variability within any estimate, sensitivity analyses were conducted to examine model performance with a range of input biomasses, centred on the initial value (see question 2.7 (Use of Confidence Limits in RB Model) for more information on this) (CEAR Document #547).	**CEAR Document #547 from the VFPA to the Review Panel Re: Answers to Preliminary Technical Questions Submitted During the Completeness Phase from DFO, NRC And Environment and Climate Change Canada, Concerning the Ecosystem Modelling to Support the RBT2 Environmental Review**

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Table 8: Engagement and Consultation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-8.1	Stated that Cowichan Nation Alliance has yet to receive sufficient information regarding the framework that will guide Crown consultation to address potential impacts on Aboriginal and Treaty rights, and that will ensure the Crown discharges its constitutional duties prior to making any decisions about the Project. Recommended that Canada work with Aboriginal groups to develop a detailed consultation plan that includes a process and forum for groups to address issues arising from potential impacts to Aboriginal and Treaty rights from the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown sent letters to Cowichan Tribes, Stz'uminus First Nation, Penelakut First Nation, Halalt First Nation on January 7, 2014 with a proposed Consultation Workplan and invited comments or questions from the First Nations about the Crown's consultation process and proposed approach for discussing and addressing issues arising from potential impacts to Aboriginal and Treaty rights from the Project. We welcome a discussion on the proposed Consultation Workplan with any of the First Nations. To date, we have not received any feedback on the proposal."*		
CT-8.2	Stated that the Review Panel clearly does not have a mandate to discharge all of the Crown's consultation obligations toward Aboriginal groups, as evidenced by section 3.4 of Draft ToR: the Review Panel is prohibited from deciding constitutional issues that engage Aboriginal rights including (a) the validity of potential or established Aboriginal or Treaty rights asserted by an Aboriginal group or the strength of such claims; (b) the scope of the Crown's duty to consult an Aboriginal group; (c) whether the Crown has met its duty to consult or accommodate in respect of rights recognized and affirmed by section 35; (d) whether the Project would be an infringement of potential or established Aboriginal or Treaty rights; and (e) any matter of Treaty interpretation (historic and modern). While the Review Panel will receive information about any potential adverse impacts of the Project on potential or established Aboriginal or Treaty rights and related interests, and may recommend mitigation measures to avoid or minimize those impacts, the scope of this mandate does not involve an ongoing dialogue with Aboriginal groups as is demonstrated by the prohibited issues identified above. The Review Panel has no authority to render conclusions regarding the extent to which the Project might infringe Aboriginal or Treaty rights and does not	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Noted. The Terms of Reference has been amended to provide additional clarity about the role of the Review Panel and of the federal Crown in Section 3.7 which now reads 'Through these Terms of Reference, the Review Panel is given the mandate to collect information on behalf of the Crown as outlined in Section 3.9 to 3.11. The federal government maintains the duty to consult throughout the environmental assessment process and will be responsible for the items detailed in section 3.8, where necessary.'"*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	have a mandate to consider accommodation measures beyond mitigation measures. Accordingly, the Crown must provide another forum for these critical issues to be addressed.				
CT-8.3	Requested more information regarding how the noted constitutional issues will be decided, and at what stage of the process. Asked if, for example, the Crown will engage in consultation regarding accommodation measures other than Project mitigation measures during the Project review, or following the Review Panel's issuance of its report.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown will request Aboriginal groups identify any outstanding impacts to potential or established Aboriginal or Treaty rights once the Review Panel's report has been made public and the Crown will consult as appropriate with Aboriginal groups on proposed measures for addressing outstanding impacts.* *Additional information on the integration of Aboriginal consultation into the environmental assessment (EA) process was provided to the Cowichan Nation Alliance with federal officials on November 27, 2014, and is available online in the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf and in the "Review Panel and Aboriginal Consultation Process Diagrams Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100179E.pdf"*		
CT-8.4	Emphasised the Crown's legal obligation to provide a clear and transparent outline of how Crown consultation will be undertaken. It is essential that a reasonable amount of time be provided for this process, and in light of the very brief prescribed timeline under which the Project review must proceed, it is essential that Crown consultation commence at an early stage. Stated that the Crown must recognise that the simple fact that the *CEAA 2012* prescribes that the Minister render a decision on the Project within 24 months from the day on which the environmental assessment was referred to the Review Panel (with the possibility of an additional three-month extension) cannot operate to terminate consultation where substantive issues remain to be discussed between the parties. Stated that it is difficult to imagine that the time set aside for post Review Panel report activities will be sufficient to undertake meaningful Crown- Aboriginal consultation.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown intends for consultation to be ongoing throughout the entire EA process, and it will be integrated into the EA to the extent possible. We have heard key concerns from members of the Cowichan Nation Alliance and will consider them going forward.* *Additional information on the EA and consultation process is contained in the consultation work plan and handouts referenced in the response above. Issues of concern to Aboriginal groups that are outside the EA process, and any potential outstanding issues identified after the Review Panel report, should be identified and discussed with the Agency.* *Timelines for the federal government's administration of the EA are a legislated requirement under CEAA 2012. However the Agency strives to facilitate and accommodate the participation of Aboriginal groups whenever possible within these legislated timelines.* *Consultation is an ongoing dialogue between the Crown and Aboriginal groups, and should the Project be allowed to proceed subject to conditions in an EA decision statement, consultation with potentially impacted Aboriginal groups would carry on into the permitting phase and beyond depending on what, if any, issues remained outstanding at the time of the EA decision."*		
CT-8.5	Commented that participation funding offered by the VFPA is insufficient. Stated that Penelakut's requests to the VFPA for capacity have been denied or ignored.	12-Nov-14, Cowichan Nation Alliance EIS Workshop #2 28-Aug-2014, Meeting with Cowichan Nation Alliance	**Cowichan Nation Alliance:** 09-Jan-2014: Offered funding for group Traditional Use study. 24-Apr-2014: Accepted funding for group Traditional Use study. **Cowichan Tribes:**	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes. Additional agreements were also initiated to support the development of studies	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Requested funding to hire a professional to review technical information and attend meetings. Requested funding to cover all VFPA referrals. Requested funding for travel to and from Penelakut for meetings and workshops with the VFPA. Criticised participation funding agreement as insufficient. Stated that Penelakut will not be able to participate properly without additional funding. Requested funding to support Follow-up Program discussions.	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	06-Jan-2014: Offered funding for participation in the consultation program. 24-Apr-2014: Accepted funding for participation in the consultation program. 22-Aug-2014: Offered funding for fall 2014 consultation activities. 11-Sep-2014: Accepted funding for fall 2014 consultation activities. 11-May-2015: Offered funding for participation in Project-related consultation activities including Marine Shipping study. 25-May-2015: Accepted funding for participation in Project-related consultation activities including the Marine Shipping study. 07-Mar-2016: Offered funding to support ongoing involvement in consultation activities. 09-Mar-2016: Accepted funding to support ongoing involvement in consultation activities. 24-Oct-2017: Offered additional funding for participation in consultation activities for the RBT2 Project. 17-Nov-2017: Accepted additional funding for participation in consultation activities for the RBT2 Project.	regarding the Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum.	Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
CT-8.6	Stated that at the 2014 workshop the VFPA committed to providing responses to questions. Concerned that all questions are not being responded to. Referred to the difficulty of finding the answers to questions raised today from tens of thousands of pages of materials in the Environmental Impact Statement.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**12-Nov-2014, Workshop:** Reiterated that the purpose of the meeting is to present the information available so far, and to get feedback. Acknowledged that not all of the questions posed today will be able to be immediately answered, but that they are being noted so as to be addressed and responded to. Referred to Appendix 7.2-B which will list all concerns raised, provide a response, and describe where to find additional information in the EIS. **11-Dec-2014, Workshop:** Responses to questions that have not yet been responded to will be included in the EIS, once assessment information has been finalised. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **06-May-2015, RBT2 EIS Orientation Workshop:** In response to this concern, the VFPA provided an EIS orientation presentation in order to provide an overview of the EIS and provide an opportunity for questions about the structure and organisation of the EIS. **19-Apr-2016, Letter from the VFPA to Cowichan Tribes:** Provided the notes from the following workshops: • 06-Jun-14 Aboriginal Groups Valued Components Workshop #1; • 03-Jul-14 Aboriginal Groups Valued Components Workshop #2; • 07-Oct-14 Aboriginal Groups Workshop #1; • 08-Oct-14 Aboriginal Groups Workshop #2; • 22-Oct-14 Cowichan Nation Alliance Workshop #1; • 28-Oct-14 Aboriginal Groups Workshop #3; • 29-Oct-14 Aboriginal Groups Workshop #4; and • 12-Nov-14 Cowichan Nation Alliance Workshop #2.	**Addressed in EIS Appendix 7.2-B:** All issues raised by Cowichan Tribes and responses provided by the VFPA can be found in EIS Appendix 7.2-B, including references to the specific sections in the EIS. **Additional information provided by the VFPA:** IR10-01 provides responses to all comments and concerns raised by all members of the Cowichan Nation Alliance regarding the Project and marine shipping from October 2012 up to December 31, 2017.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #1 (IR10-01)

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Table 9: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-9.1	Asked if it would be a harmonised process with the Province.	05-Mar-2013, Meeting with Cowichan Nation Alliance	**05-Mar-2013, Meeting:** Noted that the process has yet to be determined. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#8):** On November 5, 2014, the B.C. Environmental Assessment Office (EAO) confirmed the Project is reviewable under Part 8 of the Reviewable Projects Regulation, B.C. *Environmental Assessment Act*. On December 19, 2014, the B.C. Minister of Environment issued an order under s. 14 of the Act establishing the Province's procedures and methods for conducting the environmental assessment for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister and potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the EAO will principally rely on the environmental assessment to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and the EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister. The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements. More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial environmental assessment for the Project can be found on the EAO's Project Information Centre (e-PIC) website at http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html	**EIS** 6.0 Environmental Assessment and Permitting Process 6.2 Provincial Involvement and Process Appendix 7.2-B Aboriginal Groups Interests and Issues Table
CT-9.2	Concerned that the EIS meets DFO standards not First Nation standards.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Acknowledged the concern and stated that the Project team is trying to understand other perspectives and wants to make sure that the effects to fisheries are well understood.	**Addressed in EIS Section 1.0:** The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* prepared by the CEA Agency. Indigenous groups have the opportunity to review the EIS and in that context, raise this comment to the CEA Agency and other agencies as appropriate.	**EIS** 1.1 Purpose of the Environmental Impact Statement
CT-9.3	Noted that the draft Panel Terms of Reference is inconsistent with its reference to "Project". Stated that there are references to "project" and "designated Project". Recommended that all references to the proposed ... project be referred to as the "Project".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been incorporated."*		
CT-9.4	Stated that the draft Terms of Reference (ToR) should direct the Review Panel to explicitly assess potential Project impacts on Aboriginal and Treaty rights and culture. We note that the list of factors as set out at section 2.1 provides that the Review Panel must account for the "environmental effects" of the Project, of which term is defined at section 5(1) of the *CEAA 2012* to include effects to Aboriginal	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provide direction to the Review Panel regarding its role and mandate in conducting the EA. In* Part 3- Mandate of the Panel *in the Terms of Reference, direction has been provided to the Review Panel on collecting information on behalf of the Crown as it relates to potential*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	peoples and their use of lands and resources for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct reference in the list of factors is warranted.		*impacts of the project to potential or established Aboriginal or Treaty rights."*		
CT-9.5	Stated that the draft ToR fails to provide explicit requirements and guidance for assessing socio-economic impacts in relation to Aboriginal people. Noted that the list of factors provides that the Review Panel must account for the "environmental effects" of the Project, which is defined at section 5(1) of the *CEAA 2012* to include health and socio- economic conditions; however we submit that the Review Panel would benefit from clear guidance on this issue.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Agency is currently considering guidance on this topic."*		
CT-9.6	Stated that it is essential that the Review Panel only recommend mitigation measures that are capable of achieving their stated purposes, and capable of demonstrating measurable success. Accordingly, Cowichan Nation Alliance recommended language that requires the Review Panel to put forward only those recommendations that are capable of demonstrating success in mitigating any significant adverse environmental effects. Recommended amendments to section 2.1 the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 2.1 provides direction directly from CEAA 2012 and as mentioned above, the legislation provides clarity about what is meant by mitigation.* *The information related to the success of past project mitigation measures should be included in the EIS as discussed above.* *Your comment on possible environmental effects or impacts to potential or established Aboriginal or Treaty rights has been considered and language has been added to section 3.9 as it relates to the Review Panel's mandate in relation to Aboriginal consultation."*		
CT-9.7	Stated that the scope of factors to be considered in the environmental assessment should not be limited by the content of the EIS guidelines. A review panel should give the requisite authority and discretion to decide for themselves the proper scope of the factors that they are considering, as this will fall under their expertise. Recommended amendments to section 2.3 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The purpose of the EIS Guidelines is for the proponent to identify the information requirements for the preparation of the EIS. The EIS Guidelines specify the nature, scope and extent of the information required for the EIS. Note that the EIS Guidelines set out the minimum information requirements – it is the proponent's responsibility to provide any additional information as required by the Agency or the Review Panel, once it has been*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			established, for the assessment of the environmental effects of the Project. *Under CEAA 2012, the scope of the factors to be taken into account in the environmental assessment by the Review Panel are those in section 19(1)* a) *to* i)*. The Minister may require that any other matter relevant to the EA be taken into account by the Review Panel under section 19 (1)* j)*."*		
CT-9.8	Stated that the Review Panel should not be limited to considering information provided solely by the participants – government agencies and departments may also have valuable information to contribute. Recommended amendments to Section 3.5 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered and Section 3.5 has been amended to direct that the "Review Panel shall accept as part of its record and review:" Federal authorities and government are already considered participants in the Review Panel process and henceforth covered by this Section."*		
CT-9.9	Stated that Panel members should have knowledge or experience relevant to the anticipated impacts of the Project on Aboriginal and Treaty rights. Recommended amendments to section 4.1 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Cowichan Nation Alliance members are welcome to submit potential panel candidates to the Agency. Panel Members must be unbiased and free from conflict of interest relative to the Project and have knowledge or experience relevant to the anticipated environmental effects of the project. Please provide suggested names and CVs to [provided contact information]."*		
CT-9.10	Stated that it is critical that those parties that provide the Panel Members with support in a procedural, technical, administrative or advisory manner be unbiased and free from any conflict of interest relative to the Project and, where applicable, have knowledge or experience relevant to the anticipated environmental effects and impacts of the Project. Requested addition to the end of section 4.5: The Secretariat will be unbiased and free from conflict of interest relative to the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your proposed change has been made."*		
CT-9.11	Requested addition to the end of section 4.18: Any federal authority that assists the Review Panel will be unbiased and	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):**		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	free from conflict of interest relative to the Project and will have knowledge or experience relevant to the anticipated environmental effects and impacts of the Project.	on behalf of Cowichan Nation Alliance (CEAR Document #126)	*"Federal experts participate in environmental assessments in accordance with the mandate and areas of responsibility of their departments. Public servants are guided in their work and professional conduct by the Values and Ethics Code for the Public Service."*		
CT-9.12	Stated that it is possible the Review Panel will not be capable of fulfilling its mandate and submit its report to the Minister within 14 months. Recommended that section 4.13 expressly confirm that the Review Panel must ultimately take the time that it requires to properly and completely discharge it mandate subject to the CEAA 2012, which allows the Minister to modify the statutory limits imposed on a review panel (CEAA 2012, subsection 38 (4)). Recommended amendments to section 4.13 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"CEAA 2012 has legislated timelines for the completion of an EA by Review Panel. The Review Panel must fulfill its mandate and provide a report to the Minister within the timelines set out in the legislation and as directed in the Terms of Reference."*		
CT-9.13	Stated that the Review Panel should be required to give more than 30 days' notice of tis public hearing, as many participants must prepare and reschedule other commitments in order to participate. Accordingly, notice of a minimum of 90 days should be required. Stated that the timing and location of the public hearing is of critical importance to our communities; we require an opportunity to comment on the draft document setting out the schedule and location of public hearing prior to finalisation by the Review Panel. Recommended amendments to section 4.22 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provides a minimum timeframe for the notice of the start of public hearings.* *The Review Panel is responsible for developing procedures for the conduct of the public hearing, including timing, location, format and other logistics. The Panel may, at its discretion, make draft hearing procedures available for comment.* *If members of the Cowichan Nation Alliance have suggestions on the timing or notification required for public hearings, they may provide that information to the Review Panel once it is established."*		
CT-9.14	Stated that the draft ToR should direct the Review Panel to explicitly include their identification of potential impacts on Aboriginal and Treaty rights and culture in the report. Noted that the list of required coverage in the Review Panel's report includes an identification of those conclusions that relate to the environmental effects defined in	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Review Panel has been directed to collect and summarize information provided to it by Review Panel participants about any potential impacts on potential or established Aboriginal or Treaty rights in its report (section 3.10).* *The Minister of the Environment has requested the Review Panel provide its conclusions and*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	section 5 of the CEAA 2012, which includes effects to aboriginal peoples and their use of lands and resources for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct reference to the list of required coverage for the report is warranted. Recommended amendments to section 4.27 of the draft ToR to address this concern.		*recommendations in relation to any environmental effects of the Project on Aboriginal people as set out in section 5 of CEAA 2012 as it is responsible for conducting the EA on the designated project.* *The Crown will maintain the duty to consult throughout the EA process and will conduct an assessment of what the potential project impacts are to the exercise of potential or established Aboriginal or Treaty rights. The Crown has already communicated the preliminary depth of consultation assessment letters dated January 7th, 2014 as referenced in the first response in this table.* *The Crown will communicate a revised depth of consultation assessment once the Review Panel has issued its report and is willing to discuss this assessment with Cowichan Nation Alliance members at this time. Cowichan Nation Alliance members are encouraged to raise any potential environmental effects, and/or impacts of the Project on potential or established Aboriginal or Treaty rights to the Review Panel to ensure the Crown has a robust understanding of your concerns at the point that the Review Panel issues its report."*		
CT-9.15	Stated that section 4.28 obliges the Review Panel to include in its report "information it has received with respect to the justifiability of those significant adverse environmental effects". If the report is to recognise arguments that seek to justify significant adverse effects, the report must, as a matter of fairness and completeness, recognise arguments that such effects are not justified. Otherwise, the Minister will receive a biased report. Recommended amendments to section 4.28 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Please see the additional clarity on justification related to likely significant adverse environmental effects added in Section 3.5 which states* "In accordance with sections 47 and 52 of CEAA 2012, if the Minister decides that the project is likely to cause significant adverse environmental effects, the Minister will refer the matter to the Governor in Council (Cabinet) who must decide whether those environmental effects are justified in the circumstances." *The Review Panel will not make the determination on whether likely significant adverse environmental effects may be justified, but if, taking into account the implementation of any mitigation measures, the Review Panel concludes that the project is likely to cause significant adverse environmental effects, the Panel may include in its report information that it has received with respect to whether those significant adverse environmental effects are justified in the circumstances."*		

Cowichan Tribes

Table 10: Environmental Management Program

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-10.1	Asked if the lessons learned from eelgrass transplants that took place as part of Deltaport Third Berth have been taken into account for RBT2. Noted that eelgrass is very important to Cowichan Tribes. Interested in and request information about the follow-up monitoring work that took place as part of Deltaport Third Berth.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the VFPA recently hosted a workshop that brought together eelgrass experts from the west coast to share knowledge and experience. Noted that prior to 1986 there were a lot of challenges, but since then transplants have had a success rate of over 90%. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3.	**Addressed in EIS Appendix 7.2-B (#201):** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting
CT-10.2	Stated that no Aboriginal involvement with the Scientific Advisory Committee (SAC) and monitoring was a failure to consult with Aboriginal communities for the Deltaport Third Berth Project. Noted the SAC would be a good opportunity to have Aboriginal Traditional Knowledge included and to have First Nations input on the selection of committee members. Added "we would like engagement in the governance of the monitoring program."	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** Noted input on governance for the Follow-up Program and stated that it will be considered in the planning for the RBT2 Follow-up Program governance structure for further discussion in future Follow-up Program meetings.	**Addressed response to in IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 Follow-up Program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
CT-10.3	Noted they never agreed with the VFPA assessment on level of impact and expect the impacts to be larger. Expressed concern with how the assessment was conducted by the VFPA's consultants. Stated that they want to see a third party environmental monitor involved in Follow-up Program implementation that is not involved in the original findings. Suggested the monitoring program be separated from the VFPA jurisdiction.	29-Aug-2017, Follow-up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought input into the Program through asking the following questions at the workshop: • What is important to you (Cowichan Nation Alliance) and your community?; • What elements would you (Cowichan Nation Alliance) like to see monitored?; and	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. **Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3 as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any	**EIS** 33.5 Follow-up Program

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			• How would you (Cowichan Nation Alliance) like to be involved moving forward? Noted comments on monitoring and stated that they will be considered in Follow-up Program planning.	measures taken to mitigate the adverse environmental effects of the Project. To ensure the program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	

Cowichan Tribes

Table 11: Human Health – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-11.1	Concerned about the determination that the Project is not expected to result in detectable effects on human health.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#149):** The following are highlights of the human health assessment: • Seven potential mechanisms for human health effects were assessed: air emissions, noise and vibration, shellfish contamination, stress and annoyance, employment and income, food security, and health inequity. • Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of environmental management plans and additional mitigation measures. • The Project is not expected to result in any significant adverse residual effects on human health. • The Project is not expected to result in measurable incremental residual cumulative effects to human health. With mitigation, all potential Project-related effects are expected to be negligible (not measurable), with the exception of residual effects on human health related to exposure to air emissions during construction, and exposure to noise during construction and operation. These effects are predicted to be not significant. A rationale for the determination is provided in EIS Section 27.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 27.0 Human Health 27.6 Future Conditions with the Project – Potential Project-Related Effects 27.7 Mitigation Measures 27.8 Characterisation of Residual Effects and Context 27.9 Determination of Significance of Residual Adverse Effects

Cowichan Tribes

Table 12: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-12.1	Asked if the Project is expected to have a negative impact on any other types of employment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the VFPA looked at labour market balance as an indicator, and conducted analyses to consider what the effect of the Project's employment and procurement would be, in relation to the availability of workers for other industries. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Section 19.0 Labour Market.	**Addressed in EIS Section 19.0:** The Project is expected to result in the following positive effects on the labour market in Metro Vancouver: • During the 5.5 year construction phase: o 4,150 person-years of direct employment, worth $494 million in wages; o 9,724 person-years of total direct, indirect, and induced employment, worth approximately $824 million in wages; • During operation: o 835 person-years of annual direct employment connected to terminal operations, worth approximately $138 million in wages annually; o 1,412 person-years of annual total direct, indirect, and induced employment, worth $169 million in wages annually; o A slight lowering of the unemployment rate in Metro Vancouver; o A positive effect on the participation rate; and o A small boost to median incomes in Delta and Metro Vancouver. Training opportunities associated with construction and operation are anticipated to generate positive effects for the Project's direct workforce. Positive changes in employment and labour income are anticipated for the Indigenous population in Metro Vancouver during Project construction and operation. The Project is not expected to result in measurable adverse residual effects to the labour market.	**EIS** 19.0 Labour Market

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Table 13: Light – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-13.1	Concerned that the light study did not consider the night sky with cloud cover as this increases the light effects over the water. Concerned about how the locations for monitoring light effects were selected, with specific reference to Galiano Island and Valdes Island.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the assessment teams for visual resources and light are different. The team carrying out the light assessment work (at night) took a subset of the points of reception (PORs) from the visual resources (day) assessment, because there is less variation expected from point to point. Stated that for both the day and night assessments, PORs were concentrated in areas in closer proximity to the Project site. The POR on Valdes was added later through consultation. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#47):** Measurements of sky glow depend on the visibility of the stars, and were taken on nights with no or low cloud cover, where possible. The rationale for the assessment methods is included in EIS Section 9.4 and the technical report. The rationale for selection of the PORs is included in EIS Section 9.4. The light assessment included a POR on Galiano Island and on Valdes island. The measurements taken from, and predictions made for, these PORs are intended to be representative of surrounding areas.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.2 Assessment Purpose and Approach 9.4.5 Methods Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study, Study Methods Appendix 7.2-B Aboriginal Groups Interests and Issues Table
CT-13.2	Asked if RBT2 would be subject to, or exempt from, Delta bylaws around light, and if not, whether the VFPA would be willing to meet or match their requirements anyway.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. Post meeting note shared with Cowichan Nation Alliance in draft meeting notes: There are not any standards or bylaws for light such as there are for noise, for example. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#99 and #45):** A process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. **Addressed in EIS Section 33.0:** The Light Management Plans for construction and operation phases will be developed prior to the respective phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. Feedback on applicable environmental management plan sub-plans will be solicited from Indigenous groups potentially affected by the Project.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study Appendix 7.2-B Aboriginal Groups Interests and Issues Table 33.0 Environmental Management Program

Table 14: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-14.1	Concerned that the Project could negatively impact fishermen and their livelihoods.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Presented information on the preliminary assessment of potential Project effects and cumulative effects on Commercial, Recreational, Aboriginal (CRA) Fisheries and any proposed mitigation, as well as receive feedback on the draft findings and proposed mitigation. The presentation includes: executive summary, sub-components, indicators, assessment boundaries, the local and regional assessment areas, information sources, an overview of each of the fisheries (CRA), existing conditions for Pacific Salmon, Groundfish, Forage Fish, and Shellfish, expected conditions at Project commencement, potential Project-related effects, proposed mitigation measures, anticipated residual effects, the preliminary determination of significance, and anticipated cumulative effects. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions With the Project - Potential Project-related Effects

Table 15: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-15.1	Concerned that the Project will affect migrating salmon that return from the South to the Fraser River through Canoe Passage. Concerned about mitigation for natural migration patterns that are in the Project area and the impacts to salmon being made that we do not understand yet along with other animal's natural migration.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**03-Jul-2014, Workshop:** Responded that the Regional Study Area has been extended to Hope, which will capture a large portion of that migration and that is actually where the DFO sub-areas stop. Stated that a real effort was made to capture some, if not all, of the migration. Stated that sockeye hold more in the North arm and South arm, but that there are species of Chinook and chum that hold around Canoe Passage, so that area is being included. Canoe Passage is a fairly small distributary of the Fraser but there is still holding there. Sockeye in particular are coming out and heading north, with the exception of the Harrison Lake stock, which DFO thinks might be migrating south. **22-Oct-2014, Workshop:** Responded that the options for onsite habitat mitigation do consider fish passage. The primary intent is to soften the shoreline to make it more amenable to salmonid use. Stated that juvenile salmon use eelgrass beds and tidal marsh habitat. Stated that the mitigation measures primarily consider juvenile salmon outmigration and rearing. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. **Addressed in EIS Section 13.6.3.1:** The potential effect on the migration behaviour of juvenile salmon from terminal placement and causeway widening was assessed qualitatively. Two effects mechanisms—changes in the light environment and changes in habitat availability—were considered to have the potential to influence migration behaviour of juvenile salmon and result in a minor decrease of juvenile salmon productivity pre-mitigation. With implementation of mitigation measures, including adherence to juvenile salmon fisheries-sensitive window, implementation of a light management plan, as well as offsetting in the form of onsite native eelgrass transplants and reconstructed tidal marsh habitats north of the widened causeway, migration-related changes in juvenile salmon productivity were assessed as negligible. **Addressed in responses to IR5-18 and IR5-22:** Further discussions about terminal placement's potential effects on the migratory behaviour of juvenile salmon is available in the VFPA's responses to IR5-18 and IR5-22.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish **Information Requests** Response to Sufficiency Information Request #18 (IR5-18 of CEAR Document #1153) Response to Sufficiency Information Request #22 (IR5-22 of CEAR Document #1153)
CT-15.2	Stated that sockeye salmon have not been assessed in the EIS and is an information gap. Stated that the Cowichan Nation Alliance is not satisfied with the explanation provided as to why sockeye is excluded from the assessment. Stated that field studies were conducted at the wrong time of the year. Concerned that there will be negative impacts on sockeye as a result of the Project.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 29-Aug-2017, Follow Up Program	**12-Nov-2014, Workshop:** Responded that the VCs were defined based on the findings of the fieldwork. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but Chinook and chum have more of a presence. Responded that the VFPA understands the importance of the species (sockeye) and more details specific to sockeye can be provided.	**Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stressed the importance of sockeye to the Cowichan Nation Alliance. Requested for peer review of the work pertaining to sockeye. Reiterated their concerns regarding the impact of the Project on migrating fish and disagreement that the VPFA consultants did not find evidence of sockeye salmon in the local assessment area.	Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**11-Dec-2014, Workshop:** Responded that the VFPA thought more information about how sockeye had been considered had been provided to the Cowichan Nation Alliance, and apologised if they have not yet received anything. The EIS will describe more fully how salmon have been assessed. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **29-Aug-2017, Workshop:** Noted concerns regarding fish, and will include this as ongoing topic for further discussion on representative species and ways to address concerns raised.	of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. **Additional information provided by the VFPA:** Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in responses to IR5-15 and AIR-12.04.15-09:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye salmon and describes the status and management practices associated with the species. Rationale as to how sockeye salmon were assessed via use of Chinook and chum as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sockeye, as well as effectiveness of mitigation, are presented in the VFPA's response to AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in the VFPA's response to IR5-15. **Addressed in EIS Section 13.3:** The marine fish LAA encompasses an area of approximately 5,416 ha. In determining LAA boundaries, consideration was given to the nature and characteristics of marine fish, and potential exposure of marine fish to various Project influences (e.g., total suspended solids (TSS), sedimentation, and underwater sound levels). Also taken into account were social	9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.3.1 Spatial Boundaries 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity **Information Requests** Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				and cultural considerations, such as community knowledge and ITK, and current land and resource use by Indigenous groups and others. The RAA, which covers an area of approximately 52,456 ha, was established to provide a regional context for the assessment of Project-related effects. The RAA was also established to encompass the area within which the residual effects of the Project on marine fish may combine with the effects of other projects and activities to potentially result in a cumulative effect. Marine and freshwater RAA boundaries were determined based on DFO Pacific Fisheries Management Area limits (see EIS Figure 12-3).	
CT-15.3	Stated that the EIS should consider salmon pooling at the mouth of the Fraser River and investigate Project-related impacts on sockeye salmon in this area. Stated that fishermen report that Canoe Pass is an important holding area for sockeye.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but Chinook and chum have more of a presence. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 13.0:** While there is evidence that adult sockeye pass through the estuary annually en route to the Fraser River to spawn, available information indicates that most stocks enter the Fraser River with little or no delay (i.e., perhaps one day); hence, any potential interaction between the Project and migrating or passing individual adult sockeye salmon would be limited to approximately several days per year. A potential exception is a portion of the late-run timing group, which typically holds in the outer estuary for several weeks prior to starting upriver migration; however, since 1995, large segments of the late-run sockeye have ceased their holding behaviour and entered the Fraser River three to six weeks earlier than historically observed. As noted in EIS Section 13.2.1, there is no scientific evidence that waters at or near Roberts Bank represent holding areas for adult sockeye. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The response also further assesses potential effects of the Project on sockeye directly. As further described in the response to IR5-15, based on existing literature, there is no formally defined holding area within the Fraser River estuary for returning adult sockeye. It appears that the brackish layer or plume within which adult sockeye may hold can extend as far north as Gibsons Landing, as far west and south as the Gulf Islands (from Gabriola Island near Nanaimo to Saturna Island at Boundary Passage), and as far east at Point Roberts area. However, since 1995, sockeye holding behaviour appears to have ceased.	**EIS** 13.0 Marine Fish **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
CT-15.4	Asked why people have not been included as one of the species that eats chum salmon in the food web example (slides 12-13, Marine Fish Presentation at 2014 Cowichan Nation Alliance Workshop #2).	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the approach undertaken seeks to understand the ecosystem from a natural perspective, and human interactions are addressed in a different way.	**Addressed in EIS Appendix 7.2-B (#101):** The Roberts Bank ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA to Cowichan Tribes: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	without the Project, and humans are not included in the food web. However, the existing conditions for species included in the model are reflective of existing harvesting levels by humans; therefore, human interaction within the model is implicit. **Addressed in response to IR3-09:** Dungeness crab fishing at Roberts Bank was investigated using the Roberts Bank ecosystem model in the VFPA's response to IR3-09. Salmon harvesting was not considered, because salmon harvesting occurs over large geographic areas, with only a small proportion of the salmon catch coming from areas in the periphery of or adjacent to Roberts Bank. As such, salmon fishing was considered unlikely to influence model results. Results from the Roberts Bank ecosystem model re-run showed that when Dungeness crab fishing was considered, results were generally the same when compared to those described in the EIS.	Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis **Information Requests** Response to Sufficiency Information Request #09 (IR3-09 of CEAR Document #984)
CT-15.5	Concerned that a spill could travel into mouth of Fraser River and impact migratory salmon species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B - Tables
CT-15.6	Asked whether fish are being redirected away from Canoe Pass because of ships and whether that impact will increase with RBT2.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** There is no known evidence that existing shipping activity is affecting movement patterns of fish at Roberts Bank. In MSA Section 8.1, potential effects of underwater noise were considered to be negligible because noise generated by Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** A review of historical and recent air photos, in addition to modelling of sediment deposition at Roberts Bank (including Canoe Passage) is underway. Historic Canoe Passage discharge channel locations and sediment distribution (e.g., bar formation or build-up of sand) will be documented to assess natural variation pre- and post-terminal construction, and potential	**MSA** 8.1 Marine Fish

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				changes as a result of the proposed terminal configuration will be assessed. Fish and fish habitat suitability studies are currently underway to assess current fish distribution and abundance, and potential changes in fish presence as a result of the proposed Project will be assessed. Potential changes resulting from the Project during both construction and operations phases will be included in the assessment. Potential effects on marine fish migration behaviour from changes in the light environment and changes in habitat availability are assessed in the EIS. With mitigation, including implementation of a light management plan, and onsite offsetting in the form of eelgrass transplants and tidal marsh creation, changes in productivity of marine fish associated with these rearing habitats is assessed as negligible.	

Table 16: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-16.1	Concerned about effects on crabs, particularly in relation to black material observed in crabs harvested in the area. Crab harvesting in the RBT2 Project area results in black (coal polluted crabs), which are not edible. Asked how the VFPA can remediate lands first to deal with coal.	01-Nov-2013, Meeting with Cowichan Nation Alliance 12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**01-Nov-2013, Meeting:** Responded that crabs are part of the baselines studies and the VFPA is looking at current conditions of the baseline studies. **12-Nov-2014, Workshop:** Referred to the black crab study being carried out separately from the environmental assessment. Two black crab samples have been collected, and are currently waiting to be tested. The VFPA will be able to provide an update once that has happened. Tsawwassen First Nation collected the crab samples for this study. **07-Aug-2014, Email from the VFPA to Cowichan Tribes:** Provided information on a study that the VFPA is undertaking related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. This black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing. Provided details on the purpose, methodology, study area, and timeframe. **09-Jul-2015, Email from the VFPA to Cowichan Tribes:** Followed up to previous communications and the Dungeness Crab field study notification of August 2014. Attached a letter and memorandum regarding the studies undertaken by Hemmera in response to reports from Indigenous groups to the VFPA regarding blackening of Dungeness crab and concerns related to potential contamination. The memo included a summary of findings. The results of both studies were the same: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA to Cowichan Tribes:** Stated that since concerns were raised, the Project team has conducted further work on these topics to	**Addressed in EIS Section 27.0 and EIS Appendix 27-C:** Addresses potential effects of contaminant-related consumption risks of Dungeness crab, where contaminant analysis of crab tissue and the completion of a human health risk assessment was completed to support the development of the RBT2 environmental assessment. The leg muscle tissue did not contain detectable PAH concentrations, in spite of the use of sensitive laboratory analytical methods. Only arsenic was present in concentrations of potential concern and, consequently, was carried forward in a quantitative human health risk assessment; it was concluded that arsenic-associated health risks from the consumption of Dungeness crab tissue are acceptably low. A second study paralleled the above in terms of methods and analysis, but involved collaboration with Indigenous groups to provide samples of crabs as well microscopic examination of the tissue structures (i.e., histologic) of blackened areas. Again, results yielded no evidence of crab contamination related to coal dust, based on sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements. Results of microscopic examination point to localised physical damage of the exoskeleton and the bacterial shell disease as the underlying cause of blackening. **Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the causes of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available.	**EIS** 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The proposed Project is being designed to exclusively handle containers. There will not be an increase in coal shipments as a result of the	

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Project. The VFPA has undertaken shellfish studies in the Roberts Bank area to assess contamination, and proposes to study crab tissues to assess whether the black material is coal dust, a fungus, or other substance.	
CT-16.2	Requested more information on sea pens. Asked what is known about the impact and role of orange sea pens in the area. Asked what the per cent decrease in productivity is expected to be. Asked if the orange sea pen test transplant area has been determined yet to be either successful or unsuccessful. Concerned with the impact of a loss of sea pens on habitat and other species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that sea pens are known to exist in the area; however, from a scientific and ecological perspective, they are poorly understood. The first studies were done in 2002-2003, and more field studies were more recently undertaken in 2011 using an underwater remote vehicle. Additional recent studies have included people going underwater to count sea pens, to map their distribution, and to identify other species associated with them. One study sought to understand them better in the context of water flows and sediments and other studies looked at transplanting sea pens. If the transplant was not viable or unreliable, the effects would be characterised in a worst-case scenario. In this current status of the assessment, it is anticipated that there will be a moderate impact on the orange sea pens in the area if transplanting is unsuccessful. **07-Feb-2018, Email from the VFPA to Cowichan Tribes:** "Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved the transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled *Orange Sea Pen Transplant Pilot and Monitoring Program*. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05."	**Addressed in EIS Section 12.0:** As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in orange sea pen productivity, and that the level of confidence in this assessment was considered to be moderate. **Addressed in response to IR-7.31.15-24:** The VFPA's response to IR-7.31.15-24 presents the inter-relations between orange sea pens and other marine species and the predicted effects to other marine species from the Project-related loss of orange sea pen habitat. **Addressed in response to IR5-05:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. **Addressed in response to IR5-06:** The VFPA's response to IR5-06 discusses the confidence in the effect rating for orange sea pens. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere. **Addressed in response to IR5-07:** The VFPA's response to IR5-07 provides an assessment of the potential ecological effects on other components of the environment such as marine invertebrates and marine fish resulting	**EIS** 12.0 Marine Invertebrates **Information Requests** Response to Information Request #24 (IR-7.31.15-24 of CEAR Document #314) Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Request #06 (IR5-06 of CEAR Document #1145) Response to Sufficiency Information Request #07 (IR5-07 of CEAR Document #1145)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				from a decrease in the orange sea pen population due to the proposed Project activities. As noted in the response to IR5-07, the conclusion of no significant effects to marine invertebrates and fish remain unchanged.	
CT-16.3	Referred to the food webs showing biomass in the future with and without the Project (slides 17-18 of Marine Invertebrates presentation at Cowichan Nation Alliance Workshop #2), and the bubbles changing in size. Requested the exact number of anticipated change for each of the species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included information on the biophysical setting in Section 10.0.	**Addressed in EIS Section 10.0:** The VFPA used an ecosystem-based approach to assess Project-related effects to the productivity of marine biophysical VCs. Modelling of ecosystem productivity was one of several tools used to inform effects assessments. Productivity is a measure of the amount of plant and animal biological material (or biomass) produced within an area over a given amount of time. A predator-prey food web for the Roberts Bank ecosystem was developed to represent the linkages and interactions between marine vegetation, invertebrates, fish, mammals, and coastal bird species that influence the productivity of the ecosystem. The model calculates productivity changes to 58 functional groups to represent the complex interactions of this ecosystem; productivity changes to each of these groups calculated by the model are presented in EIS Appendix 10-C. The results are presented as changes to biomass in the groups, not species' abundance (number of individuals). The model was also used to predict the productivity of proposed on-site habitat that would be created to offset expected Project-related effects on the productivity of marine biophysical VCs.	**EIS** 10.0 Biophysical Setting Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run
CT-16.4	Concerned with the potential for RBT2 to constrain crabbing areas. Stated that fishing will be confined to a smaller area and there is concern regarding crowding. Stated that their use of the Roberts Bank area has increased recently because crabs in proximity to Penelakut are contaminated by the Crofton Mill. Stated that they rely on crab taken from the RBT2 area to support its food, social and ceremonial fishery and its traditional way of life.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **28-Jul-2016, Issues Workshop – Island Nations:** The VFPA hosted an issues workshop where concerns raised about project impacts to crab where discussed along with proposed mitigation measures. Explained that the EIS section for current use/rights considers the navigational closure area. FSC harvesters can access this closure area to crab without floats; commercial and other harvesters cannot. That closure area would be expanded to accommodate the new terminal and would increase in size. The idea would be that VFPA would work with DFO to continue the practice to only allow FSC crabbing within that area. We also have identified other consultation mechanisms to continue engagement with Aboriginal groups regarding monitoring/follow up programs regarding resources	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			relied upon by Aboriginal groups. We have identified the opportunity for future VFPA-Aboriginal group collaboration. **12-Apr-2018, Letter from the VFPA to Cowichan Tribes:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	implement feasible mitigation measures, and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in response to IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	32.2.6 Future Conditions With the Project - Potential Project-Related Effects **Information Requests** Response to Sufficiency Information Request #07 (IR10-07)
CT-16.5	Requested specific information which explains how ATK was utilised in subcomponent selection – pertaining to the marine invertebrates' effects assessment.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"The Agency has requested additional information on Aboriginal Traditional Knowledge its letter of July 31, 2015 to [the VFPA] (page 3, #8)."*	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA is described in the VFPA's responses to IR-7.31.15-08 and MSA IR-02.24.16-4. In the case of marine invertebrates, sub-component selection was informed by other types of Indigenous information, but relevant ITK was not available.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
CT-16.6	Stated that the characterisation of existing conditions is reflective of the year 2013, when marine invertebrate studies were completed in the local assessment area. The selection of 2013 as a baseline is arbitrary. Asked how the EIS conclusions would change with an earlier baseline.	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 7, #13)."*	**Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (at around the time of EIS writing) (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in completeness-phase AIR-12.04.15-13, including in that response's schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

Cowichan Tribes

Table 17: Marine Water Quality

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-17.1	Asked if a change in salinity can have an effect on marine mammals, marine fish, and marine vegetation such as eelgrass.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that there will be extensive discussion around all of the VCs and how they relate to these ICs. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presentations on marine mammals, marine fish, and marine vegetation were provided to Cowichan Nation Alliance in Workshop #2. The VFPA presented that Roberts Bank is dynamic, highly variable, estuarine environment and that biofilm has adapted to a wide range of salinity variability. Explained that the VFPA will monitor and evaluate to confirm changes in water quality (salinity) and sediment erosion and deposition patterns through its Follow-up Program. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#50):** Changes in hydrology are predicted to affect salinity and turbidity levels, and increase sediment deposition as a result of the Project, but these changes are anticipated to be minimal relative to existing natural variability. These localised indirect effects of changes in hydrology on habitat are evaluated in the marine biophysical component effects assessments, including marine vegetation, marine invertebrates, marine fish, and coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.6 Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish 13.6.2 Negligible Effects 14.0 Marine Mammals 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.4 Potential Effects of the Project on Steller Sea Lions 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting

Cowichan Tribes

Table 18: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-18.1	Concerned with cumulative effects to Aboriginal rights associated with marine shipping. Stated that increases in shipping will result in "death by a thousand cuts". Concerned that the draft Current Use Summary does not include effects from malfunctions or accidents, as well as cumulative environmental effects.	17-Jun-2015, Meeting with Cowichan Nation Alliance 09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Explained that the document shared by the VFPA on July 27, 2015 included a draft summary of CNA's current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. Noted that these topics will be addressed in the Report to be submitted to the Canadian Environmental Assessment Agency ("CEAA") in the fall of 2015. **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the MSA for the proposed Project, which included its assessment of cumulative effects in MSA Section 6.0.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping a without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
CT-18.2	Stated that Canada, B.C., Parks and First Nations are working to establish the National Marine Conservation Initiative in the Gulf Islands. Concerned with impacts from shipping to this initiative and conservation areas.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency. **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Appendix 5-B (#26):** The conservation areas within the marine shipping area are described in MSA Section 2.1.2 and shown on MSA Figure 2-2. The extent to which potential effects of marine shipping associated with the Project are predicted to occur within conservation areas is addressed within each relevant IC or VC section.	**MSA** 2.0 Geographic Setting 2.1.2 Species at Risk and Conservation Areas Figure 2-2 Conservation Areas in and near the Marine Shipping Area Appendix 5-B Aboriginal Issues and Interests
CT-18.3	Concerned with the impacts of marine shipping to short fishing openings.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. Noted that the VFPA is not involved in setting the regulations for Aboriginal fisheries. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency. **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Section 9.2:** Potential effects of vessel transit from Project-associated shipping on commercial fish and seafood harvesting marine area displacement, access, fish and seafood availability, and gear damage or loss would not be measurable from existing conditions and are therefore considered to be negligible. Potential consequential effects on harvest and associated revenues of commercial fishing and seafood enterprises are also considered to be negligible. When all lines of evidence are considered, the effect of vessel transit on commercial fishing and seafood harvesting is considered to be negligible.	**MSA** 9.2 Marine Commercial Use 9.2.5.1 Negligible Effects

Cowichan Tribes

Table 19: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-19.1	Concerned with the potential effects of the Project on eelgrass habitat for crabs and other species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 28-Jul-2016, Issues Workshop – Island Nations	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **28-Jul-2016, Workshop:** Explained that the EIS predicted a negligible effect on eelgrass overall. There is a negligible effect which is offset through transplants. The placement of the terminal will also create a wave shadow causing more optimal conditions for eelgrass growth. We don't believe there will be eelgrass mediated effects to crabs.	**Addressed in EIS Appendix 7.2-B (#68):** Potential effects on eelgrass habitat, as well as on crabs and other species that use eelgrass habitat, are described in the EIS. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass is a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 11.7.2 Reduction and Off-setting Measures 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 12.7.2 Mitigation #1 for Direct Mortality
CT-19.2	Concerned with the conclusions of significance for biofilm including for the cumulative effects assessment. Asked about the certainty of confidence modelling and whether it is possible to see the results from an independent third party review on the marine vegetation effects assessment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the confidence for biofilm is relatively high. Studies were not limited to modelling; the Roberts Bank ecosystem model is not being relied upon for the confidence prediction. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **24-Apr-2017, Email from the VFPA to Cowichan Tribes:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	**Addressed in EIS Appendix 7.2-B (#63):** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the marine vegetation assessment, will be subject to an independent review. The scope and methods of the marine vegetation study are presented in EIS Section 11.0. The assessment of marine vegetation focused on eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Studies were informed by engagement with the Shorebirds-Biofilm TAG and regulatory agencies. The LAA included Roberts Bank, and the RAA included Roberts Bank, Roberts Bank North, the lower Fraser River, Canoe Passage, and Boundary Bay. Existing conditions were characterised for representative species for each of eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Existing conditions for marine vegetation are influenced by previous developments, including the development of the Roberts Bank and BC Ferries terminals, the dynamic natural environment, and species that forage on marine vegetation. Overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of environmental management plans and the creation of habitat. The overall productivity increase is due to sheltering of the intertidal zone shoreward of the terminal, which would optimise physical conditions for marine vegetation. During Project construction and operation, changes in productivity of eelgrass, biofilm, and biomat are predicted to be negligible (i.e., not measurable or detectable), while increases in productivity of intertidal marsh is expected. Productivity of rockweed, a macroalgae, is predicted to decrease during construction and operation. This decrease can	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				be mitigated through the creation of onsite subtidal rock reef habitat. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity but is expected to return to existing conditions outside of the annual freshet period. The assessment concludes that there are no significant adverse residual effects from the Project to marine vegetation, as it will continue to maintain its existing ecological functions. The Project is not expected to result in any incremental cumulative effects to marine vegetation. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing; • Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
CT-19.3	Asked for clarification on the statement that biomat and biofilm are relatively new to science. Asked if there could be other things that the biologists are not aware of.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that biofilm is relatively new to science in that it was first discovered at Roberts Bank in 2003, in association with work being undertaken for the DP3 project. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **24-Apr-2017, Email from the VFPA to Cowichan Tribes:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm	**Addressed in EIS Section 11.0 and EIS Appendix 7.2-B (#65):** Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment, and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which for the purposes of the marine vegetation effects assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing;	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6. Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	• Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
CT-19.4	Concerned about the role of offsetting within the determination of residual effects. Requested more information related to habitat offsetting.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the potential effect would be site-specific to RBT2. This presentation does not discuss any offsetting work that the VFPA would consider in conjunction with the Project. This assessment looks at whether there are any potential effects, and considers how they could be avoided or mitigated. If they cannot be avoided or mitigated and there is a residual effect that is when offsetting would be considered. The VFPA is undertaking an extensive program for offsetting. For marine vegetation, there are two potential Project-related effects. The first is decreased productivity, for which mitigation measures (including offsetting) are anticipated to result in there being no residual effects. The VFPA referred to slide 17 (of Marine Vegetation presentation, Cowichan Nation Alliance Workshop #2), which is a table of the marine vegetation sub-component species and their expected difference in productivity between future conditions without the Project and future conditions with the Project. There is an onsite habitat mitigation program, where work would be expected to be conducted right at and near the terminal. It is anticipated that work will be successful. Some measures may be able to be done in advance, and we will know whether or not they are successful. There is also a commitment to monitor. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses	**Addressed in EIS Appendix 7.2-B (#28):** Project-related effects on marine biophysical VCs that cannot be fully mitigated through avoidance or reduction or other mitigation measures will be addressed through offsetting. Offsetting proposed for this Project is focused on the creation and enhancement of biophysical habitats that currently support species of the Roberts Bank ecosystem. The concepts proposed are consistent with current legislation and policy and are based on well-established techniques that have been successfully implemented at Roberts Bank, elsewhere in B.C., and in the Pacific Northwest. The EIS includes a description of onsite habitat concepts to offset potential decreases in productivity, including the identification of beneficial habitat types for each of the VC sub-components, and representative species and groups where applicable. **Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The five habitat types considered for onsite offsetting include: • Intertidal marsh: Important for shoreline stabilisation, gas and nutrient regulation, contaminant filtering, and nutrient supply, as well as providing structural habitat used for shelter and food by organisms. Some of the species that use intertidal marsh habitat at Roberts Bank include bivalve shellfish, Dungeness crabs, juvenile Chinook salmon, shiner perch, sand lance, and waterfowl. Approximately 15 ha of intertidal marsh is proposed along the widened causeway and in the S-bend of the new terminal. • Sandy gravel beach: Provides spawning area for forage fish, including surf smelt, Pacific herring, and sand lance. Two sandy gravel beaches, totalling approximately 4.5 ha, are proposed along the widened causeway. The beaches are intended to provide attachment-type habitat and substrate suitable for marine vegetation and invertebrates, and to benefit some of their predators (e.g., juvenile Chinook salmon, waterfowl, and American wigeon). • Mudflat: Plays a role in dissipating wave energy and supports large numbers of birds and fish. Mudflats also support biofilm, an important component of the food web in estuarine and coastal ecosystems. Approximately 4.5 ha of mudflats is proposed along the widened causeway and in the S-Bend of the new terminal. Biofilm,	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3 Offsetting Potential Effects 17.3.2 Offsetting Potential Effects, Offsetting Framework

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				invertebrates, waterfowl, and shorebirds will benefit from this habitat. • Subtidal rock reefs: Support rockfish populations and assist in meeting fisheries management objectives to alleviate historic declines of regional populations. The creation of approximately two hectares of reef habitat will benefit macroalgae vegetation, and provide refuge, feeding, and spawning habitat for invertebrates, fish, and birds. • Eelgrass: Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS.	
CT-19.5	Concerned that the assessment excludes marine vegetation that is culturally important to Cowichan Nation Alliance and could be impacted by the Project. Requested that 'coastal terrestrial vegetation' be identified as a distinct Valued Component.	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by the Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** The VFPA hosted two workshops for Indigenous groups on the VCs providing them with an opportunity to comment on the proposed VCs. For coastal terrestrial vegetation, there is no interaction with the Project and the terrestrial environment, either directly or indirectly, due to the marine-based nature of the Project, and therefore no effects are anticipated. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 8.0:** The process for selecting VCs is described in EIS Section 8.0. Rationale for not selecting terrestrial vegetation as a VC is provided in EIS Appendix 8-A. Terrestrial vegetation on the Roberts Bank causeway to the track tie-in location (a less than 1 ha area with in the British Columbia Rail (BCR) right-of-way) is characteristic of highly disturbed sites. Terrestrial vegetation of ecological value does not occur proximal to the Project. Additionally, the Project area does not contain any wetlands above the high water level. Wetlands below high water level are included in the marine vegetation VC.	**EIS** 8.0 Effects Assessment Methods Appendix 8-A Valued Component Selection Rationale Table 8-A2 Rationales for Candidate Component Exclusion Decisions and Other Considerations

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Table 20: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-20.1	Asked what the rationale is for including fish refugia in the caisson design.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Sections 4.0 and 13.0.	**Addressed in EIS Sections 4.0 and 13.0:** A mitigation opportunity for marine fish during operation of the terminal includes provision of refuge habitat in the caissons. To increase the availability and connectivity of refuge habitat for marine fish, and to provide a diversity of potential food sources, design options for the caisson face have been considered (EIS Section 4.0) and are described further in EIS Section 13.7.1.3. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The upper portions of the caissons are not filled with ballast rock, only water. In previous projects, such as DP3, a decision was made to provide an opening into every 2nd or 3rd caisson to allow fish and marine creatures to seek refuge inside this water filled area of the caisson. This fish refugia concept was carried over in the design for the proposed Project. It is an accepted DFO habitat development concept.	**EIS** 4.0 Project Description 13.0 Marine Fish 13.7.1.3 Caisson Fish Habitat
CT-20.2	Asked what the mortality rate during crab salvage efforts would be during molting season.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Stated that mortality related to construction activities has not been quantified. Assumptions would have to be made around density, which could be done; the VFPA is hoping that the mitigation will be good enough in that crabs will be trapped and removed from the construction area, and timing windows would be respected to reduce mortality.	**Addressed in response to IR5-04:** The VFPA's response to IR5-04 discusses the planned approach for crab salvage during the construction of RBT2. Salvages are planned for all Project activities that have the potential to cause direct mortality to legal-sized male and gravid female Dungeness crabs. A list and schedule of proposed Project activities is provided in Table IR5-04-1; the activities for which Dungeness crab mortality or injury may occur are indicated, and for those activities that may cause mortality or injury, plans for salvages are also indicated.	**Information Requests** Response to Sufficiency Information Request #4 (IR5-04 of CEAR Document #1209)

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Table 21: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

CT-21.1	Concerned about potential noise effects from shunting to wildlife and humans.
	Stated that members are affected and interrupted by the shunting.
	Asked if the numbers (of noise events) presented are an expected average over a 24-hour period.
		22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:**
			Recorded comment for consideration by Project team.
			01-Apr-2015, Letter from the VFPA to Cowichan Tribes:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.
			19-Apr-2016, Letter from the VFPA to Cowichan Tribes:
			Shared meeting notes from the 22-Oct-2014 workshop, which included the following post-meeting note: Stated that the number of noise events is predicted on a per-hour basis.
				Addressed in EIS Appendix 7.2-B (#43):
				The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS.
				The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use.
				The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic.
				The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration.
				Mitigation measures related to noise are included in the human health assessment (EIS Section 27.9.2).
				The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration.
				The assessment concluded that:
				• Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible.
				• The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors.
				• Some changes in noise conditions that could be perceptible include:
				  ○ Increased noise during periods of peak construction activity.
				  ○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals.
				  ○ Increased noise in marine areas is expected to be perceptible close to the terminal.
				  ○ The construction and operation of the marine terminal and causeway is not expected to result in perceptible increases in levels of ground-borne vibration.
				Suggested mitigations were considered in the development of proposed mitigation for Project-related changes in noise. Noise Management Plans would be developed for construction and operation phases and would integrate with the VFPA's existing noise monitoring programs.
				Mitigation of construction-related noise would include:
				• Scheduling of higher-noise generating activities during weekdays, and during the daytime;
				• Shutdown of equipment and vehicles when not in use;
				• Utilisation of equipment that produces less noise; and
					EIS
					Appendix 7.2-B Aboriginal Groups Interests and Issues Table
					9.3 Noise and Vibration
					9.3.6 Methods
					9.3.7 Existing Conditions
					9.3.9 Future Conditions with the Project
					9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities
					9.8 Underwater Noise
					13.0 Marine Fish
					13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity
					14.0 Marine Mammals
					14.6 Future Conditions with the Project
					15.0 Coastal Birds
					15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity
					27.0 Human Health
					27.6 Future Conditions With the Project - Potential Project-Related Effects:
					27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise
					27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance
					27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity
					27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects
					27.9.2 Significance Determination

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				• Awareness and training for construction crews. Mitigation for operation-related noise would include: • Optimised tonality of equipment alarms to limit audibility on shore while meeting safety requirements; • Operator awareness and training; and • Regular maintenance of equipment (e.g., lubrication of pulleys and other moving parts, replacement of deteriorated exhaust mufflers, maintaining efficiencies of engines through servicing).	
CT-21.2	Noted that Penelakut has a village site at the north end of Galiano Island at Porlier Pass. Asked if studies were done on the west side of Porlier Pass and the Gulf Island passages.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Referred to the work carried out by acoustician that determined the areas identified in the slide is where noise is expected to go. Stated that sound does not necessarily travel with currents. Rather, it bounces off of surfaces. There is likely to be noise in that area, but not Project noise, which is what the slides are referring to. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#44):** The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3. The marine study area includes all marine areas within 10 km of the proposed terminal, including areas at the mouth of the Fraser River and Canoe Passage, north of the northern tip of Westham Island. The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.3 Noise and Vibration

Cowichan Tribes

Table 22: Port Operations

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-22.1	Asked where ships currently re-fuel in the VFPA's jurisdiction.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Section 4.4.2.1 Container Ship Manoeuvres.	**Addressed in EIS Section 4.4.2.1:** Facilities to support bunkering of ships do not exist at Roberts Bank, nor does the Project include any facilities to support bunkering. Container ships usually bunker at one of their home ports. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** Container ships cannot re-fuel at Roberts Bank. Container ships are on a tight schedule and will arrange to pick up fuel at a location where they will be at berth for a longer time (home port) and where fuel is less expensive, usually in Asia. Vessels within the VFPA's jurisdiction that need to re-fuel will typically take on fuel in Burrard Inlet, alongside at berth or at one of the designated anchorages in the inlet. The fuel is delivered to the vessels by barge, either from the Stanovan Marine Terminal (Chevron) in Burnaby or the Shellburn Marine Terminal (Shell Canada), also in Burnaby. Tugs used to guide the container ships during arrival and departure, bunker at the Chevron marine fuelling station in Burrard inlet.	**EIS** 4.4.2.1 Container Ship Manoeuvres
CT-22.2	Concerned about traffic and increased use of anchorages around the Gulf Islands. Concerned about increased number of large ships anchoring in Cowichan Tribes territory. Stated that increased shipping traffic from the proposed Project would likely increase the frequency of these freighters anchoring in Cowichan Bay. Concerned with sewage effluent and ships moored and anchored south of Penelakut and north of Thetis Island. Stated that ships are dumping effluent and it is impacting their beaches. Stated that they are there for two weeks and does not know why they would not be in the Fraser River.	17-Jun-2014, Technical Working Group Meeting #4 09-Sep-2015, Letter to the VFPA from Cowichan Tribes 18-April-2017, Chief & Council Meeting – Cowichan Nation Alliance 07-Nov-2017, Cowichan Nation Alliance Meeting with Federal Agencies	**17-Jun-2014, Meeting:** Recorded comment for consideration by Project team. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Referred Cowichan Nation Alliance to Section 3.3.2 of the Marine Shipping Overview document sent to Cowichan Nation Alliance on May 26, 2015: There are no plans, or foreseen terminal operating requirements, for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Container ships operate on a scheduled service, usually between Asia and the west coast, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement. Exception to this could occur in the event of an extreme storm event in the Pacific Ocean, resulting in a refuge anchorage requirement for safety reasons or to accommodate unexpected ship-specific maintenance personnel, or operation issues that may arise. Container ship anchorages for	**Addressed in EIS Appendix 7.2-B (#72):** The scope of the Project, as defined in the *EIS Guidelines* issued by the CEA Agency, includes vessel movements within VFPA jurisdiction, including approach, berthing, unberthing, and departure from the terminal. The assessment does not include the anchoring of ships in the Gulf Island area. **Addressed in MSA Appendix 5-B (#3):** Anchorage is discussed in MSA Section 4.0. Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. The assessment of marine shipping associated with the Project is based on a routine vessel transit scenario. Because anchorage only occurs in rare circumstances, anchorage is not assessed as an activity related to marine shipping associated with the Project.	**EIS** 4.4.2.1 Container Ship Manoeuvres Appendix 7.2-B Aboriginal Groups Interests and Issues Table **MSA** 4.0 Activity Description 4.2.2.2 Anchorage Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #01 (IR5-01 of CEAR Document #1078) **TC IR-07 of CEAR Document #982 from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			Deltaport Terminal in 2012 and 2013 were rare, with a frequency range of three to four per year out of an approximate annual total of 270 ship calls to Deltaport Terminal in each of those years. The same frequency can be assumed for marine shipping associated with RBT2, resulting in approximately three to four unforeseen container ship anchorages per year. As defined in the *EIS Guidelines*, issued by the CEA Agency, the scope of the Project includes marine transportation within the VFPA's jurisdiction. Ship traffic through the Gulf Islands is outside of the scope of the Project. The MSA includes an assessment of potential effects associated with marine shipping outside the VFPA's jurisdiction. The spatial boundaries are included in the noise and vibration (EIS Section 9.3) and underwater noise (EIS Section 9.8) assessments. Project-related changes to noise and vibration, both above water and underwater, are not expected to extend from the Project area into this area. The appropriate authority for comments related to island anchorages is the Pacific Pilotage Authority (contact information provided). **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** The data provided by the VFPA regarding container ship anchorages for Deltaport in 2012 and 2013 pertained to anchorages occurring within the VFPA's jurisdiction. The VFPA does not have information on anchorages occurring outside the VFPA's jurisdiction. For additional information regarding anchorages occurring around the Gulf Islands, including concerns with overflow anchorage along the coast of Gabriola Island, you may contact the Pacific Pilotage Authority [contact name and information provided]. The VFPA has not prepared a response to the letter submitted by Gabriolans Against Freighter Anchorages, as this letter was addressed to the CEA Agency and concerns anchorages occurring outside the VFPA's jurisdiction. **18-April-2017, Meeting:** Recorded comment for consideration. **07-Nov-2017, Meeting:** The Cowichan Nation Alliance met with federal agencies, including the CEA Agency,	**Additional information provided in response to IR5-01:** The VFPA's response to IR5-01 generally discusses aspects of anchorage outside of the VFPA's jurisdiction. Notably, it references detailed information regarding anchorages in Transport Canada's response to Panel information request TC IR-07 from Transport Canada to the Review Panel. Transport Canada's response to information request TC IR-07 tabulates detailed information regarding anchorages and minimum, mean, and maximum number of days in Appendix D (Pacific Pilotage Authority Anchorage Usage Data 2012 – 2016 for the Pacific Pilotage Authority Marine Shipping Area). As shown in these tables, a total of 124 anchorages occurred between 2012 and 2016 for container vessels destined for VFPA jurisdiction, and the mean number of anchorage days was 2.69, with a minimum of 0.05 days and a maximum of 83.64 days. **Additional information provided by the VFPA:** Information regarding an interim protocol for the use of Southern B.C. Anchorages can be found on Transport Canada's website. The following text is an excerpt from the *Interim Protocol for the Use of Southern B.C. Anchorages webpage*: An interim protocol for the use of Southern B.C. anchorages has been developed by Transport Canada in collaboration with the Chamber of Shipping of BC, the Shipping Federation of Canada, the Pacific Pilotage Authority, the VFPA, and the Port of Nanaimo (working group members). It also takes into account comments provided to Transport Canada by coastal communities about the impact of increased use of anchorages in their surrounding waters. Drafts of the interim protocol were also shared with coastal communities and Indigenous groups. Under the protocol, the VFPA assigns anchorages as equitably as possible, subject to individual anchorage size restrictions, using their computerised queueing system, which takes into account the dimensions of the vessel and specific anchorage usage over the previous 30 days. The objective of this approach is to balance the usage, so that no single anchorage is in constant use, and that that there is an equitable rotation of use through all suitable anchorages. Noise and Lights: All vessels, while at anchor, should minimise noise levels and light usage in consideration of local residents. The following guidelines apply: Noise: • Generator usage should be reduced to the minimum required generator(s) to operate essential services and systems;	**Interim Protocol for the Use of Southern B.C. Anchorages. Available at:** **https://www.tc.gc.ca/en/services/marine/ports-harbours/interim-protocol-use-southern-bc-anchorages.html**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			Transport Canada, ECCC, Health Canada, DFO, NRC, and the Canadian Coast Guard. Transport Canada committed to connect the Cowichan Nation Alliance with a representative of Transport Canada to discuss anchorage concerns further. **16-Nov-2017, Email from the CEA Agency to Cowichan Tribes:** Provided draft meeting notes from the 07-Nov-2017 meeting, which included a link to IR5-01 that discusses aspects of anchorage outside of the VFPA's jurisdiction, and TC IR-07.	• External doors and hatches to machinery spaces must be kept closed as often as possible; • Use of power tools and chipping hammers must be kept to a minimum and is not permitted on deck on weekends, nor between 1900 and 0700 hours on weekdays. Lights: • While the vessel is to be lit in compliance with the Collision Regulations, deck lights must be kept to a minimum, and • Lighting used to illuminate Concerns with any of the specifics related to the responsibilities of ships at anchor (e.g., noise, light) within the protocol, can be reported to the VFPA Operations Centre. The VFPA Operations Centre will relay the complaints to the vessel agent with a copy to the Chamber of Shipping of BC, the Shipping Federation of Canada, and Transport Canada with the request to follow up with the vessel. The Interim Protocol is a temporary and voluntary measure that addresses some of the concerns Canada and the Port have heard in recent years. The Oceans Protection Plan, National Anchorage Framework will be undertaking the studies and consultation necessary to develop principles that determine the location and management practices for anchorages outside of ports in the future. In 2017, Transport Canada announced the Oceans Protection Plan's Anchorages initiative. The Anchorages Initiative will engage governments, marine industry, Indigenous groups, community organisations, and stakeholders to: • Develop a process to identify potential anchorage locations; • Analyse and respond to environmental, economic, cultural, safety and security concerns now and over the long-term; • Draft a "best practices at anchor" manual; and • Propose oversight/management options for anchorage locations outside the port authority's boundaries. The comprehensive review will use an evidence-based approach, and includes hearing feedback on issues from Indigenous groups, coastal communities, other levels of governments, and industry. Results and lessons learned from the Interim Protocol will help inform the national Anchorages Initiative.	
CT-22.3	Related concerns regarding: • Pollution impacts from anchoring ships to shellfish;	17-Jun-2014, Technical Working Group Meeting #4	**17-Jun-2014, Meeting:** There are regulations currently in place that prevent the discharge of bilge water in VFPA jurisdiction. Similarly, vessels that enter VFPA jurisdiction are not permitted to release raw	**Addressed in EIS Section 13.6.2.1:** Potential operation-phase changes from wastewater (sewage) and stormwater discharges, and discharges from ships (bilge water and ballast water) are not expected to affect marine vegetation due to the distant	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	• Ships not following proper bilge water regulations; • Invasive species of clams being introduced and varnish clams disappearing; and • Invasive species of mussels (blue) being introduced to Penelakut territory.		sewage effluent. If required, untreated sewage can be discharged at least 12 miles (19.3 km) from shore with the ship moving faster than 4 knots. If sewage is comminuted (i.e., blended or pulverised), discharges can take place 3 miles (4.8 km) from shore. For ships equipped with approved treatment plants there are also limits to the permissible coliform counts.	location of discharges into subtidal waters, the incorporation of management and treatment measures described in EIS Section 4.2.1, and the implementation of regulatory requirements and guidelines (refer to EIS Section 9.7.8 for more information). **Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. *Spartina* Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary.	9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6.2.1 Changes in Water Quality

Cowichan Tribes

Table 23: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-23.1	Asked who is responsible for the cost of clean-up in the event of a spill and who is responsible for compensation of lost food sources for First Nations people. Stated that the VFPA should be held accountable, not just the shipper. Asked how the VFPA is bolstering WCMRC (Western Canada Marine Response Corporation) capacity to respond. Asked whether the VFPA contributes to WCMRC. Asked if Canada's compensation regime for impacts from a major container vessel casualty from its containers, debris, and/or wreckage fully compensate for natural resource damages, as well as to Cowichan Nation Alliance subsistence (non-commercial) and traditional fisheries. If yes, what are these compensation avenues?	07-Oct-2014, Aboriginal Groups Workshop #1 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**07-Oct-2014, Workshop:** Explained that in regards to WCMRC, each vessel (i.e. the shipping company), the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project in the first place, must have a formal agreement with WCMRC, and pay into the fund/service, and then WCMRC responds to the spills. **22-Oct-2014, Workshop:** Stated that the framework of responsibility is based on the polluter pays principle. Each vessel, the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project, must have a formal agreement with WCMRC, and pay into the fund/service, and then WCMRC responds to the spills. Stated that the VFPA would be responsible for the safe access and transit to or from the site, and implementing changes to navigation patterns to keep people clear of a potential spill. Increased traffic and risk of collision is considered in the assessment. The review panel will need to consider the VFPA's role in such an incident. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.*	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on liability on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm **Additional information provided by the VFPA:** The *Canada Shipping Act (2001)* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions 30.3.3 Port Metro Vancouver Practices and Procedures Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
CT-23.2	Concerned that the assessment for accidents and malfunctions should consider extreme weather events, not only ideal/normal weather patterns.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the VFPA is taking a conservative and worst-case scenario approach, so weather extremes are considered. The worst weather condition might also be overlaid with the timing of something such as spawning season, for the purposes of the assessment.	**Addressed in EIS Appendix 7.2-B (#213):** A description of how local conditions and natural hazards, such as severe or extreme weather conditions and weather-related events, could adversely affect the Project, and how these in turn, could affect the environment, is presented in EIS Section 31.0. Project design and management measures capable of mitigating the effects of extreme weather conditions on the Project also will effectively address any potential effects associated with ideal/normal weather patterns. As described in EIS Section 9.1, climate is recognised as one of the primary drivers in shaping the Roberts Bank ecosystem. The influence of weather patterns typical for south coast B.C. and Roberts Bank are considered as an aspect of the Project's physical	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.1 Climate, Coastal Conditions, and Geotechnical Considerations

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA to Cowichan Tribes: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	setting in existing conditions, expected conditions, and future conditions in the assessment of Project-related effects on the ICs and VCs.	31.0 Effects of the Environment on the Project 31.2.1 Extreme Weather and Weather-related Events
CT-23.3	Requested a list of hazardous materials/dangerous goods that are shipped in containers. Asked if there has been an assessment done on which hazardous materials are currently being handled in the Port.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded the Port has records and statistics on the contents of containers. Noted that more information on the contents of containers would be provided in the EIS. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx. The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 10.0 Potential Accidents or Malfunctions
CT-23.4	Asked if shipping of hydrocarbons in containers has been included in the assessment, as hydrocarbons are being increasingly shipped by rail, resulting in incidents. Asked if there is an increase in the movement of coal contemplated in the Project.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that there have not been plans or projections for a change in the distribution of contents of containers. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Interests and Issues Table
CT-23.5	Concerned about the increased tanker traffic including oil spills, spill response, vessel safety, invasive species and cumulative effects.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The proposed Project is being designed to exclusively handle containers. There will be no additional tankers as a result of the Project. The proposed Project will undergo a thorough and independent environmental assessment, which will include a component that will look at potential cumulative effects and potential for spills.	
CT-23.6	Concerned that bunker fuel or cargo spill would be distributed by ocean currents - not just in shipping lanes.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** The document shared by the VFPA on July 27, 2015 included a draft summary of Cowichan Nation Alliance's Current Use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the report to be submitted to the CEA Agency in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with Cowichan Nation Alliance on May 26, 2015, or the *Updated EIS Guidelines*, issued by the CEA Agency on April 17, 2015.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario. **Addressed in MSA Section 10.0:** The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation
CT-23.7	Concerned with the safety of those participating in Tribal Journeys.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency. **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0, as well as EIS Appendix 30-A. Data collected by DFO between 2008 and 2012 for vessels in DFO sub-areas encompassing Canadian and U.S. waters transited by ships bound for Roberts Bank was reviewed. These data indicated that daily fishing vessel numbers in the area are low (i.e., no vessels per sub-area on most days; maximum of six vessels on one day in the largest sub-area). On this basis, the quantitated risk assessment estimated the	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision Appendix 30-A Marine Vessel Incidence

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			issues and interests and provided the VFPA's response.	return period for a collision involving a container ship and a fishing vessel as 1 in 50 years, equivalent to a 'very low' probability in this assessment. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues. **Addressed in MSA Section 10.0:** Includes a description of applicable collision risk reduction measures. The assessment of Current Use considers the risk of collision, and perceptions of safety and determined that residual effects of the collision scenario on Current Use was considered significant, though unlikely to occur. **Addressed in response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the Project. **Addressed in response to IR13-20:** The VFPA's forthcoming response to IR13-20 will further discuss Project-related changes to the wave environment and their potential effects on current use activities, access, and navigation.	Prediction Inputs to the Quantitative Risk Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions **Information Requests** Response to Sufficiency Information Request #15 (IR10-15) Response to Sufficiency Information Request#20 (IR13-20)
CT-23.8	Asked if there will be timely and adequate rescue and tow of a disabled container vessel that is undertaken by a tug of adequate. If yes will these be commercial tugs of opportunity or a dedicated response tug operated by trained and experienced crew for high seas rescue.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
CT-23.9	Asked if there will be timely and adequate salvage capability provided for a container vessel threatened or stricken with structural failure and needing hull patching and/or container cargo removal? If yes, will the salvage services be from a company sourced internationally, or will services be provided by a salvor representative whose office resides in B.C. and has repositioned equipment strategically located for rapid deployment? What will the timelines be for each salvage service (stability analysis, fire-fighting, hull patching, towing, cargo/fuel removal, shore	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	clean-up) within the marine study area?				
CT-23.10	Asked if there will be planning and collaboration by Transport Canada with the Cowichan Nation Alliance on potential places of refuge within our Traditional Territory Stated that if yes, what are Transport Canada's intentions and approaches?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada's response to information request TC IR-07 discusses planning and collaboration in the development of new places of refuge. In its response, Transport Canada notes it "recently led a review and update of the Pacific regional POR [place of refuge] plan. The plan provides guidance in regional POR planning and decision-making for federal, provincial, First Nations, municipal and non- government partners, and includes a more comprehensive and cooperative mechanism for risk assessment and decision-making. As the federal government retains responsibility for marine shipping, if the urgency of the situation requires immediate action, Transport Canada and Canadian Coast Guard will initiate action under the *Canada Shipping Act, 2001* and engage with other partners (e.g., Province of BC, Public Safety Canada, Parks Canada, Environment and Climate Change Canada, First Nations, municipalities) as soon as possible thereafter using the plan, including the Incident Command System and Unified Command. Under the Oceans Protection Plan, places of refuge engagement will be expanded to the rest of the Pacific coast to enhance the plan with new sub-regional annexes, including for the South Coast, summarising the navigation criteria, in balance with the environmental, socio-economic and cultural values of First Nations and local communities that may be exposed to some risk from a POR decision. These new annexes will modify and/or update current pre-surveyed places of refuge, from the existing regional plan dated 2009. It should be noted that "pre-surveyed" doesn't mean "pre-designated". Actual assignment of a place of refuge anchorage is undertaken in accordance with this plan, using a cooperative risk assessment and decision-making process whenever time and operational imperatives allow. Engagement with other First Nations and coastal communities will ensure these annexes are developed in a balanced and fully informed manner."	**TC IR-07 (CEAR Document #982) from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017**
CT-23.11	Asked if there are regions and periods whereby sea conditions for daylight oil spill and/or container-debris response are not safe or ineffective within our Traditional Territory. If yes, what would be the frequency of limiting factors such as: waves, wind, fog, currents, etc. within the marine study area?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
CT-23.12	As a precautionary approach are current and future environmental impact assessments for vessel casualty scenarios and associated means for mitigation to be based on worst-case analysis rather than relying on statistical analysis to render consequences and preparedness lower as "credible" or "plausible" worst-case scenarios? For risk	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** The methods used to assess the potential accidents and malfunctions are consistent with the *EIS Guidelines* issued by the CEA Agency. **Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	***Updated EIS Guidelines*** **Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	determination and emergency preparedness purposes, what direction does Transport Canada provide to the shipping industry and for federal impact assessments in defining the nature, scale and scope of major vessel casualty's consequences?				
CT-23.13	Asked if heavy fuel oils (bunker) used by the project's container vessels - if spilled in BC's marine temperate waters - submerge (over wash) and/or sink anywhere within the marine study area? If yes, then what is the current capability within industry and government with regards to having specialized equipment and trained personnel to realistically track and recover such oil? How is this specialized equipment and operations evaluated by regulatory agencies?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 10.4:** MSA Appendix 10-B provides qualitative evaluations of the physical fate and transport of potential spills. The evaluation focuses on the Boundary Passage region where the probability of an accident or malfunction and associated spill to the marine environment is greater and the environmental consequence likely higher. The identified residual adverse environmental effects are unlikely to occur, because of the very low probability of the accident scenarios. MSA Section 10.4 discusses existing emergency response mechanisms and arrangements with Response Organisations within the spatial extent of marine shipping associated with the Project. MSA Section 10.4.4.1 specifically discusses the capabilities of WCMRC, the Response Organisation within the marine shipping area. WCMRC maintains a team of full-time and part-time employees, and trains on average 150 to 200 marine contractors and fishers in spill response each year. In addition to formal training, WCMRC conducts a program of equipment deployment and desktop exercises over the three-year certification cycle. WCMRC meets the equipment requirements for certified Response Organisations by maintaining the following: • A dedicated fleet of specialised oil spill response vessels, with a combined skimming capacity of 468 tonnes/hour; • More than 35,500 m of boom; • The capacity to clean-up 1,500 m of shoreline/day; • 8,100 tonnes of primary storage capacity; • Four sweep systems for on-water oil collection; • Incident Command Post kits containing all the materials and equipment required to establish and operate a complete Incident Command Post. Three of these kits are currently stored in trailers ready to be mobilised in Burnaby, Duncan, and Prince Rupert, B.C.; • A communications network that includes fixed and portable repeaters and a mobile communications vehicle for supporting remote operations; • Equipment or Office warehouses in Burnaby, Duncan, and Prince Rupert; and • Equipment caches in Haida Gwaii, Kitimat, Shearwater, Port Hardy, Campbell River, Sunshine Coast, Port Alberni, Nanaimo, Deltaport, Fraser River, and Esquimalt.	**MSA** 10.4 Mitigation Measures 10.4.4.1 Western Canada Marine Response Corporation Capabilities Appendix 10-B Marine Fate of Shipping Spill-type Accidents
CT-23.14	Asked if there will be a requirement to heat recovered heavy bunker fuels in BC's temperate waters in order to facilitate its transfer from recovery vessels to transport barges then to land for disposal? If yes, then what is the current capability in industry and government with regards to having specialized equipment and trained	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	personnel to heat and transfer highly viscous, weathered bunker oil? If present, how is this specialized equipment and operations evaluated by regulatory agencies?				
CT-23.15	Asked if ambient-temperature water flushing and deluge systems commonly used for sediment-type shore treatment be singularly effective for weathered heavy fuel oil (bunker) stranded on shore? If not effective, will these water-systems require augmenting by heated water or shore-washing agents? For container-debris is there a systematic process to field assess shoreline impacts and then to identify mitigation measures (i.e., clean-up tactics) -such as modelled after the well-established Shoreline Clean-up Assessment Techniques (SCAT) for stranded oil? If yes, where is this guideline and who has been trained?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management. **Addressed in response to IR11-12:** The VFPA's response to IR11-12, as requested by the Review Panel, will provide information concerning Geographic Response Plans (GRP) mapping for shorelines adjacent to and down-current from potential marine accidents and malfunctions associated with the proposed Project.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)** **Information Requests** Response to Sufficiency Information Request #12 (IR11-12)
CT-23.16	As a container-debris generally results in a wide-range of types and amounts of HNS (e.g., hazardous materials/dangerous goods), asked who will provide this specialized services for both on-shore and on-water recovery, and who will manage this mitigation measure.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
CT-23.17	Asked if there will there be an adequate number of willing shoreline workers to undertake a major clean-up of a wide-spread bunker oil spill and/or container debris field. Asked who is prepared to source, register, train, equip, supervise and pay for a workforce that could be in the order of several hundred to a thousand people. Asked if a regional or provincial survey been done to determine public availability,	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	receptiveness, and composition for oil and for container debris clean-up.				
CT-23.18	For bunker oil and/or container debris clean-up, asked if there will there be adequate logistical support such as vehicles, vessels, planes, camps to transport a large shoreline workforce to remote areas within the marine study area. If yes, who will provide and manage these logistical services for a container vessel? Does provision of such services depend on if there is an oil spill?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
CT-23.19	Asked if there are waste management solutions for final disposal of oily wastes, container debris of both from a container vessel casualty. If yes, what waste volumes have been considered in oil and in debris, and where are the facilities located for each of these waste streams?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
CT-23.20	Asked if there has been any provincial or national exercises and plans for managing a major loss of containers and resulting debris-field from a container vessel casualty that entails: salvage services, waste management, logistics, incident management, workforce establishment, hazardous material management, etc. If yes, when, where, and by who?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
CT-23.21	Asked if there will be financial risks for participants in Unified Command (agencies and First Nations) once a ship-owner (the Responsible Party) reaches its legal limit of financial responsibility that results in the incident's management and further expenditures being transferred to government. If yes, what are these risks?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-23.22	Asked if the federal and provincial government will be receptive to a formalized government-to-government arrangement with the Cowichan Nation Alliance to guide in major vessel waterway management, cumulative impact assessments, and vessel casualty preparedness and response. If yes, what is the forum in which this can be done?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

Cowichan Tribes

Table 24: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-24.1	Concerned that the community profile for Cowichan Tribes does not include their Aboriginal interests in the mainland, including the Project area. Concerned that the description of Cowichan Nation Alliance's members' historical village (Tl'uqtinus) and use of the area is inaccurate and not respectful. Stated that Cowichan Nation Alliance will review the information and identify information gaps. Provided a list of recommended revisions to EIS Section 32.0.	01-Aug-2014, Letter from Cowichan Tribes 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 15-Jan-2015, Letter from the Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the information presented is an excerpt from the Kennedy (2014) report. Stated that the information could be made clearer. Requested additional clarification in writing from the Cowichan Nation Alliance. **25-Mar-2015, Letter from the VFPA to the Cowichan Nation Alliance:** Responded to the Cowichan Nation Alliance's requested revisions and demonstrated how they had been considered in the draft.	**Addressed in EIS Appendix 7.2-B (#178):** The VFPA provided draft summaries of past and current use and community information within EIS Section 32.0 for review by each Indigenous group and comments received were incorporated. EIS Section 32.1.1.5 presents Stz'uminus First Nation's community profile information. EIS Section 32.2.4.5 presents information in relation to Tl'uqtinus. **Additional information provided by the VFPA:** On April 24, 2014, the VFPA and Cowichan Nation Alliance, which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum, signed a funding agreement to support a RBT2-specific use study. On July 11, 2014, the VFPA provided Cowichan Tribes with a draft of the Community Profile Extract for the opportunity to review and provide comments. Comments were received from Cowichan Tribes on August 1, 2014. On October 16, 2014, the Cowichan Nation Alliance provided the VFPA with a report titled *Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use.* The VFPA met the Cowichan Nation Alliance on December 11, 2014 to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and Treaty Rights and Related Interests and Current Use of Lands and Resources for Traditional Purposes; and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by the Cowichan Nation Alliance, and preliminary conclusions of the assessment. On December 9, 2014, the VFPA provided the Cowichan Tribes with an advance draft of the existing conditions section for "Potential or Established Aboriginal and Treaty Rights and Related Interests, and including current use of lands and resources for traditional purposes" of the EIS. The VFPA requested that Cowichan Tribes confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections were received from the Cowichan Nation Alliance on January 15, 2015.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.1.1.6 Cowichan Tribes 32.2.4.5 Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				On March 25, 2015, the VFPA provided the Cowichan Nation Alliance with a table outlining all Cowichan Nation Alliance's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.	
CT-24.2	Stated that the VFPA is always stating that the Project will have no impacts and is not interested in mitigating effects.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the VFPA is open to hearing suggestions for mitigation measures. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#5):** The EIS considers clear, enforceable measures that are technically and economically feasible that would mitigate any adverse effects of the Project, as required by the *EIS Guidelines*. The approach to considering mitigation measures for adverse effects is described in EIS Section 8.0. The proposed approach for mitigation to address Project-related effects to marine biophysical VCs is described in EIS Section 17.0. **Addressed in EIS Appendix 7.2-B (#197):** The VFPA has adopted the use of the following mitigation hierarchy to address Project effects: 1. Avoidance, such as through Project placement and design, and adherence to fisheries-sensitive windows; 2. Reduction, such as through the implementation of standard management practices and Environmental Management Plans; and 3. Offsetting, which involves the creation and enhancement of biophysical habitats that support species of the Roberts Bank ecosystem. Marine sub-components or representative species that undergo decreases in productivity will be offset to the extent feasible using onsite offsetting.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 8.1.6 Mitigation Measures 17.0 Mitigation for Marine Biophysical Valued Components 17.1 Avoiding Potential Effects 17.2 Reducing Potential Effects 17.3.2 Offsetting Framework 17.5 Mitigation Summary for Potential Marine Biophysical Valued Component Productivity Losses
CT-24.3	Concerned that the timing and funding offered by the VFPA to support a TUS study was inadequate. Stated that the VFPA was not provided with the whole breadth of information related to current use, given the timeline and funding provided.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Explained that if the Current Use study had not been provided to the VFPA, the authors would have been relying on other sources of information, and there may not have been any content in the Current Use report. Stated that there is a lot of value to what is provided by Indigenous groups. If there are major concerns with the way information is being presented in terms of conclusions or content, the VFPA invites Cowichan Nation Alliance to comment.	**Addressed in EIS Appendix 7.2-B (#175):** The VFPA provided funding to the specified Indigenous groups to support consultation. Additionally, the VFPA provided funding to support completion of traditional use studies to these Indigenous groups and all groups provided a traditional use study. Further information, provided during fall 2014 consultation and in writing, has been incorporated into the EIS. The VFPA will continue to consult with appropriate Indigenous groups and there will be further opportunities to provide information through the CEA Agency process.	**EIS** 7.0 Engagement and Consultation Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
CT-24.4	Concerned that current use assessment precludes an assessment of future use. Stated that commercial harvesting, government regulations and legislations have made participation in commercial fishing challenging.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the rights portion (EIS Section 32.0) of the assessment incorporates past use as well as interest in future use.	**Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project on Current Use are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that Cowichan Nation Alliance plans to be fishing in the Project area in the future. Stated that the Cowichan Nation Alliance will supply information about how they see future use fitting into the assessment.		**01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	The rationale for the determination of negligible residual effects to Current Use is included in the EIS. Information sources used in EIS Section 32.0 are listed in EIS Section 32.2.3, with Project-specific studies appearing in EIS Section 32.2.3.1. A full list of references cited appears in EIS Section 32.4. **Addressed in response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.3 Information Sources 32.2.3.1 Project-Specific Studies. 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis 32.4 Existing Conditions ***Updated EIS Guidelines*** **Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
CT-24.5	Concerned that Draft Report of Current Use does not include cumulative effects.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."*	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out.	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
CT-24.6	Concerned that the Draft Report of Current Use does not include effects from malfunctions or accidents.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."*	**Addressed in MSA Appendix 5-B (#87):** MSA Section 10.0 includes consideration of a collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for VCs marine commercial use, outdoor recreation, human health, and Current Use. MSA Section 9.5 considers the risk of collision and perceptions of safety. MSA Section 10.0 considers plausible worst-case spill scenarios. **Addressed in MSA Section 10.0:** MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	10.5.11 Outdoor Recreation 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
CT-24.7	Concerned that Draft Report of Current Use emphasizes Cowichan activities in the international shipping lanes only.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"Your letter additionally includes an expression of concern related to the VFPA's definition of the [marine shipping area]. The [marine shipping area] is defined to include activities that take place between the 12 nautical mile limit of Canada's territorial sea to the limit of the VFPA's care and control. The [marine shipping area] is defined more broadly than the international shipping lane, and is*	**Addressed in MSA Section 9.5:** The spatial boundaries for the assessment are summarised in MSA Table 9.5-1 and shown in MSA Figure 9.5-1 through MSA Figure 9.5-11. The LAA for each Indigenous group was selected to conservatively define the area within which Project-associated shipping has the potential to affect the Current Use activities of that Indigenous group. The RAA for each Indigenous group was established to provide a regional context for that Indigenous group	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			intended to include areas that could potentially be impacted by marine shipping associated with RBT2. It includes the trans-boundary inland marine waters in this area, as well as numerous islands and islets belonging to either the Gulf Islands or San Juan Islands."	for the assessment of effects from Project-associated shipping.	
CT-24.8	Stated that the EIS identifies "Outdoor Recreation" and "Labour Market" as "Valued Components", saying "Valued components are the focus of the environmental assessment for the purposes of evaluating Project-related effects". But the EIS classifies "Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes" as an "Other effects assessment" undertaken "in addition to the assessment of intermediate and valued components". Explain the rationale for this distinction: Why is the Protection of Aboriginal Rights not a Valued Component?	15-Jun-2015, Letter to the CEA Agency from Cowichan Tribes and Stz'uminus First Nation (CEAR Document #242)	**13-Oct-2015, Letters from the CEA Agency to Cowichan Tribes (CEAR Document #306):** *"This appears to be an item better addressed to [the VFPA] given that they have determined how to determine and characterize valued components. The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 32.1:** Section 32.1 of the EIS explains that the assessment of the current use of lands and resources for traditional purposes (Current Use) is subject to different requirements in the EIS Guidelines than the assessment of potential impacts on the exercise of asserted or determined Aboriginal and treaty rights (pp. 32-1 to 32-2). **Additional information provided by the VFPA:** The identification of a component as a "Valued Component" (VC) is based on the definition of environmental effects in Section 5 of CEAA 2012, not on whether a component is valued. The distinction between the assessment of environmental effects defined under Section 5 of CEAA 2012 versus the assessment of potential impacts to Aboriginal and treaty rights comes down to statutory versus common law requirements, which are reflected in the structure of the EIS Guidelines. Section 5 of CEAA 2012 identifies factors for which environmental effects must be assessed under that statute, including under subsection 5(1)(c), which relates to the effects of a change to the environment on Aboriginal people. If residual effects to these factors are identified, the significance of these residual effects must be determined, and cumulative effects assessed, per Section 19(1) of CEAA 2012. The EIS Guidelines identified how Section 5 environmental effects were to be assessed in sections 10.1, 11.1, 12.1, and 13.1. The requirements for the assessment of Section 5 environmental effects (statutory requirements) do not apply to the assessment of rights. Rather, the requirements for the assessment of potential impacts to the exercise of rights stems from common law requirements relating to the Crown's duty to consult and accommodate. The EIS Guidelines lays out the requirements for the rights assessment in sections 9.2, 10.2, 11.2, 12.2 of the Guidelines, which are different from those relating to Section 5 factors (as above, sections 9.1, 10.1, 11.1, 12.1, 13.1). The determination of significance and assessment of cumulative effects, while required for Section 5 factors per Section 19(1) of CEAA 2012, are not required for rights.	**EIS** 32.1 Component Overview and Regulatory Setting

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				While Current Use is a Section 5 CEAA 2012 factor (under subsection 5(1)(c)), and was accordingly assessed using the VC methodology to meet the requirements of the EIS Guidelines, the VC methodology was not applied to the rights assessment; however, because the Current Use and rights assessments were embedded within the same EIS chapter, but subject to different assessment methods, the chapter was not referred to as a "VC" assessment, even though a part of the chapter was assessed using the VC methodology, and the results drawn forward for application to the rights assessment.	
CT-24.9	Stated that the conclusions of the VFPA's experts that the impacts on the marine environment will be either non-existent or immaterial is at odds with the fact that the terminal will displace at least 117 hectares of marine area that was previously a useable fishing/marine resource. Stated that the impact is always determined to be negligible, and presentations do not acknowledge the impact that will occur.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Shared preliminary results from the environmental assessment, provided information about the proposed mitigation of Project effects, and sought input from members of the Cowichan Nation Alliance. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Section 8.0 Effects Assessment Methods.	**Addressed in EIS Section 8.0:** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012* and Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the Guideline for the Selection of Valued Components and Assessment of Potential Effects, among others.	**EIS** 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment

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Table 25: Project Overview and Description

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-25.1	Requested to know how much of Roberts Bank is taken up by the Project.	05-Mar-2013, Meeting with Cowichan Nation Alliance	**05-Mar-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#1):** The engineering design of the Project components, as well as construction phase activities are described in detail in EIS Section 4.0. EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. The proposed Project consists of three main components: 1. A new three-berth marine container terminal; 2. A widened causeway to accommodate additional road and rail infrastructure; and 3. An expanded tug basin to accommodate a second tug operations contractor. The marine terminal would be located immediately west of the existing Roberts Bank terminals, approximately 5.5 km from the east end of the causeway. The terminal would be rectangular in shape, approximately 1,700 m long and 700 m wide, and would support moorage of three container ships on the south side, container storage in the centre, and rail intermodal yards on the north side. The total usable above-water area of the marine terminal would be 108 ha. The Roberts Bank causeway would be widened to link existing road and rail networks to the marine terminal and to accommodate additional road and rail infrastructure. Widening would range from 0 m to approximately 140 m at the widest point. **Addressed in Project Construction Update:** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018. The report updates EIS Table 4-1, presenting minor changes to the Project footprint. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The total marine footprint of the terminal will be approximately 117 ha. The orientation of the proposed terminal has been designed to facilitate the berthing of container ships, and to minimise disturbance to marine physical components (e.g., water and sediment) processes. The environmental assessment will include an analysis of potential effects on water areas.	**EIS** 4.0 Project Description 4.4.1 Construction-phase Activities 4.2.2 Project Component Details, Widened Causeway 4.2.3 Expanded Tug Basin 5.0 Alternative Means of Carrying out the Project Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Project Construction Update (PCU; CEAR Document #1210)**

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Table 26: Project Benefits

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-26.1	Asked what is being proposed for accommodation. Recalled that accommodation for the Deltaport Third Berth (DP3) Project was extended to Musqueam and Tsawwassen, with other nations receiving participation funding only. Asked about the revenue from the Project. Interested in discussions around a Mutual Benefits Agreement.	01-Nov-2013, Meeting with Cowichan Nation Alliance 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 16-Jan-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 10-Nov-2015, Meeting with Cowichan Nation Alliance 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Stated that the VFPA will provide the Cowichan Nation Alliance with more information regarding economic opportunities at a later date. **11-Dec-2014, Workshop:** Noted interest in joint venture partnership and revenue sharing. Stated that this will be an ongoing discussion. **10-Nov-2015, Meeting:** Recorded comment for consideration by Project team. **18-Apr-2017, Meeting:** Discussed the development of a mutual benefits agreement with Cowichan Nation Alliance and asked for input on what could be included – business, contracting, employment, etc. **16-Jun-2017, Letter from the VFPA to Cowichan Tribes:** "Further to discussions at our meeting on April 18, 2017, the VFPA is interested in initiating discussions with Cowichan Tribes regarding potential legacy benefits from the Project, Legacy benefits are intended to benefit Aboriginal groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalizing aquaculture. As we discussed with you, it is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Aboriginal groups involved in the RBT2 Project. We welcome input regarding potential legacy benefits for Aboriginal groups that could be provided as part of the Project. With that in mind, we request a meeting with Cowichan Tribes to hear about your community's priorities in relation to this funding. In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Cowichan Tribes regarding a potential mutual benefits agreement ("MBA') for the Project."	**Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project. **Additional information provided by the VFPA:** Stz'uminus First Nation, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting. Discussions regarding Legacy Benefits are also ongoing.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
CT-26.2	Interested in skills training and employment opportunities. Concerned with the challenges of accessing employment opportunities due to location and educational attainment. Requested for an early list of procurement and employment opportunities. Concerned with the current lack of Project-specific employment information and asked if that information will be determined before the RFP is issued for the terminal operator.	01-Nov-2013, Meeting with Cowichan Nation Alliance 17-Jun-2014, Technical Working Group Meeting #4 03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 11-Dec-2014, Health & Aboriginal Rights	**01-Nov-2013, Meeting:** Referred to the InterVISTAS Study and how there is information on the jobs contained within that report. Stated that all jobs will not be unionised and that the VFPA cannot even say there will be a union at the RBT2 terminal. That is not a VFPA decision. These are early days and we are about 7 to 10 years out from being finished. There is an opportunity to identify jobs and skills needed to build it. Talked about support businesses, direct and indirect jobs such as: trucking, logistics centres, and rail business. There is an opportunity to identify jobs and to look at long-term opportunities around employment. Committed to prepare a written response regarding job opportunities, skills, and training.	**Addressed in EIS Appendix 7.2-B (#215):** During a five-and-a-half-year construction period, the Project would generate significant employment benefits for B.C. Project construction would generate a total of 12,719 person-years of direct, indirect, and induced employment of B.C. workers, and approximately $1 billion in wages: • 4,150 person-years of direct employment, with wages of $494 million; • 6,264 person-years of indirect employment, with wages of $374 million; and • 2,305 person-years of induced employment, with wages of $129 million.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
		Workshop – Cowichan Nation Alliance 10-Nov-2015, Meeting with Cowichan Nation Alliance 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	**17-Jun-2014, Workshop:** Stated that skills and training requirements will be considered under the proposed labour market VC, and the VFPA is interested in discussing this in more detail. A discussion is needed on the importance of flagging training relevant to upcoming Project-related jobs. The VFPA is aware of the importance of giving communities time to prepare for employment opportunities. **03-Jul-2014, Workshop:** Stated that the VFPA is trying to access the historical data, in relation to Indigenous versus non-Indigenous employment related to port activities. Stated that the VFPA does have data on what we call labour force characteristics (age, educational level, skill training level, in what particular industries the Indigenous workforce is working). This helps us profile the Indigenous population generally within our study area, which is the area that we are concerned about. Stated that ultimately the goal is to be able to present what we call benefit enhancement recommendations, that is linked integrally to the labour market strategy that will be put forward through the Project, that not only talks quantitatively about how many jobs, but also how, and what sort of target initiatives could be put forward to enable certain segments of the population to take advantage. **11-Dec-2014, Workshop:** Asked for information on the benefits and opportunities the Cowichan Nation Alliance may be interested and noted that discussions are just beginning. **10-Nov-2015, Meeting:** Recorded comment for consideration by Project team. **12-May-2016, Letter from the VFPA to Cowichan Tribes:** Enclosed an Information Sheet specific to Employment. Stated that the VFPA would like to meet to discuss employment opportunities related to the Project. **18-Apr-2017, Meeting:** Discussed the development of a mutual benefits agreement with Cowichan Nation Alliance and asked for input on what could be included – business, contracting, employment, etc. **16-Jun-2017, Letter from the VFPA to Cowichan Tribes:** "Further to discussions at our meeting on April 18, 2017, the VFPA is interested in initiating discussions with Cowichan Tribes regarding potential legacy benefits from the Project, Legacy benefits are intended to benefit Aboriginal groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalizing aquaculture. As we discussed with you, it is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Aboriginal groups involved in the RBT2 Project.	Of the Project's direct spending on materials, goods, and services for construction, approximately $862 million, or an average of $157 million per year, would be spent on materials, goods, and services in B.C. An additional $482 million would be spent on production inputs to make or provide the direct materials, goods, and services. The total gross revenues for businesses in B.C. supplying materials, goods, and services for Project construction is estimated as $1.3 billion, with $837 million of this revenue accruing to businesses in Metro Vancouver. During the operation phase, Project activities on the marine terminal, widened causeway, and expanded tug basin would generate an annual total of 1,553 person-years of direct, indirect, and induced employment, and total wages of approximately $185 million: • 928 person-years of direct employment connected to terminal operations, with wages of approximately $153 million; • 625 person-years of indirect and induced employment to support terminal operations, with wages of approximately $32 million. During the operation phase, the annual average goods and services revenues for B.C. due to terminal operations spending are estimated at $23.3 million with an additional $10.0 million in goods and services revenues for upstream supply industries. The total gross revenues for businesses supplying B.C. materials, goods, and services for terminal operations are estimated as $33.3 million annually. Approximately $31 million of this revenue would accrue to businesses in Metro Vancouver. The VFPA proposes to assist Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribes, Hwlitsum, and Métis Nation British Columbia in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and	34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			We welcome input regarding potential legacy benefits for Aboriginal groups that could be provided as part of the Project. With that in mind, we request a meeting with Cowichan Tribes to hear about your community's priorities in relation to this funding. In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Cowichan Tribes regarding a potential mutual benefits agreement ("MBA') for the Project.”	employment opportunities related to the Project are described in EIS Section 32.3.3. **Addressed in EIS Appendix 7.2-B (#112):** As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. **Additional information provided by the VFPA:** Stz’uminus, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting.	

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Table 27: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-27.1	Asked about the effects of truck traffic on sediment along the causeway with respect to contaminants.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#202):** There is not anticipated to be a Project interaction between air emissions from truck traffic on the causeway, and uptake of contaminants in soils, plants, or species relying on soils and plants. Rationale for this conclusion is included in EIS Appendix 27-A.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health Appendix 27-A Air Quality HHRA Technical Report
CT-27.2	Asked about potential heavy metals, PCBs, hydrocarbons, contaminants, and pollutants in sediment along the causeway and around the Project area. Asked which contaminants the sediment samples tested for and for the baseline results. Asked if the conclusions of the assessment are based on the averages of those samples. Concerned about the potential effects on clams and other shellfish.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** There were approximately 57 different metals the samples were tested for, and stated that the full list will be in noted in the EIS. Slide 10 says the assessment is focused on areas where there will be disturbance. The results have not been rolled into an average. The EIS will include a detailed table that shows results for each of the data points. There were no PCBs or hydrocarbons present in the areas that were surface sampled. Sampling at the actual terminal site was of a higher intensity because that is where the greatest disturbance is expected, because of disposal at sea (DAS) and dredging activities. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. Baseline levels of heavy metals and other contaminants along the causeway are included in EIS Section 9.6. Specific listings of studied contaminants—and how the analyses were completed—are available in EIS Appendix 9.6-A. Overall, sediment quality within the study area is within the range of levels expected in an estuarine environment and without local contamination sources. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. The shellfish consumption human health risk assessment in EIS Appendix 27-C addresses this scenario by examining tissue contaminant concentrations in existing areas of Roberts Bank with higher concentrations of coal dust contaminants. Any construction-related sediment re-suspension will result in sediment contaminant concentrations that are lower than the assessed existing conditions since (i) once re-suspended, the re-settled sediments will be a mixture of the historical deposits and new sediment contributions from Fraser River outflows; and (ii) there is no plausible mechanism for the geochemical focusing of the contaminants of potential concern as a result of the re-suspension scenario. **Addressed in EIS Section 12.6.2.1:** While contaminants are present at Roberts Bank, they are closely associated with fine sediment and have therefore accumulated in locations outside those that will be disturbed by Project activities, such as the upper intertidal zone north of the causeway. No appreciable sediment contamination was observed in Project areas. Because sediments that will be re-suspended and deposited as a result of construction phase activities are not contaminated, changes in contaminant concentrations bioavailable to the food chain are not anticipated. Overall, contaminant re-suspension is not considered to affect marine invertebrate productivity because: (i) there are no Project-	**EIS** 9.6 Physical Setting, Surficial Geology and Marine Sediment Appendix 9.6-A Sediment and Water Quality Characterization Studies 12.5.2 Bivalve Shellfish 12.5.3 Dungeness Crabs 12.6.2.1 Changes in Water Quality Appendix 27-C Human Health Risk Assessment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				related inputs of contaminants in the LAA; (ii) no appreciable sediment contamination was observed in Project areas; and (iii) where contaminants are present, concentrations are either below applicable thresholds in sediments or below consumption thresholds in bivalve shellfish and Dungeness crab tissue based on rigorous human health risk assessment (EIS Sections 12.5.2.5 and 12.5.3.5). Project-related contamination is therefore unlikely to occur.	
CT-27.3	Concerned with the potential effects of disposal at sea on the sea bed.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Explained that the DAS would occur at 3 locations along the -45 m contour line directly off the berth face of the planned terminal. Stated that the VFPA is working on that matter and it will be included in the EIS. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** Dredging and DAS-related activities are described in the EIS and considered in the assessment of potential effects on marine physical and biophysical components. As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. DAS activities will occur subject to Environment Canada's DAS permit requirements under the *Canadian Environmental Protection Act, 1999*. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. See EIS Section 9.6.8 and EIS Appendix 9.6-C for more information. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40:** As noted in in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40, based on information provided by ECCC (CEAR Document #564), discharge of supernatant containing unsettled fines from the containment dykes during filling is not expected to be subject to DAS permitting. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall,	**EIS** 4.0 Project Description 4.4.1 Project Activities, Construction Phase Activities Table 4-5 Source and Quantities of Material Requiring Disposal at Sea Figure 4-21 Intermediate Transfer Pit and Disposal at Sea Candidate Locations Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Table 8-1 Intermediate Component and Valued Component Linkages 9.0 Physical Setting 9.6 Physical Setting, Surficial Geology and Marine Sediment 9.6.5 Methods 9.6.6 Surficial Geology and Marine Sediment, Existing Conditions 9.6.8 Future Conditions with the Project Appendix 9.6-C Roberts Bank Terminal 2 Technical Report, Dredging Studies – Dispersion Modelling 9.7 Physical Setting, Marine Water Quality **Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928) **PCU (CEAR Document #1210)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations, or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	

Table 28: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
CT-28.1	Asked if above-ground noise is transmitted under water.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Above ground noise is not anticipated to propagate into the water to result in behavioural effects to marine mammals and was determined to be a negligible effect.		
CT-28.2	Stated that different species experience different perceptions of noise. Asked how much is known about the different ways species perceive noise. Asked about the effect of impulsive noise events on fish and other marine species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 12-Nov-2014 Cowichan Nation Alliance EIS Workshop #2	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised: • Human generated underwater noise can affect fish and marine mammals (assessed separately as VCs) with representative species for each VC that may experience noise differently; • The VFPA conducted extensive state-of-art field and modeling studies for RBT2, using most up to date science on how different species hear and respond to underwater noise, conducted new studies on what levels of underwater noise may affect southern resident killer whales; • Existing underwater noise conditions relatively high, primarily due to commercial vessel traffic, including ferry traffic; • RBT2 will produce underwater noise (construction and operations); no impulsive noise is planned during construction (i.e., impact piling not anticipated, only vibratory piling); and • Preliminary results of studies indicate RBT2 noise levels will be minor to moderate. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project
CT-28.3	Requested more information on the types of mitigations implemented for underwater noise.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised mitigation	**Addressed in EIS Section 33.3.7:** The Underwater Noise Management Plan will describe measures to manage underwater noise and over-pressure waves generated during pile driving and other construction activities as necessary to avoid or reduce potential effects on marine mammals, diving coastal birds, and aquatic life. Key components of the plan will	**EIS** 33.3.7 Underwater Noise Management Plan

Cowichan Tribes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			measures to address potential effects of underwater noise during construction. • Project placement and design; • Best management practices and standards; • Industry practices; • Equipment maintenance and noise reduction; • Timing or seasonal windows; • Marine mammal observers and hydrophone; • Monitoring of zones of potential injury or disturbance; and • Onsite juvenile Chinook habitat restoration. **01-Apr-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the EIS, which included EIS Section 33.3.7 Underwater Noise Management Plan.	include use of underwater noise reduction and dampening methods and technologies. The plan will incorporate measures described in Best Management Practices for Pile Driving and Related Operations, prepared by the B.C. Marine and Pile Driving Contractors Association and DFO (2003). Compliance monitoring parameters for underwater noise will be addressed as part of the Construction Compliance Monitoring Plan.	

APPENDIX IR10-01-C7

HALALT FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Halalt First Nation

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-1.1	Asked for clarification on the assertion that air quality is expected to improve while climate emissions increase. Requested additional information on the new air emission standards.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that air quality improves with a decrease in emissions for criteria air contaminants as well as for some traces in organic compounds. Greenhouse gas emissions will be higher in terms of global emissions, so that is what is meant by an improvement in air quality as well as an increase in climate emissions. There will be decreases in emissions both overall and on a per-truck basis because of new, more stringent emission standards for on-road vehicles. The assessment only considers emission reduction measures that have been confirmed. There may well be additional reduction measures in the future that would further contribute to lowering emissions. Future reductions in emissions can be estimated based on expected equipment turnover. The Vancouver Fraser Port Authority's (VFPA) truck licensing system restricts the engine age and emissions standards of vehicles that are allowed to enter VFPA terminals. By 2015, all trucks that access VFPA marine terminals will be required to achieve a 2007 engine emission performance or better. The International Maritime Organization (IMO) is implementing the North American Emission Control Area (ECA), which will be coming into effect in January 2015, requiring the sulphur content in fuel to be no higher than 0.1% for vessels.	**Addressed in EIS Section 9.2.7.1:** Regulatory initiatives for air quality and their incorporation into the assessment of future emissions are described in EIS Section 9.2.7.1. **Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of Roberts Bank Terminal 2 (RBT2 or Project). The results of the air quality assessment were used in the assessments of human health and current use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related fuel combustion and fugitive dust emission sources during the construction phase, and fuel combustion emission sources during the operation phases, and compared future conditions with the Project to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and cargo handling equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial, and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected to continue in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Predicted maximum concentrations were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving future air quality compared to predicted concentrations. The predicted concentrations also did not account for the switch to the use of liquefied natural gas (LNG) fuel for ferry vessels at the BC Ferries Terminal. The assessment concludes that: • Air quality in the region will improve in the future, with or without the Project, as a result of improvements in engine technologies as older equipment is replaced by newer equipment at the three existing marine terminals, and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected improvements in future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants, but will be mitigated through the use of emission reduction measures to limit fugitive dust emissions and a monitoring program to guide construction activity in the event that ambient air concentration exceed defined criteria threshold levels. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminants (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below ambient air quality criteria on land, with limited exceptions. The exceptions for predicted nitrogen dioxide levels near the causeway are considered to be an artificially caused by the conservative methods used in the air quality assessment, and are not expected to actually exceed established ambient air quality criteria. • The Project is expected to have a negligible effect on future ozone levels. • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.7.1 Regulatory Initiatives 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Appendix H – Westshore Coal Dust Assessment

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality because air quality is expected to improve. The benefits of existing emission reduction initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits to air quality, such as improvements in engine technology and fuel quality, are described based on their anticipated level of benefit to future air quality emissions, in EIS Section 9.2.7. Through its ongoing Air Action Program*, the VFPA is constantly looking at addressing air quality and climate change, by focusing on the use of technologies and the promotion of operational efficiencies to reduce air emissions from port operations, such as those mitigation measures suggested during consultation. Key components of the Air Action Program include the EcoAction Program, the Northwest Ports Clean Air Strategy, the Landside Air Emissions Inventory, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air Action Program can be found at http://www.portmetrovancouver.com/en/environment/initiatives/Air.aspx. *The Air Action program was renamed to Air, Energy and Climate Action. As part of the Deltaport Third Berth Project (DP3), the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings. **Additional information provided by the VFPA:** The analysis of the data from this station indicates that there has been a reduction in both sulphur dioxide (SO_2) and fine particulate matter ($PM_{2.5}$) concentrations measured at this monitoring station after the implementation of the requirements for low sulphur fuels from ships under ECA regulations. For 2010, the levels of carbon monoxide, SO_2, $PM_{2.5}$, and ground-level ozone meet the most stringent of Canadian, provincial, and regional ambient air quality standards or objectives. **Additional response provided by the VFPA:** During operation, Project-related exposures to air emissions are not predicted to result in measurable health effects. During construction, a moderate health effect is predicted for a small area over water between the Westshore and RBT2 terminals, where public access is not likely. Therefore, health effects during construction are unlikely to occur. Air quality will be monitored during construction and operation, and there would be adaptive measures should Project emissions result in exceedance of ambient air quality objectives/criteria.	
HFN-1.2	Asked what impacts will these contaminant levels have on the environment, and what mitigations and/or monitoring will be implemented. Stated that air quality is a major concern and one that must be addressed to the finest details. Stated that criteria air contaminant and trace organic contaminant levels have exceptions that are predicted	15-Jun-2015, Letter to the Canadian Environmental Assessment Agency (CEA Agency) from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 9.2:** EIS Section 9.2 presents modelled results of the Project's changes to air quality, including results related to criteria air contaminants, trace organic contaminants, greenhouse gases, and black carbon. The overall assessment is considered to provide a conservative evaluation of potential changes in air quality resulting from the Project. The implementation of shore power is expected to decrease predicted future emissions during Project operation. The combination of Project-related emissions with emissions from other certain and reasonably foreseeable projects and activities is expected to make a small incremental contribution to overall air quality levels. Future cumulative ambient air quality concentrations are predicted to be below air quality criteria on land, including populated areas. **Addressed in EIS Section 33.0:** The VFPA is committed to developing Environmental Management Plans as mitigation, including a Construction Air Quality and Dust Control Plan and a Construction Compliance	**EIS** 9.2. Air Quality 33.0 Environmental Management Program 33.3 Construction Environmental Management Plans 33.5 RBT2 Follow-Up Program **Information Requests** Response to Sufficiency Information Request #12

Halalt First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	to be below air quality criteria on land.			Monitoring Plan (which will include monitoring of air quality). Details of the monitoring plan, and its links to the proposed RBT2 Follow-Up Program are currently in development by the VFPA, in consultation with regulators and Indigenous groups. **Addressed in response to IR6-37:** The VFPA's response to IR6-37 indicates that to verify effect predictions and demonstrate that air quality standards are being met during the operation phase, monitoring will be conducted using Station T39. Station T39 was specifically established in June 2010 to monitor air quality in relation to the operation of marine terminals at Roberts Bank, stemming from the 2005 air quality assessment conducted for DP3. Station T39 has been shown to be representative of air quality levels for criteria air contaminants (i.e., CO, NO_2, SO_2, O_3, and $PM_{2.5}$) in overland areas at Roberts Bank and on Tsawwassen First Nation Lands (refer to the response to IR6-09 of CEAR Document #1113 for more information). SO_2 monitoring data over the period 2010 to 2016 has shown that ambient levels of SO_2 at Station T39 declined with the introduction of the ECA for sulphur in fuel (as described in the response to IR6-12 of CEAR Document #1188), which indicates that Station T39 provides a good measure of changes in emissions from ships operating at and in the vicinity of Roberts Bank. Details of the operation phase air quality monitoring program will be provided in a sub-plan of the Operation Compliance Monitoring Plan, which will be developed and implemented by the Terminal Operator. The air quality monitoring program is anticipated to include or identify the following basic elements: • Contaminants of potential concern to be monitored and reported on; • Monitoring locations and equipment to obtain air quality concentrations and meteorological data; • Monitoring details, including frequency of data analysis and reporting requirements; • Quality assurance or quality control measures; and Adaptive management measures to be implemented if contaminant levels approach pre-determined levels (i.e., levels to be set below the applicable ambient air quality objective to ensure that the objective is respected).	(IR6-12 of CEAR Document #1188) Response to Sufficiency Information Request #37 (IR6-37 of CEAR Document #1188)

Halalt First Nation

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-2.1	Asked about the process of determining whether the Project is feasible, and whether the decision was made based on only economic and technical factors, or if environmental or cultural impacts were considered.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that in going through the process of selecting the Project location and design, the VFPA has considered environmental effects throughout the design process, and many changes have been made along the way. Stated that the design that has been selected is conceivably acceptable to environmental regulators. Stated that the Panel will determine whether the effects of the Project can be mitigated sufficiently.	**Addressed in EIS Appendix 7.2-B (#2):** The VFPA's approach for identifying and selecting alternatives was undertaken internally. As part of this process, the VFPA reviewed and considered Indigenous input provided as part of the environmental assessment processes for prior projects at Roberts Bank. Alternatives to the Project are described in EIS Section 5.0. The VFPA considered the following alternatives for creating container capacity to meet the forecasted demand, both within and outside of its jurisdiction: • Incremental capacity and efficiency increases are underway or in planning at Deltaport Terminal and Centerm. These projects will help meet short-term container demand to the early 2020s, but would not meet forecasted longer-term requirements. • Lease tenures on properties adjacent to the Vanterm property will persist until at least the late 2020s, and converting them to containers would displace other trade-related activities. If improvements at Vanterm were feasible, expansion would not be anticipated until sometime after 2030, and therefore would not meet the need to deliver additional container capacity required by the mid-2020s. • Larger container ships, such as those visiting Deltaport Terminal, Centerm, and Vanterm, cannot be accommodated in the Fraser River channel due to draught requirements and length (ability to turn around in the river). Fraser Surrey Docks is not expected to be a major source of container capacity to meet demand beyond 2018. • Conversion of the Lynnterm terminal to handle containers is not technically or financially feasible, due to road constraints and conflict with current handling operations. • Development of the VFPA's Fraser Richmond properties to provide large-scale container capacity is not technically feasible due to road and rail capacity constraints and issues with larger container ships in the Fraser River channel. • Planned expansions at the Fairview Terminal in Prince Rupert will help meet short-term west coast container demand to the early 2020s, but will not meet forecasted longer-term requirements. The results of the VFPA's analysis concludes that the Project is the only technically and financially feasible option to meet long-term demand for container capacity on Canada's west coast. Feasibility of the Project will also be determined by the outcome of the environmental assessment process, and the decisions by provincial and federal ministers of the environment. **Addressed in response to IR1-06:** Technical feasibility criteria used to evaluate alternatives to the location, orientation, layout and configuration of the marine terminal at Roberts Bank was based on whether potential environmental effects were deemed to be acceptable by regulators. Generally, alternatives located in subtidal habitat (i.e., deeper waters) were considered favourable as the potential for environmental effects in shallower, intertidal waters would increase the potential for effects to marine invertebrate and fish habitats, and pose a risk to obtaining the permits required for the Project (i.e., Fisheries Act Authorization). Economic feasibility criteria considered construction costs and schedule (including dredge, fill, and soil improvement requirements), as well as operational costs associated with downtime from weather/navigation constraints, yard efficiencies, and maintenance dredging. Options W1 and W2 of the terminal, located west of the existing Roberts Bank terminals were considered to be technically and economically feasible (Table IR1-06-2). An assessment of environmental effects of these alternatives is provided in the VFPA's response to IR1-07.	**EIS** 5.0 Alternative Means of Carrying out the Project 5.3.1 Increase Capacity and Efficiency of Existing Container Terminals within VFPA Jurisdiction 7.0 Engagement and Consultation 7.2.1 Aboriginal Groups Engagement and Consultation, Engagement and Consultation Process Overview Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) Response to Sufficiency Information Request #07 (IR1-07 of CEAR Document #897)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-2.2	Requested additional information and asked about the Port Alberni Trans-shipment Hub concept.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the Port Alberni Port Authority has put forth a proposal that would see the creation of a transshipment container terminal where containers would be unloaded from vessels and transferred to barges for shipping. From there the containers would be [barged to Vancouver and] unloaded from the barges at a terminal and transferred for intermodal transport by truck and rail. It is a concept that has been publicly presented, but its current status is uncertain with respect to economic viability and willingness-interest from industry; it would require a major shift in the way containers are handled on the west coast of North America, [and would still require additional terminal capacity in Vancouver].		

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Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-3.1	Requested more information on beach weirs and historic tidal channels. Concerned that the Archaeological Overview Assessment only considers fish weirs for sturgeon and does not consider other types (i.e., salmon).	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#154):** Ethnographic information including Indigenous Traditional Knowledge (ITK) suggests that salmon were traditionally caught using methods other than those using wooden stakes. These methods, trawl nets and harpooning, are not likely to have left archaeological evidence if they were used. The potential effects are to "fish trap stakes" in general and consider other species of fish in addition to sturgeon (i.e., salmon).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.5.1.2 Ethnography
HFN-3.2	Concerned about the exclusion of Cowichan Nation Alliance member nations from the scope of the Archaeological Overview Assessment.	04-Mar-2014, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**04-Mar-2014:** Recorded comment for consideration by the Project tea. **06-May-2014, Letter from the VFPA to the Cowichan Nation Alliance:** Stated that the purpose of the Archaeological Overview Assessment is not to provide a detailed ethnographic history, but an ethnographic overview of the study area. However, the ethnography section has been revised and also includes a listing of all First Nations that have a potential claim to the study area, according to GeoBC's Consultative Areas Database. The Cowichan Nation Alliance provided the Brealey report to the VFPA in confidence. The VFPA requested permission from the Cowichan Nation Alliance to provide the report to Millennia Research Limited but was denied. Therefore, this information is not included in the Archaeological Overview Assessment. **22-Oct-2014, Workshop:** Stated that Tsawwassen First Nation, Musqueam First Nation, and Hwlitsum provided the VFPA with information about fish weir use on the intertidal flat and that this preliminary assessment was written before more recent information had been received. The VFPA has read the report prepared by Dr. Kennedy and submitted by the Cowichan Nation Alliance regarding historical use, and recalled that information about Halalt use of traps for salmon was provided. The VFPA apologised that information is not reflected in the presentation, and explained this presentation had been prepared prior to reading the report. The scope of the Archaeological Overview Assessment is not meant to cover proof of claim. There is a section covering Current Use that includes a very comprehensive discussion of the interests and use of the Cowichan Nation Alliance, which is much broader than this assessment, which considers the potential physical disturbance of archaeological sites.	**Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the local assessment area (LAA). The results of the archaeological and heritage resources assessment were considered in EIS Section 32.0. The LAA included the physical footprint of the Project plus a 100 m buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area (RAA) considered a four kilometre (km) area around the Project area. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.2 Selection of Archaeological and Heritage Resources VC 28.3 Assessment Boundaries 28.4 Information Sources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes

Halalt First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			The VFPA committed to take the feedback and information shared and provide it to the teams working on the assessment and writing the reports. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	Indigenous groups whose past uses are directly linked to the type of physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project. The scope or methods of the archaeological and heritage resources assessment are described in EIS Section 28.0.	
HFN-3.3	Interested in being involved in the Archaeological Monitoring and Management Plan.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"This is a statement rather than a comment on completeness. Therefore additional information was not requested by the Agency."*	**Addressed in EIS Section 33.3:** To ensure their alignment with all required Project permits, any conditions of approvals, final designs, finalised construction or operation approaches, and site-specific considerations, the Project's Environmental Management Plans are necessarily developed and finalised nearer to the start of the construction and operation phases. The VFPA is intending to consult with the CEA Agency, B.C. Archaeology Branch, and appropriate Indigenous groups in relation to the Archaeological Monitoring and Management Plan. **Addressed in response to IR10-12:** The VFPA's response to IR10-12, as requested by the Review Panel, further discusses the VFPA's proposed approach to engagement and consultation with Indigenous peoples during and after the environmental review.	**EIS** 33.3 Construction Environmental Management Plan **Information Requests** Response to Sufficiency Information Request #12 (IR10-12)

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-4.1	Asked whether there is potential for wildlife to confuse day for night due to lights.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that this was considered for birds, and more information would be provided in a later presentation on light. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presented on coastal birds, stating that effects from disturbance (noise, light, vessel movement) can be effectively mitigated. Presented mitigations measures to address lighting impacts, valances to minimise light trespass. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on valued components (VCs) and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources, and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of Environmental Management Plans, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. **Addressed in EIS Appendix 7.2-B (#99):** A review of documented effects of both natural and artificial light on birds is provided in EIS Section 15.7.2.1. The EIS considers the potential effects of artificial light on coastal birds, including the potential for increased risk of predation on shorebirds by nocturnal raptors (i.e., owls). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds. **Addressed in MSA Section 8.3:** Potential effects of artificial light from shipping traffic in the marine shipping area. The MSA notes that nocturnal feeding marine birds can be attracted to artificial light sources, such as ship lighting, and that mortality is known to occur. For the LAA, no collisions with vessels have been recorded, which indicates that collisions with vessels are most likely infrequent and, if they do occur, do so on a small scale (in terms of the number of birds).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines 13.0 Marine Fish 13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity, 13.7.5 Mitigation Measures, Mitigation #4 for Changes in the Light Environment 15.0 Coastal Birds 15.7.2.1 Mechanisms Affecting Productivity 25.0 Visual Resources 25.7.2 Mitigation Measures, Mitigation Measure #2 – Lighting Design and Operation – Light Management Plans 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan **Marine Shipping Addendum (MSA, CEAR Document #316)** 8.3 Coastal Birds **Information Requests** Response to Sufficiency Information Request #02 (IR9-02)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in response to IR9-02: The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	
HFN-4.2	Asked if Tundra and Trumpeter Swans use the Project area, and whether or not they were considered in the assessment. Added that swans were historically numerous, then disappeared.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that swans have been in the area, and that long-term use of that area by the species is understood.	**Addressed in EIS Appendix 7.2-B (#93):** The Fraser River estuary is an important area to many coastal birds because of the abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds. The assessment of coastal birds focused on seven sub-components: • Shorebirds, represented by Pacific dunlin and western sandpiper; • Waterfowl, represented by American wigeon and brant (which is a proxy for swans); • Herons, represented by great blue heron; • Diving birds, represented by surf scoter and western grebe; • Raptors, represented by bald eagle, barn owl and peregrine falcon; • Gulls and terns, represented by Caspian tern and glaucous-winged gull; and • Passerines, also known as songbirds, represented by barn swallow. The use of the Fraser River estuary and the Project area by trumpeter swan and tundra swan is described in the EIS, under the waterfowl section (EIS Section 15.5.4). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity
HFN-4.3	Asked why humans had not been considered in the Shorebird Opportunity Model. Concerned that humans have not been considered in the Shorebird Opportunity Model. Asked why humans have been excluded in the opportunity model.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**12-Nov-2014, Workshop:** Responded that interactions are addressed separately in the EIS. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since it was not required by the EIS Guidelines."*	**Addressed in EIS Section 15.0:** The focus of the Shorebird Opportunity Model (EIS Appendix 15-B) was on shorebird access to food sources and the capacity of the LAA to support existing and future shorebird populations (with the project). Although humans may interact with shorebirds, the food resources upon which shorebirds depend are largely in the intertidal zone where the potential for shorebird-human interactions are minimal.	**EIS** 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity

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Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-5.1	Stated that elders in 1990 asked for flow to be maintained through the causeway. Commented that sand appears to have accumulated on the north side of the causeway. Asked about the long-term environmental impacts of the existing causeway. Concerned that the causeway design does not include venting to generate more flow into and out of the inter-causeway area. Stated that the issue still exists, despite being addressed by the one study. Asked if there are other mitigation methods that could be investigated to limit the effect of the causeway on the inter-causeway water flow. Concerned with potential Project-related effects on water flow and intertidal health.	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**01-Nov-2013, Meeting:** Responded that work completed by a coastal geomorphologist and by a fisheries biologist determined that by breaching the causeway more damage would be done. Responded that work was completed to look at flow through the causeway and it was determined that while it was conceptually okay, in practice it would create a bigger issue (i.e., it would remove the mudflat if you removed the causeway). The reason why the terminal is situated further out from the mudflats is because building a terminal near the mudflat would have a negative impact. The further out the terminal is built, the less impact to the mudflat. **22-Oct-2014, Workshop:** Presented information on coastal geomorphology, including the existing conditions and the anticipated future changes as a result of the Project. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS on causeway design. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes and hydraulic behaviour in the inter-causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. Furthermore, the assessed opening would be expected to have only a minimal contribution to flushing flows in the inter-causeway area. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway. Further information concerning this study is available in the VFPA's response to IR1-13. **Addressed in the EIS Appendix 7.2-B (#52):** EIS Section 9.5 describes existing conditions on Roberts Bank, including the past influences of the Roberts Bank causeway and BC Ferries Terminal causeway on the Roberts Bank ecosystem. The potential effects of the Project on ocean currents (hydrodynamics), wave climate, and local seabed scour and deposition (morphodynamics) were investigated using the TELEMAC numerical modelling system. Since no reasonably foreseeable projects or activities were identified during the assessment that will influence or change the conditions of coastal geomorphology within proximity of the Project, an assessment of future incremental cumulative changes to coastal geomorphology was not undertaken. **Addressed in response to IR2-09:** Additional clarification is provided in the VFPA's response to IR2-09, which describes how sand was deposited on the north side of the causeway during the initial causeway construction activities in 1969. These sediments have persisted and are not the result of ongoing coastal geomorphology processes. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The potential effects of opening the causeway were assessed by Northwest Hydraulic Consultants Ltd. in June 2005. Based on the tidal influence in the area, it was determined that there would be no benefit with regard to introducing flows through the causeway (e.g., the amount of water that would flow through the opening would be very small compared to the tidal exchange in the inter-causeway area), and such an opening may actually result in new channel formation and concurrent erosion of existing eel grass.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.5.5 Methods 9.5.6 Existing Conditions 9.5.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.5-B Rationale for Exclusion of Other Certain and Reasonably Foreseeable Projects in the Cumulative Change Assessment of Coastal Geomorphology **2005 Memorandum Concerning Potential Effects of Opening the Roberts Bank Causeway** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. **Information Requests** Response to Sufficiency Information Request #13 (IR1-13 of CEAR Document #897) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961)
HFN-5.2	Asked how the Project affects the water. Asked for further clarification related to changes in geomorphology	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Noted that studies are being conducted on coastal geomorphology. Noted that the studies will form the basis of the environmental assessment and they are ongoing.	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.6 Surficial Geology and Marine Sediment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	associated with the proposed Project. Asked what the environment will look like with changes in accretion and siltation.	EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the environment will experience only very slow change. Stated that there is not expected to be a lot difference with the addition of the proposed Project. Referred to the image on slide 31 of the presentation that illustrated where a difference is expected. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology Technical Advisory Group (TAG). The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration have been modified to reduce the potential for a number of adverse changes to geomorphology during Project construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur during construction only, and will be temporary and reversible. The VFPA will ensure the study and management of potential channel formation related to drainage of tidal waters through the causeway dyke during the construction phase. Changes will be incorporated in detailed design, as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities. **Addressed in response to IR2-08:** As outlined in the VFPA's response to IR2-08, ongoing geomorphic processes have resulted in changes to the Fraser River delta foreslope (located in deeper water at the outer edge of the tidal flats) in the vicinity of the proposed terminal. Construction of RBT2 will result in armouring of a 1,700 m long section of the foreslope down to -30 m chart datum (CD), and will effectively halt any erosion of the foreslope in that area that may be occurring at present. **Addressed in responses to IR2-07 and IR2-09:** As outlined in the VFPA's responses to IR2-07 and IR2-09, topographic changes on the tidal flats have been evaluated, including changes to existing tidal channels. These changes are related to ongoing geomorphic processes as well as changes related to previous construction of the causeway and existing terminals. Widening of the causeway and development of RBT2 is not predicted to change drainage patterns or the morphology of the tidal flats in this area north of the causeway in the future with the Project. **Addressed in response to IR2-16:** Clarification concerning the assessment of changes to coastal geomorphology that may occur in relation to the construction and operation of the proposed Project is provided in the VFPA's response to IR2-16. The response confirmed that all Project components have been assessed in	9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 35.0 Effects Assessment Summaries **Information Requests** Response to Sufficiency Information Request #07 (IR2-07 of CEAR Document #961) Response to Sufficiency Information Request #08 (IR2-08 of CEAR Document #961) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961) Response to Sufficiency Information Request #16 (IR2-16 of CEAR Document #961) Response to Sufficiency Information Request #17 (IR2-17 of CEAR Document #961)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				accordance with the requirements of the *Updated EIS Guidelines* for the local study area, which extends from the BC Ferries Terminal to Canoe Passage. **Addressed in response to IR2-17:** The VFPA's response to IR2-17 includes additional clarification concerning the expected extents of changes to coastal geomorphology related to the proposed Project. Changes to coastal geomorphology and hydrodynamic conditions in areas on the south side of the existing Roberts Bank causeway, including the inter-causeway area and areas south of the BC Ferries Terminal, that are related to the Project components on the north side of the causeway are not anticipated because areas on the south side are hydrodynamically isolated from the north side of the Roberts Bank causeway by deep water and the presence of the existing causeways. The only Project component expected to influence coastal geomorphology or hydrodynamics in the inter-causeway area is the expanded tug basin, which is expected to result in localised changes to the existing coastal landforms in that area.	
HFN-5.3	Concerned that Canoe Pass is getting closed off because of the current terminal configuration and corresponding build-up of sand.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table

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Table 6: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

HFN-6.1	Asked whether potential negative impacts on other industries are assessed in the economic development valued component.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:**
			Responded that the impacts on other industries was assessed in the EIS.
			01-Apr-2015, Letter from the VFPA to Halalt First Nation:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.
				Addressed in EIS Appendix 7.2-B (#113):
				The economic development assessment evaluated potential Project-related effects on local and regional economies, and focused on:
				• Business revenues associated with the direct supply of materials, goods, and services to the Project for construction and operation;
				• Business revenues associated with supply of inputs to the businesses that are directly supplying goods and services to the Project;
				• Induced revenues for businesses related to household spending by workers employed as a result of the Project;
				• Construction sand supply and consumption; and
				• Consistency with economic development plans.
				The economic development assessment concluded that:
				• The Project is expected to result in the following positive effects on economic development in Metro Vancouver:
				  ○ During the 5.5 year construction phase:
				  ▪ $837 million in additional gross revenues to businesses in Metro Vancouver
				  ▪ $238 million in induced household spending in Metro Vancouver
				  ○ During operation:
				  ▪ $31 million annually in materials, good, and services contracting revenue to the economy of Metro Vancouver
				  ▪ $71 million of annual induced household spending in in Metro Vancouver
				• The Project is expected to result in an increase in materials, goods, and services contracting revenues for Indigenous businesses located in Metro Vancouver.
				• The Project is expected to result in negligible effects on construction sand availability and price.
				• The Project is consistent with economic development strategies in Metro Vancouver's Regional Growth Strategy, the economic development objectives of the City of Delta, and the general directions set out in the Tsawwassen Land Use Plan of Tsawwassen First Nation.
				• The Project is expected to result in positive effects to economic development in Metro Vancouver; therefore, the Project is not expected to result in measurable adverse residual effects. The Project is not expected to result in incremental adverse cumulative effects on economic development.
				• The economic development assessment includes assessment of potential adverse effects on local sand supply, resulting from the Project-related demand, as well as potential adverse effects on labour market balance (including wage inflation or labour shortages). Further details on rationale for the scope, methods, and conclusions are provided in EIS Section 20.0.
					EIS
					Appendix 7.2-B Aboriginal Groups Issues and Interests Table
					19.0 Labour Market
					19.7.3 Potential Effect #3 - Potential Change in Labour Market Balance
					20.0 Economic Development
					20.6.1 Rationale for Negligible Effect – Change in Construction Aggregate Availability and Price
					20.6.2 Potential Effect #1 – Change in Materials, Goods, and Services Contracting Revenues
					20.6.3 Potential Effect #2 – Change in Induced Output (Revenues)
					20.6.4 Potential Effect #3 – Consistency with Economic Development Plans
					20.8 Characterisation of Residual Effects and Context

HFN-6.2	Requested longitudinal socio-economic studies beyond what is	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by Project team.	**Additional information provided by the VFPA:** The EIS was developed to meet the requirements specified in the *EIS Guidelines*, including the nature, scope, and extent of the information required of a designated project being assessed pursuant to the *Canadian Environmental Assessment Act, 2012* (*CEAA, 2012*) and the	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	required for the EIS.		**29-Oct-2014, Aboriginal Groups EIS Preliminary Results Workshop #4:** Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-May-2016, Email from the VFPA to Halalt First Nation:** Provided an "Employment Opportunities Information Sheet." The information sheet highlighted opportunities during construction and operations.	*BC Environmental Assessment Act*. The socio-economic studies undertaken to support the EIS fulfil this requirement.	Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**
HFN-6.3	Concerned about the labour market and economic development studies excluding Aboriginal members and/or communities located outside the Metro Vancouver region. Stated that it is limiting to First Nations communities, who have recognised traditional use of the area, to be dismissed from the economic development of the area. Stated that Halalt First Nation wants the opportunity to explore contract procurement and joint venture opportunities, in addition to other economic development opportunities in the region.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**11-Dec-2014:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since it is outside the scope of the Environmental Assessment."* **19-Apr-2016, Letter from the VFPA to Halalt First Nation:** Shared meeting notes from the 11-Dec-2014 workshop, which included the following post-meeting note: As noted in the response for issue ID# 111 of RBT2 EIS Appendix 7.2-B, the local assessment area (LAA) for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measureable or detectable. While there may be members of Aboriginal groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Aboriginal groups were not considered to be measureable or detectable. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in the EIS Appendix 7.2-B (#111):** The LAA for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measureable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measureable or detectable. **Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 18.0 Social and Economic Setting 18.4 Population 19.0 Labour Market 19.3.1 Spatial Boundaries 20.0 Economic Development 20.3.1 Spatial Boundaries 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

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Table 7: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-7.1	Proposed that certain central terms be defined to ensure consistent use and understanding throughout the Project review process – namely "cumulative effect," "cumulative environmental effect," "mitigation," and "report".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Canadian Environmental Assessment Agency (Agency) has developed a glossary of terms used in the context of the* Canadian Environmental Assessment Act, 2012 *(CEAA 2012) and it is available at: http://www.ceaa-acee.gc.ca/default.asp?Lang=en&n=E7F0FC59-1&offset=&toc=hide. In addition, CEAA 2012 defines the term "mitigation measures" as measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means."* *For the purposes of Crown consultation, if members of the Cowichan Nation Alliance would like to provide information to the Review Panel about the impacts of any aspect of the Project, including marine shipping, the Review Panel will receive this information as directed in Section 3.9."*	**Additional information provided by the VFPA:** In developing the EIS, the VFPA relied on federal guidance documents (such as noted by the CEA Agency in their April 17, 2015 letter (CEAR Document #278)). The EIS also includes a glossary (summary of definitions) applicable specifically to the EIS.	
HFN-7.2	Stated that in order to comprehensively assess the full extent of Project impacts, it is essential that the Review Panel consider cumulative effects that are measured against a pre-industrial baseline; this is necessary to understand the extent to which the environment and the ability of Aboriginal peoples to exercise Aboriginal and Treaty rights has already been compromised. Recommended that the draft ToR include a non-exhaustive list of projects and activities that should be included to ensure their impacts are considered e.g. the Tsawwassen Ferry Terminal, the Deltaport Terminal Road and Rail Improvement Project, the South Fraser Perimeter Road, the Tsawwassen First Nation Industrial Land Development, the Tsawwassen Mills and Power Centre and the Deltaport Third Berth Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"A list of projects has been provided in the Environmental Impact Statement (EIS) Guidelines http://www.ceaa-acee.gc.ca/050/documents/p80054/97463E.pdf on page 31 and includes the following direction to the Proponent: "The EIS will include a narrative discussion of existing projects in the vicinity of the proposed project, including but not limited to the Tsawwassen Ferry Terminal, Deltaport Terminal Road and Rail Improvement Project, South Fraser Perimeter Road, Tsawwassen First Nation Industrial Land Development, Tsawwassen Mills and Power Centre and Deltaport Third Berth."* *On page 32 of the EIS Guidelines request that* "This narrative discussion should include historical data, where available and applicable, to assist interested parties to understand the potential effects of the project and how they may be addressed." *Also, if members of the Cowichan Nation Alliance have information relating to the state of the environment as it relates to the Project, including effects, we invite you to contact the proponent with any pre- industrial baseline information or data you*	**Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in completeness-phase AIR-12.04.15-13, including in that responses' schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

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			may have, including Aboriginal traditional knowledge."		
HFN-7.3	Stated that Cowichan Nation Alliance anticipates there will be a significant need for ongoing environmental monitoring of the integrity of the Fraser River estuary upon consideration of the growing number of developments in that area. Recommended express direction to the Review Panel to consider the value of ongoing monitoring. Recommended amendment to section 3.2 to of the ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered. However, the Agency encourages you to provide any information or concerns you have related to the Fraser River estuary to the Review Panel for their consideration as part of the environmental assessment."*	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada (ECCC). Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program
HFN-7.4	Stated that the Review Panel's identification and recommendation of mitigation measures aimed at addressing potential impacts to Aboriginal and Treaty rights is a significant aspect of the Project review. As such, it is critical that the Review Panel be directed to consider all relevant factors when undertaking this task. For example, the Review Panel's consideration should not be restricted solely to the information received pursuant to section 3.5, but should also include the Review Panel's analysis of the section 2.1 factors, including the Review Panels' assessment of the effects of the Project on asserted and established	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 3.7, now Section 3.11, has been revised to direct the Review Panel to use information received throughout the environmental assessment, which allows it to use information collected under any section of the Terms of Reference.* *Please see page 3 of the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf for further details. If the Cowichan Nation Alliance has information or opinions on*		

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	Aboriginal and Treaty rights, including cumulative effects and the significance of those effects. Stated that it is also important that section 3.7 reflect the importance of considering impacts to Aboriginal and Treaty rights independent of the Review Panel's recommendation of mitigation measures. Recommended that the Review Panel specify the degree to which each recommended mitigation measure will avoid or minimise the potential adverse effects of the Project on Aboriginal and Treaty rights. This aspect of the analysis is fundamental to the determination of whether a particular mitigation measure is suitable, whether additional accommodation of Aboriginal and Treaty rights is warranted, and may ultimately influence whether the Project should proceed. Recommended amendments to section 3.7 of the draft ToR to address this concern.		*proposed mitigation during the EA process, the Review Panel would welcome that information. The Review Panel has been mandated to provide in its report rationale, conclusions and recommendations on the environmental assessment including any mitigation measures and follow up programs. Section 3.11 allows the Review Panel to make recommendations, which will be considered by the Crown, on avoiding or mitigating environmental effects related to potential impacts on potential or established Aboriginal or Treaty rights.* *At the end of the process it is up to the federal government to decide whether or not to adopt the recommendations contained in the Review Panel's report."*		
HFN-7.5	Asked whether the EwE Model Study Area predicts Project impacts south of the American border.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the answer varies based on the VC in question, but there may be some localised effects. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#101):** The ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment. No productivity changes, as determined by the ecosystem model, are anticipated outside of Canadian waters, as productivity-related effects result from construction activities, the Project footprint itself, and indirect localised changes to coastal processes around the terminal.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis
HFN-7.6	Asked about the third party review of the EwE model: who is conducting the review, what the review consists of, and why the review is being conducted.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that a VFPA-commissioned third party is conducting the review who is experienced in the study of marine ecosystems and modelling, and speculated that he will be looking at the inputs, the results, and assessing whether or not they are valid and based on correct information.	**Additional information provided by the VFPA:** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the EwE (Ecopath with Ecosim and Ecospace) model, also referred to as the Roberts Bank ecosystem model, is subject to review by the Review Panel. The independent review of the EwE model commissioned by the VFPA (as noted in the previous column) was undertaken prior to finalisation	**Information Requests** Response to Information Request #6 (IR-7.31.15-06 of CEAR Document #314) Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 –

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			Explained that David Preikshot (the independent reviewer) has a PhD in Fisheries Science at UBC. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	of the EIS. The results of the review informed and were incorporated into the model as it is presented in the EIS. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** As noted in the Preamble in Support of Responses to IR3-01 to IR3-24, the VFPA has actively responded to questions about the application of the Roberts Bank ecosystem model, including through completeness information request responses (see IR-7.31.15-06) and in separate, agency-specific engagement. DFO and Natural Resources Canada (NRC) provided written questions to the VFPA based on a preliminary review of the EIS on November 19, 2015, ahead of an in-person meeting on November 23, 2015. The meeting included representatives from the VFPA, NRC, DFO, ECCC, and other federal agencies. Following this large-scale engagement, a series of more topic-specific meetings were held with individual and/or combinations of agencies through December 2015 and February 2016. Involving DFO, NRC, ECCC, and the VFPA, the meetings provided clarity on topics such as hydrology, sediment modelling, and ecosystem modelling questions posed by the agencies. The VFPA provided a cumulative submission of responses to the agencies in March and May 2016, and these questions and responses were posted to the CEA Agency's registry on September 28, 2016 (CEAR Document #547). In December 2016, the Canadian Science Advisory Secretariat of the DFO Science Branch released its independent review of the Roberts Bank ecosystem model (CEAR Document #900). Numerous federal experts conducted the review, including from DFO and the Canadian Wildlife Service. The general conclusions of the review support how the model was established and agreed that input parameter estimates were adequate for the Roberts Bank ecosystem. Importantly, the DFO Science Branch (with input from NRC) concluded "the EwE model, as implemented in this project and reviewed here, is a useful first-order framework to organise information and derive initial estimates of how the system may respond to perturbations" (CEAR Document #900, p.20).	Roberts Bank Ecosystem Model (CEAR Document #928) **From the VFPA to the Review Panel re: Answers to preliminary technical questions submitted during the completeness phase from DFO, NRC, and Environment and Climate Change Canada, concerning the ecosystem modelling to support the RBT2 environmental review (NOTE: Updated September 28, 2016) (CEAR Document #547)**
HFN-7.7	Asked about the funding for the ecosystem productivity model and whether the model is objective.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Explained that the VFPA is working with the University of British Columbia's Fisheries Centre (now the Institute for the Oceans and Fisheries), a leader in ecosystem modelling and the key developer of the EwE approach. Stated that in the environmental assessment application will have all the different assumptions used, all the data sources and why the technical team picked those, for people to critique and give the VFPA feedback on. Stated that the VFPA is trying to be as transparent and open as possible.	**Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** The VFPA obtained input on selecting the appropriate approach to assessing productivity at Roberts Bank through the Productive Capacity TAG process. The TAG process recommended use of the EwE model, which is well documented in the scientific literature and has been widely used to quantitatively describe marine food webs, fisheries policy exploration (regulatory decisions on managing fisheries), ecosystem-based fisheries management, and a joint B.C.-Canada environmental assessment. The EwE model was developed at the Institute for the Oceans and Fisheries, and more than 400 ecosystem models applying the software have been published. Thirteen of these publications describe marine areas in B.C., six of which are located in the Strait of Georgia. More information on this model can be found at http://www.ecopath.org/.	**Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928)

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				Additional information concerning the VFPA's selection and use of the EwE model in the environmental assessment is available in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24.	
HFN-7.8	Noted stark disagreement between the Cowichan Nation Alliance and the VFPA about how cumulative effects are assessed and applied to impacts to Rights. Expressed concern with the cumulative effects studies.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, and Malahat First Nation	**11-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses. **29-Aug-2017, Workshop:** Committed to provide information from the EIS and information requests related to cumulative effects studies for RBT2. **20-Feb-2018, Email from the VFPA:** The VFPA provided draft meeting notes from the 29-Aug-2017 Follow-up Program Workshop. A post-meeting note was included regarding cumulative effects: *"Section 8.1.9 of the RBT2 EIS describes the cumulative effects assessment methodology for the RBT2 environmental impact assessment. An assessment of future cumulative effects was conducted when an adverse residual effect was predicted to occur to a valued component (VC) due to a Project-related interaction. For an intermediate component (IC), an assessment of future cumulative change was conducted to assess when Project-induced changes to an IC may combine cumulatively with changes caused by other projects and activities that will be carried out. Assessment of future cumulative effects for VCs and future cumulative change for ICs can be found in the following sections of the EIS:* *ICs:* • *Air Quality: Section 9.2.9* • *Noise and Vibration: Section 9.3.10* • *Light: Section 9.4.9* • *Coastal Geomorphology: Section 9.5.9* • *Surficial Geology and Marine Sediment: Section 9.6.9* • *Marine Water Quality: Section 9.7.9* • *Underwater Noise: Section 9.8.8* *Biophysical VCs:* • *Marine Vegetation: Section 11.10* • *Marine Invertebrates: Section 12.10*	**Additional information provided by the VFPA:** The *EIS Guidelines* issued by the CEA Agency do not require a cumulative effects assessment with respect to the ability of Indigenous groups to exercise their asserted or established treaty or Aboriginal rights. **Addressed in EIS Appendix 7.2-B (#27):** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and is consistent with existing guidance documents, including the "Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act 2012*" and "Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects," the "Cumulative Effects Assessment Practitioners' Guide," and the "Guideline for the Selection of Valued Components and Assessment of Potential Effects," among others. Descriptions of existing pre-Project conditions relevant to each VC and IC were developed based on existing information, field studies, data analysis, and modelling. The description of existing conditions considered how ICs and VCs have been already affected by other projects and activities that have been carried out. Expected conditions were also determined where substantial changes are expected to occur to a VC or IC in the future prior to Project construction or operation, such as from changes in regulation or as a result of other projects or activities currently underway. Potential Project-related effects that may persist after the implementation of mitigation measures are called residual effects. The EIS identifies Project-related residual effects and their significance. The determination of significance is specific to each VC and the EIS presents the rationale for the significance thresholds applied. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. Where the Project was predicted to contribute to cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures. Where it was determined that potential adverse effects could occur, technically and economically feasible mitigation measures to avoid, reduce, or offset potential adverse effects to an acceptable level have been proposed. The design and implementation of proposed mitigation	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual Effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment ***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			• *Marine Fish: Section 13.10* • *Marine Mammals: Section 14.10* • *Coastal Birds: Section 15.11* *Socio-Economic VCs:* • *Marine Commercial Use: Section 21.11* • *Visual Resources: Section 25.10* • *Land and Water Use: Section 26.10* • *Human Health: Section 27.10* • *Cumulative Effects Assessment: Section 28.10* *Information requests related to cumulative effects for RBT2 include:* • *IR #13 – Cumulative Effects Assessment* • *AIR #13 – Cumulative Effects Assessment"*	measures considers input received from regulators, Indigenous groups, local government, and the public. The methods used to assess the potential effects of the Project, including mitigation measures, residual effects and cumulative effects, are described in the EIS. The VFPA has consulted with Indigenous groups regarding Project components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. Indigenous groups were also provided draft community profiles and rights and Current Use information for their review and comments. Feedback received was incorporated into the EIS.	
HFN-7.9	Concerned about the use of representative species in the assessment.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Provided participants with a handout showing ICs, VCs, and species represented by each VC. Discussed how representative species are used in environmental assessments. Explained that for example for the VC marine fish, there are a number of representative focal species and sub-components, more for ease of organisation than anything. For marine fish there are five sub-components, and of those, 13 focal species are covered. Explained why those focal species were selected and some of the studies that supported our selection. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0. EIS Section 8.0 describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs, and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Addressed in EIS Section 8.0:** Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for the ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. **Addressed in Information Request Package 5 – Response to Information Requests Relating to Representative Species:** Representative species are considered in terms of the biological and ecological similarities they share with other species within the sub-component, and for potential similarities in how the Project may interact with and affect them. In some cases, biological attributes may differ within a sub-component grouping, but their interactions with the Project and mechanisms contributing to potential effects from the Project are considered to be analogous. As a result, the VFPA selected representative species for each sub-component for which sufficient information is known, in order to provide an assessment that considers all potential interactions and Project-related effects. For example, substantial information exists for the southern resident killer whale (the representative species used for toothed marine mammals) and much less so for the transient killer whale. While there are some biological differences between the two, they are considered the same species; both rely on underwater noise for prey detection;	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods **Information Requests** Information Request Package 5 – Response to Information Requests Relating to Represented Species

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				and potential Project effects and mitigation measures are the same. In this example, it would be both impractical and inefficient to undertake an assessment on both species as the conclusions of the assessment would be the same. Moreover, in selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. This approach was taken as it would be impractical to characterise existing conditions and assess effects on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions.	
HFN-7.10	Stated that the broad drafting of the VCs risks insufficient coverage of environmental components of importance to the Cowichan Nation Alliance. Requested that the following species be listed under the relevant Valued Component heading: i. Marine vegetation: green seaweed ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas iii. Marine fish: Coho, Spring, Chum, Pink, Chinook, and Sockeye Salmon, eulachon, herring, cod, halibut, flounder and sturgeon iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels v. Marine mammals: harbour seal vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard.	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** Aboriginal Groups Valued Components Workshop #1 and #2 provided an opportunity for Indigenous groups to comment on the VCs.	**Addressed in EIS Volume 3:** i. Marine vegetation: Green seaweed (EIS Section 11.0 has been included as the marine vegetation sub-component macroalgae, which includes *Ulva* spp., as well as other brown algal species (bull kelp, rockweed). ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas (EIS Section 11.0). This was considered when selecting marine vegetation sub-components (EIS Section 11.2.1). As the Project is located in the marine environment and Project-related interactions with terrestrial vegetation species are not anticipated, these species were not incorporated into the effects assessment (without an interaction, there is no potential for an effect on these species). iii. Marine fish: coho, spring, chum, pink, Chinook, and sockeye salmon, eulachon, herring, cod, halibut, flounder, and sturgeon (EIS Section 13.0). • All Pacific salmon were considered in the assessment under the sub-component Pacific salmon. Chum and Chinook were selected as representative species for the five salmon species, as they are more estuarine dependent (any predicted effects to chum and Chinook are representative of effects to the other species). Refer to EIS Section 13.2.1 for more information. • Eulachon was assessed through representative forage fish species (see EIS Sections 13.6.2.1 and 13.6.3.3). Eulachon was not selected as a representative species as it is rare within the marine fish LAA based on surveys conducted at Roberts Bank and Sturgeon Bank in past years (EIS Section 13.2). • Pacific herring was included in the assessment as a representative species under the forage fish sub-component. • Lingcod was included in the assessment as a representative species under the reef fish sub-component. Rock cod were assessed through their representation by rockfish, as discussed in EIS Section 13.5.2. • Starry flounder was included in the assessment as a representative species under the flatfish sub-component. Pacific halibut are not typically found in estuarine environments (including the Fraser River estuary) and	**EIS** 11.0 Marine Vegetation 11.2.1 Sub-components 12.0 Marine Invertebrates 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.5.2 Selection of Marine Fish Valued Component 14.0 Marine Mammals 14.2.1 Sub-components 15.0 Coastal Birds 15.2.1 Sub-components

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				therefore would not interact with and be adversely affected by the Project. • Sturgeon were assessed through the use of Chinook and chum salmon representative species. Sturgeon was not selected as a representative species as it is also rare within the marine fish LAA. Refer to EIS Section 13.2.1 for more information. iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels (EIS Section 12.0). • Red sea urchin and sea cucumbers were assessed through the use of Dungeness crab representative species. Red sea urchin and sea cucumbers were considered when selecting marine invertebrate sub-components, but were not selected as representative species as their typical habitat is not an estuarine sand-dominated environment like Roberts Bank. As such, Project-related effects to these species are anticipated to be very limited. • Mussels (specifically the bay mussel (*Mystilus trossulus*)) was included in the assessment under the bivalve shellfish sub-component. v. Marine mammals: harbour seal (EIS Section 14.0). • Harbour seal was considered and included in the marine mammals effects assessment under the seals and sea lions sub-component. vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard (EIS Section 15.0). Brant was included in the coastal birds effects assessment as a representative species of the waterfowl sub-component. American Wigeon represented Mallard, while common merganser and canvasback duck are represented within the diving bird sub-component. These latter two species were not selected as representative species as they are not common at Roberts Bank, nevertheless, any potential effects to these species are assessed through more common species (that have been selected as representative species). Refer to EIS Section 15.2.1 for more information.	
HFN-7.11	Requested more information on the scope and purpose of field studies.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the studies have been undertaken, and will be included in the EIS for review. Each IC and VC section of the EIS contains information on field studies that were undertaken in support of the EIS.	**Additional information provided by the VFPA:** In 2012, the VFPA initiated field, desktop (i.e. literature review), and modelling studies to inform the understanding of existing conditions at Roberts Bank. Building on available information, these studies were designed to address known data gaps, as well as issues and interests of Indigenous groups, stakeholders, and the public, as well as to provide baseline information to assess Project-related effects as part of the environmental assessment. Some Technical Data Reports are appendices to EIS sections, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/	**RBT2 Project website** http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-7.12	Asked if the cumulative effect of a 6% increase in container vessel traffic will become the tipping-point that results in measurable and undesirable impacts when all project-based vessel traffic increases are taken into consideration located within both B.C. and the State of Washington. Only southern resident killer whales were deemed to be near such a threshold.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Agency requested additional information on the projects used in the cumulative effects assessment in additional information request "#7 Reasonably Foreseeable Projects and Activities".* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 6.7:** As noted in MSA Section 6.7, each assessment section in MSA Sections 7.0, 8.0, and 9.0 includes an assessment of potential additional future cumulative interactions between the residual effects anticipated for the VC (or residual changes for an IC), if any, and effects associated with additional marine shipping activity in the marine shipping area in 2030 related to reasonably foreseeable projects and activities. Projected future marine shipping traffic volumes are provided in MSA Table 4-7. These traffic volumes are associated with certain and reasonably foreseeable projects and activities listed in MSA Appendix 6-A. The significance determination for any residual cumulative effects is made using the same significance threshold as defined for the assessment of residual effects. Potential interactions with future certain or reasonably foreseeable marine-based projects are limited to increases in vessel traffic associated with those projects. The MSA concludes that no adverse cumulative effects are anticipated, with the exception of potential effects to southern resident killer whales. Consistent with the conclusions reached in the EIS, the MSA concludes that southern resident killer whales have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant. Further information concerning how significance criteria was utilised in the MSA is further discussed in MSA IR-02.24.16-7.	**MSA** 6.7 Cumulative Effects Assessment Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments 7.0 Physical Environment Effects Assessments 8.0 Marine Biophysical Environment Effects Assessments 9.0 Human Environment Effects Assessments **Information Requests** Response to Additional Information Request #7 (MSA IR-02.24.16-7 of CEAR Document #386)
HFN-7.13	Concerned that information can be manipulated in the assessment to minimise the appearance of impacts to certain species. For example: • Assessments average things out over populations and a period of time, and underrepresent the effect. • Species will have different baseline biomass depending on the time of the year.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that results have not been averaged, and that the team fully understands a lot of species are there temporarily. Explained that this presentation is a high level summary and more detail and specificity will be provided in the EIS. For context, many birds are there for short periods of time. Even though they are there in large numbers for a few weeks, the biomass their presence amounts to over the course of a year is small, which is the timeframe used for the model; the model incorporates seasonal information.	**Additional information provided by the VFPA:** As is noted in the VFPA's response to preliminary questions from DFO and NRC in 2015, question 2.17 Time Steps (2.2.6), annual averages are used to include both spatial and temporal variation in biomass estimates for Roberts Bank. This allows comparisons across highly seasonal and endemic groups. Annual averages are a standard metric for ecological questions and are necessary when conducting an ecosystem level assessment (Harvey 2013, Mackinson and Daskalov 2008, and Preikshot 2013). Understanding that there is variability within any estimate, sensitivity analyses were conducted to examine model performance with a range of input biomasses, centred on the initial value (see question 2.7 (Use of Confidence Limits in RB Model) for more information on this) (CEAR Document #547).	**CEAR Document #547 from the VFPA to the Review Panel Re: Answers to Preliminary Technical Questions Submitted During the Completeness Phase from DFO, NRC And Environment and Climate Change Canada, Concerning the Ecosystem Modelling to Support the RBT2 Environmental Review**

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Table 8: Engagement and Consultation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-8.1	Stated that Cowichan Nation Alliance has yet to receive sufficient information regarding the framework that will guide Crown consultation to address potential impacts on Aboriginal and Treaty rights, and that will ensure the Crown discharges its constitutional duties prior to making any decisions about the Project. Recommended that Canada work with Aboriginal groups to develop a detailed consultation plan that includes a process and forum for groups to address issues arising from potential impacts to Aboriginal and Treaty rights from the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown sent letters to Cowichan Tribes, Stz'uminus First Nation, Penelakut First Nation, Halalt First Nation on January 7, 2014 with a proposed Consultation Workplan and invited comments or questions from the First Nations about the Crown's consultation process and proposed approach for discussing and addressing issues arising from potential impacts to Aboriginal and Treaty rights from the Project. We welcome a discussion on the proposed Consultation Workplan with any of the First Nations. To date, we have not received any feedback on the proposal."*		
HFN-8.2	Stated that the Review Panel clearly does not have a mandate to discharge all of the Crown's consultation obligations toward Aboriginal groups, as evidenced by section 3.4 of Draft ToR: the Review Panel is prohibited from deciding constitutional issues that engage Aboriginal rights including (a) the validity of potential or established Aboriginal or Treaty rights asserted by an Aboriginal group or the strength of such claims; (b) the scope of the Crown's duty to consult an Aboriginal group; (c) whether the Crown has met its duty to consult or accommodate in respect of rights recognized and affirmed by section 35; (d) whether the Project would be an infringement of potential or established Aboriginal or Treaty rights; and (e) any matter of Treaty interpretation (historic and modern). While the Review Panel will receive information about any potential adverse impacts of the Project on potential or established Aboriginal or Treaty rights and related interests, and may recommend mitigation measures to avoid or minimize those impacts, the scope of this mandate does not involve an ongoing dialogue with Aboriginal groups as is demonstrated by the prohibited issues identified above. The Review Panel has no authority to render conclusions regarding the extent to which the Project might infringe	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Noted. The Terms of Reference has been amended to provide additional clarity about the role of the Review Panel and of the federal Crown in Section 3.7 which now reads* "Through these Terms of Reference, the Review Panel is given the mandate to collect information on behalf of the Crown as outlined in Section 3.9 to 3.11. The federal government maintains the duty to consult throughout the environmental assessment process and will be responsible for the items detailed in section 3.8, where necessary.""		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Aboriginal or Treaty rights and does not have a mandate to consider accommodation measures beyond mitigation measures. Accordingly, the Crown must provide another forum for these critical issues to be addressed.				
HFN-8.3	Requested more information regarding how the noted constitutional issues will be decided, and at what stage of the process. Asked if, for example, the Crown will engage in consultation regarding accommodation measures other than Project mitigation measures during the Project review, or following the Review Panel's issuance of its report.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown will request Aboriginal groups identify any outstanding impacts to potential or established Aboriginal or Treaty rights once the Review Panel's report has been made public and the Crown will consult as appropriate with Aboriginal groups on proposed measures for addressing outstanding impacts.* *Additional information on the integration of Aboriginal consultation into the environmental assessment (EA) process was provided to the Cowichan Nation Alliance with federal officials on November 27, 2014, and is available online in the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf and in the "Review Panel and Aboriginal Consultation Process Diagrams Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100179E.pdf"*		
HFN-8.4	Emphasised the Crown's legal obligation to provide a clear and transparent outline of how Crown consultation will be undertaken. It is essential that a reasonable amount of time be provided for this process, and in light of the very brief prescribed timeline under which the Project review must proceed, it is essential that Crown consultation commence at an early stage. Stated that the Crown must recognise that the simple fact that the *CEAA 2012* prescribes that the Minister render a decision on the Project within 24 months from the day on which the environmental assessment was referred to the Review Panel (with the possibility of an additional three-month extension) cannot operate to terminate consultation where substantive issues remain to be discussed between the parties. Stated that it is difficult to imagine that the time set aside for post Review Panel report activities will be sufficient to undertake meaningful Crown- Aboriginal consultation.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown intends for consultation to be ongoing throughout the entire EA process, and it will be integrated into the EA to the extent possible. We have heard key concerns from members of the Cowichan Nation Alliance and will consider them going forward.* *Additional information on the EA and consultation process is contained in the consultation work plan and handouts referenced in the response above. Issues of concern to Aboriginal groups that are outside the EA process, and any potential outstanding issues identified after the Review Panel report, should be identified and discussed with the Agency.* *Timelines for the federal government's administration of the EA are a legislated requirement under CEAA 2012. However the Agency strives to facilitate and accommodate the participation of Aboriginal groups whenever possible within these legislated timelines.* *Consultation is an ongoing dialogue between the Crown and Aboriginal groups, and should the Project be allowed to proceed subject to conditions in an EA decision statement, consultation with potentially impacted Aboriginal groups would carry on into the permitting phase and beyond depending on what, if any, issues remained outstanding at the time of the EA decision."*		
HFN-8.5	Commented that participation funding offered by the VFPA is insufficient. Requested further funding.	12-Nov-14, Cowichan Nation Alliance EIS Workshop #2	**Cowichan Nation Alliance:** 09-Jan-2014: Offered funding for group Traditional Use study. 24-Apr-2014: Accepted funding for group Traditional Use study.	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups	**EIS** 7.0 Engagement and Consultation

Halalt First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Requested funding to support Follow-up Program discussions	28-Aug-2014, Meeting with Cowichan Nation Alliance 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**Halalt First Nation:** 06-Jan-2014: Offered funding for participation in the consultation program. 19-Feb-2015: Accepted funding for participation in the consultation program. 22-Aug-2014: Offered funding for fall 2014 consultation activities. 19-Feb-2015: Accepted funding for fall 2014 consultation activities. 11-May-2015: Offered funding for participation in Project-related consultation activities including Marine Shipping study. 22-May-2015: Accepted funding for participation in Project-related consultation activities including Marine Shipping study. 07-Mar-2016: Offered funding to support ongoing involvement in consultation activities. No signed offer returned. 24-Oct-2017: Offered additional funding for participation in consultation activities for the RBT2 Project. 09-Nov-2017: Accepted additional funding for Participation in consultation activities for the RBT2 Project.	involved in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding the Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum First Nation.	7.2 Aboriginal Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
HFN-8.6	Stated that at the 2014 workshop the VFPA committed to providing responses to questions. Concerned that all questions are not being responded to. Referred to the difficulty of finding the answers to questions raised today from tens of thousands of pages of materials in the Environmental Impact Statement.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**12-Nov-2014, Workshop:** Reiterated that the purpose of the meeting is to present the information available so far, and to get feedback. Acknowledged that not all of the questions posed today will be able to be immediately answered, but that they are being noted so as to be addressed and responded to. Referred to Appendix 7.2-B which will list all concerns raised, provide a response, and describe where to find additional information in the EIS. **11-Dec-2014, Workshop:** Responses to questions that have not yet been responded to will be included in the EIS, once assessment information has been finalised. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **06-May-2015, RBT2 EIS Orientation Workshop:** In response to this concern, the VFPA provided an EIS orientation presentation in order to provide an overview of the EIS and provide an opportunity for questions about the structure and organisation of the EIS. **19-Apr-2016, Letter from the VFPA to Halalt First Nation:** Provided the notes from the following workshops: • 06-Jun-14 Aboriginal Groups Valued Components Workshop #1; • 03-Jul-14 Aboriginal Groups Valued Components Workshop #2; • 07-Oct-14 Aboriginal Groups Workshop #1; • 08-Oct-14 Aboriginal Groups Workshop #2; • 22-Oct-14 Cowichan Nation Alliance Workshop #1;	**Addressed in EIS Appendix 7.2-B:** All issues raised by Halalt First Nation and responses provided by the VFPA can be found in EIS Appendix 7.2-B, including references to the specific sections in the EIS. **Additional information provided by the VFPA:** IR10-01 provides responses to all comments and concerns raised by all members of the Cowichan Nation Alliance regarding the Project and marine shipping from October 2012 up to December 31, 2017.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #1 (IR10-01)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			• 28-Oct-14 Aboriginal Groups Workshop #3; • 29-Oct-14 Aboriginal Groups Workshop #4; and • 12-Nov-14 Cowichan Nation Alliance Workshop #2.		
HFN-8.7	Stated that to date Halalt has had only limited and inadequate participation in the preparation of the EIS. Stated that Halalt's input and the input of the Cowichan Nation Alliance would have added to the "completeness" of the EIS. Stated that Halalt's lack of participation in TAGs and the subsequent identification of Aboriginal related value components results in inadequate consideration of its Aboriginal rights.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since the information provided here is not a request that relates to the completeness of the EIS Guidelines, but rather the working relationship with [the VFPA]."*	**Addressed in the EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in this appendix. Some questions, comments and requests were addressed at the workshops or through follow up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. The VFPA continues to be open to hear concerns and will notify Indigenous groups when the EIS is submitted.	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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Table 9: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-9.1	Asked if it would be a harmonised process with the Province.	05-Mar-2013, Meeting with Cowichan Nation Alliance	**05-Mar-2013, Meeting:** Noted that the process has yet to be determined. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#8):** On November 5, 2014, the B.C. Environmental Assessment Office (EAO) confirmed the Project is reviewable under Part 8 of the Reviewable Projects Regulation, B.C. *Environmental Assessment Act*. On December 19, 2014, the B.C. Minister of Environment issued an order under s. 14 of the Act establishing the Province's procedures and methods for conducting the environmental assessment for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister and potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the EAO will principally rely on the environmental assessment to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and the EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister. The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements. More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial environmental assessment for the Project can be found on the EAO's Project Information Centre (e-PIC) website at http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html	**EIS** 6.0 Environmental Assessment and Permitting Process 6.2 Provincial Involvement and Process Appendix 7.2-B Aboriginal Groups Interests and Issues Table
HFN-9.2	Concerned that the EIS meets DFO standards not First Nation standards.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014:** Acknowledged the concern and stated that the Project team is trying to understand other perspectives and wants to make sure that we understand what the effects are to fisheries.	**Addressed in EIS Section 1.0:** The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* prepared by the CEA Agency. Indigenous groups have the opportunity to review the EIS and in that context, raise this comment to the CEA Agency and other agencies as appropriate.	**EIS** 1.1 Purpose of the Environmental Impact Statement
HFN-9.3	Noted that the draft Panel Terms of Reference is inconsistent with its reference to "Project". Stated that there are references to "project" and "designated Project". Recommended that all references to the proposed ... project be referred to as the "Project".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been incorporated."*		
HFN-9.4	Stated that the draft Terms of Reference (ToR) should direct the Review Panel to explicitly assess potential Project impacts on Aboriginal and Treaty rights and culture. We note that the list of factors as set out at section 2.1 provides that the Review Panel must	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provide direction to the Review Panel regarding its role and mandate in conducting the EA. In* Part 3- Mandate of the Panel *in the Terms of Reference, direction has been provided to the Review Panel on collecting*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	account for the "environmental effects" of the Project, of which term is defined at section 5(1) of the *CEAA 2012* to include effects to Aboriginal peoples and their use of lands and resources for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct reference in the list of factors is warranted.	Alliance (CEAR Document #126)	*information on behalf of the Crown as it relates to potential impacts of the project to potential or established Aboriginal or Treaty rights."*		
HFN-9.5	Stated that the draft ToR fails to provide explicit requirements and guidance for assessing socio-economic impacts in relation to Aboriginal people. Noted that the list of factors provides that the Review Panel must account for the "environmental effects" of the Project, which is defined at section 5(1) of the *CEAA 2012* to include health and socio- economic conditions; however we submit that the Review Panel would benefit from clear guidance on this issue.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Agency is currently considering guidance on this topic."*		
HFN-9.6	Stated that it is essential that the Review Panel only recommend mitigation measures that are capable of achieving their stated purposes, and capable of demonstrating measurable success. Accordingly, Cowichan Nation Alliance recommended language that requires the Review Panel to put forward only those recommendations that are capable of demonstrating success in mitigating any significant adverse environmental effects. Recommended amendments to section 2.1 the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 2.1 provides direction directly from CEAA 2012 and as mentioned above, the legislation provides clarity about what is meant by mitigation.* *The information related to the success of past project mitigation measures should be included in the EIS as discussed above.* *Your comment on possible environmental effects or impacts to potential or established Aboriginal or Treaty rights has been considered and language has been added to section 3.9 as it relates to the Review Panel's mandate in relation to Aboriginal consultation."*		
HFN-9.7	Stated that the scope of factors to be considered in the environmental assessment should not be limited by the content of the EIS guidelines. A review panel should give the requisite authority and discretion to decide for themselves the proper scope of the factors that they are considering, as this will fall under their expertise.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The purpose of the EIS Guidelines is for the proponent to identify the information requirements for the preparation of the EIS. The EIS Guidelines specify the nature, scope and extent of the information required for the EIS. Note that the EIS Guidelines set out the minimum information requirements – it is the proponent's responsibility to provide any additional information as required by the Agency or the Review Panel, once it has been*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Recommended amendments to section 2.3 of the draft ToR to address this concern.		*established, for the assessment of the environmental effects of the Project.* *Under CEAA 2012, the scope of the factors to be taken into account in the environmental assessment by the Review Panel are those in section 19(1)* a) *to* i)*. The Minister may require that any other matter relevant to the EA be taken into account by the Review Panel under section 19 (1)* j)*."*		
HFN-9.8	Stated that the Review Panel should not be limited to considering information provided solely by the participants – government agencies and departments may also have valuable information to contribute. Recommended amendments to Section 3.5 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered and Section 3.5 has been amended to direct that the "Review Panel shall accept as part of its record and review:" Federal authorities and government are already considered participants in the Review Panel process and henceforth covered by this Section."*		
HFN-9.9	Stated that Panel members should have knowledge or experience relevant to the anticipated impacts of the Project on Aboriginal and Treaty rights. Recommended amendments to section 4.1 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Cowichan Nation Alliance members are welcome to submit potential panel candidates to the Agency. Panel Members must be unbiased and free from conflict of interest relative to the Project and have knowledge or experience relevant to the anticipated environmental effects of the project. Please provide suggested names and CVs to [provided contact information]."*		
HFN-9.10	Stated that it is critical that those parties that provide the Panel Members with support in a procedural, technical, administrative or advisory manner be unbiased and free from any conflict of interest relative to the Project and, where applicable, have knowledge or experience relevant to the anticipated environmental effects and impacts of the Project. Requested addition to the end of section 4.5: The Secretariat will be unbiased and free from conflict of interest relative to the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your proposed change has been made."*		
HFN-9.11	Requested addition to the end of section 4.18: Any federal authority that assists the Review Panel will be unbiased and free from conflict of interest relative to the Project and will have knowledge or experience relevant to	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Federal experts participate in environmental assessments in accordance with the mandate and areas of responsibility of their departments. Public servants are guided in their work and professional*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	the anticipated environmental effects and impacts of the Project.	Alliance (CEAR Document #126)	*conduct by the Values and Ethics Code for the Public Service."*		
HFN-9.12	Stated that it is possible the Review Panel will not be capable of fulfilling its mandate and submit its report to the Minister within 14 months. Recommended that section 4.13 expressly confirm that the Review Panel must ultimately take the time that it requires to properly and completely discharge it mandate subject to the CEAA 2012, which allows the Minister to modify the statutory limits imposed on a review panel (CEAA 2012, subsection 38 (4)). Recommended amendments to section 4.13 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"CEAA 2012 has legislated timelines for the completion of an EA by Review Panel. The Review Panel must fulfill its mandate and provide a report to the Minister within the timelines set out in the legislation and as directed in the Terms of Reference."*		
HFN-9.13	Stated that the Review Panel should be required to give more than 30 days' notice of tis public hearing, as many participants must prepare and reschedule other commitments in order to participate. Accordingly, notice of a minimum of 90 days should be required. Stated that the timing and location of the public hearing is of critical importance to our communities; we require an opportunity to comment on the draft document setting out the schedule and location of public hearing prior to finalisation by the Review Panel. Recommended amendments to section 4.22 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provides a minimum timeframe for the notice of the start of public hearings.* *The Review Panel is responsible for developing procedures for the conduct of the public hearing, including timing, location, format and other logistics. The Panel may, at its discretion, make draft hearing procedures available for comment.* *If members of the Cowichan Nation Alliance have suggestions on the timing or notification required for public hearings, they may provide that information to the Review Panel once it is established."*		
HFN-9.14	Stated that the draft ToR should direct the Review Panel to explicitly include their identification of potential impacts on Aboriginal and Treaty rights and culture in the report. Noted that the list of required coverage in the Review Panel's report includes an identification of those conclusions that relate to the environmental effects defined in section 5 of the CEAA 2012, which includes effects to aboriginal peoples and their use of lands and resources	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Review Panel has been directed to collect and summarize information provided to it by Review Panel participants about any potential impacts on potential or established Aboriginal or Treaty rights in its report (section 3.10).* *The Minister of the Environment has requested the Review Panel provide its conclusions and recommendations in relation to any environmental effects of the Project on Aboriginal people as set out in section 5 of CEAA 2012 as it is responsible for conducting the EA on the designated project.*		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct reference to the list of required coverage for the report is warranted. Recommended amendments to section 4.27 of the draft ToR to address this concern.		*The Crown will maintain the duty to consult throughout the EA process and will conduct an assessment of what the potential project impacts are to the exercise of potential or established Aboriginal or Treaty rights. The Crown has already communicated the preliminary depth of consultation assessment letters dated January 7th, 2014 as referenced in the first response in this table.* *The Crown will communicate a revised depth of consultation assessment once the Review Panel has issued its report and is willing to discuss this assessment with Cowichan Nation Alliance members at this time. Cowichan Nation Alliance members are encouraged to raise any potential environmental effects, and/or impacts of the Project on potential or established Aboriginal or Treaty rights to the Review Panel to ensure the Crown has a robust understanding of your concerns at the point that the Review Panel issues its report."*		
HFN-9.15	Stated that section 4.28 obliges the Review Panel to include in its report "information it has received with respect to the justifiability of those significant adverse environmental effects". If the report is to recognise arguments that seek to justify significant adverse effects, the report must, as a matter of fairness and completeness, recognise arguments that such effects are not justified. Otherwise, the Minister will receive a biased report. Recommended amendments to section 4.28 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Please see the additional clarity on justification related to likely significant adverse environmental effects added in Section 3.5 which states* "In accordance with sections 47 and 52 of CEAA 2012, if the Minister decides that the project is likely to cause significant adverse environmental effects, the Minister will refer the matter to the Governor in Council (Cabinet) who must decide whether those environmental effects are justified in the circumstances." *The Review Panel will not make the determination on whether likely significant adverse environmental effects may be justified, but if, taking into account the implementation of any mitigation measures, the Review Panel concludes that the project is likely to cause significant adverse environmental effects, the Panel may include in its report information that it has received with respect to whether those significant adverse environmental effects are justified in the circumstances."*		

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Table 10: Environmental Management Program

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-10.1	Asked if the lessons learned from eelgrass transplants that took place as part of Deltaport Third Berth have been taken into account for RBT2. Interested in and request information about the follow-up monitoring work that took place as part of Deltaport Third Berth.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the VFPA recently hosted a workshop that brought together eelgrass experts from the west coast to share knowledge and experience. Noted that prior to 1986 there were a lot of challenges, but since then transplants have had a success rate of over 90%. **29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3.	**Addressed in EIS Appendix 7.2-B (#201):** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting
HFN-10.2	Stated that no Aboriginal involvement with the Scientific Advisory Committee (SAC) and monitoring was a failure to consult with Aboriginal communities for the Deltaport Third Berth Project. Noted the SAC would be a good opportunity to have Aboriginal Traditional Knowledge included and to have First Nations input on the selection of committee members. Added "we would like engagement in the governance of the monitoring program."	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** Noted input on governance for the Follow-up Program and stated that it will be considered in the planning for the RBT2 Follow-up Program governance structure for further discussion in future Follow-up Program meetings.	**Addressed response to in IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 Follow-up Program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
HFN-10.3	Noted they never agreed with the VFPA assessment on level of impact and expect the impacts to be larger. Expressed concern with how the assessment was conducted by the VFPA's consultants. Stated that they want to see a third party environmental monitor involved in Follow-up Program implementation that is not involved in the original findings. Suggested the monitoring program be separated from the VFPA jurisdiction	29-Aug-2017, Follow-up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought input into the Program through asking the following questions at the workshop: • What is important to you (Cowichan Nation Alliance) and your community?; • What elements would you (Cowichan Nation Alliance) like to see monitored?; and • How would you (Cowichan Nation Alliance) like to be involved moving forward? Noted comments on monitoring and stated that they will be considered in Follow-up Program planning.	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. **Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3 as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the	**EIS** 33.5 Follow-up Program

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	

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Table 11: Human Health – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-11.1	Concerned about the determination that the Project is not expected to result in detectable effects on human health.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#149):** The following are highlights of the human health assessment: • Seven potential mechanisms for human health effects were assessed: air emissions, noise and vibration, shellfish contamination, stress and annoyance, employment and income, food security, and health inequity. • Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of environmental management plans and additional mitigation measures. • The Project is not expected to result in any significant adverse residual effects on human health. • The Project is not expected to result in measurable incremental residual cumulative effects to human health. With mitigation, all potential Project-related effects are expected to be negligible (not measurable), with the exception of residual effects on human health related to exposure to air emissions during construction, and exposure to noise during construction and operation. These effects are predicted to be not significant. A rationale for the determination is provided in EIS Section 27.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 27.0 Human Health 27.6 Future Conditions with the Project – Potential Project-Related Effects 27.7 Mitigation Measures 27.8 Characterisation of Residual Effects and Context 27.9 Determination of Significance of Residual Adverse Effects
HFN-11.2	Concerned about the effect of increased marine traffic disturbing sediments containing coal dust deposits. Stated that the EIS clearly states that re-suspension of sediments containing coal dust deposits during the construction phase will occur. Stated that the EIS does not include any information regarding the release of coal dust during the operation phase.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Appendix 7.2-B (#58):** The proposed Project is a container terminal and does not include any coal-related elements. The Project will not contribute to coal dust. Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the examination of air quality existing conditions and air quality cumulative effects assessment. The human health assessment considered the potential for contamination of edible shellfish related to Project activities resulting in re-suspension of historical deposits of coal in sediments. The assessment concluded that there were no risks to human health related to re-suspension of sediments containing coal. Because sediments that will be re-suspended and deposited as a result of construction-phase activities are not contaminated, changes in contaminant concentrations bioavailable to the food chain are not anticipated.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.2 Air Quality Appendix 9.2-A Air Quality Study 27.0 Human Health **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**
HFN-11.3	Stated that the Edible Shellfish Study is not complete and the condition of diseased shellfish is unknown. Asked if the results of the Edible Shellfish Study will affect the EIS with regards to the crab health assessment and future crab health predictions. Asked if current conditions are related to contamination from coal dust and what additional assessment steps will occur.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. In this case [the VFPA] concluded that the effects from the project would be negligible. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the VFPA's response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In	**Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that if the study results are positive for contamination from coal dust, the EIS will need to be updated to address this.		**01-May-2017, Email from the VFPA:** Hemmera, on behalf of the VFPA, plans on conducting a study in May or June 2017 to measure contaminant levels in shellfish collected at Roberts Bank. The study will consist of collection of Dungeness crab and Macoma clams from three locations at Roberts Bank, and laboratory analysis for a suite of contaminants including polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and trace elements. This study, in conjunction with past shellfish studies, will further strengthen the existing understanding of shellfish contaminant levels at Roberts Bank. **12-Apr-2018, Letter from the VFPA to each member of the Cowichan Nation Alliance:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary • IR4-34 - Black Crab Additional Studies Summary Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crabs total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and intermediate transfer pit (ITP) sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	

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Table 12: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-12.1	Asked if the Project is expected to have a negative impact on any other types of employment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the VFPA looked at labour market balance as an indicator, and conducted analyses to consider what the effect of the Project's employment and procurement would be, in relation to the availability of workers for other industries. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Section 19.0 Labour Market.	**Addressed in EIS Section 19.0:** The Project is expected to result in the following positive effects on the labour market in Metro Vancouver: • During the 5.5 year construction phase: o 4,150 person-years of direct employment, worth $494 million in wages; o 9,724 person-years of total direct, indirect, and induced employment, worth approximately $824 million in wages; • During operation: o 835 person-years of annual direct employment connected to terminal operations, worth approximately $138 million in wages annually; o 1,412 person-years of annual total direct, indirect, and induced employment, worth $169 million in wages annually; o A slight lowering of the unemployment rate in Metro Vancouver; o A positive effect on the participation rate; and o A small boost to median incomes in Delta and Metro Vancouver. Training opportunities associated with construction and operation are anticipated to generate positive effects for the Project's direct workforce. Positive changes in employment and labour income are anticipated for the Indigenous population in Metro Vancouver during Project construction and operation. The Project is not expected to result in measurable adverse residual effects to the labour market.	**EIS** 19.0 Labour Market

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Table 13: Light – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-13.1	Concerned that the light study did not consider the night sky with cloud cover as this increases the light effects over the water. Concerned about how the locations for monitoring light effects were selected, with specific reference to Galiano Island and Valdes Island.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the assessment teams for visual resources and light are different. The team carrying out the light assessment work (at night) took a subset of the points of reception (PORs) from the visual resources (day) assessment, because there is less variation expected from point to point. Stated that for both the day and night assessments, PORs were concentrated in areas in closer proximity to the Project site. The POR on Valdes was added later through consultation. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#47):** Measurements of sky glow depend on the visibility of the stars, and were taken on nights with no or low cloud cover, where possible. The rationale for the assessment methods is included in EIS Section 9.4 and the technical report. The rationale for selection of the PORs is included in EIS Section 9.4. The light assessment included a POR on Galiano Island and on Valdes island. The measurements taken from, and predictions made for, these PORs are intended to be representative of surrounding areas.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.2 Assessment Purpose and Approach 9.4.5 Methods Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study, Study Methods Appendix 7.2-B Aboriginal Groups Interests and Issues Table
HFN-13.2	Asked if RBT2 would be subject to, or exempt from, Delta bylaws around light, and if not, whether the VFPA would be willing to meet or match their requirements anyway.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. Post meeting note shared with Cowichan Nation Alliance in draft meeting notes: There are not any standards or bylaws for light such as there are for noise, for example. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#99 and #45):** A process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. **Addressed in EIS Section 33.0:** The Light Management Plans for construction and operation phases will be developed prior to the respective phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. Feedback on applicable environmental management plan sub-plans will be solicited from Indigenous groups potentially affected by the Project.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study Appendix 7.2-B Aboriginal Groups Interests and Issues Table 33.0 Environmental Management Program

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-13.3	Stated that lighting is predicted to play a role in structuring predator-prey interactions. Stated that the Light Management Program should ensure minimal impact of lighting. Asked how First Nations communities will be involved with these management programs. Asked if First Nations communities will receive copies of the Light Management Program.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information on Management Programs provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 33.0:** The Light Management Plans, for construction and operation phases will be developed prior to the respective phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. Feedback on applicable environmental management plan sub-plans will be solicited from Indigenous groups potentially affected by the Project.	**EIS** 33.0 Environmental Management Program

Table 14: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-14.1	Concerned that the Project could negatively impact fishermen and their livelihoods.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Presented information on the preliminary assessment of potential Project effects and cumulative effects on Commercial, Recreational, Aboriginal (CRA) Fisheries and any proposed mitigation, as well as receive feedback on the draft findings and proposed mitigation. The presentation includes: executive summary, sub-components, indicators, assessment boundaries, the local and regional assessment areas, information sources, an overview of each of the fisheries (CRA), existing conditions for Pacific Salmon, Groundfish, Forage Fish, and Shellfish, expected conditions at Project commencement, potential Project-related effects, proposed mitigation measures, anticipated residual effects, the preliminary determination of significance, and anticipated cumulative effects. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions With the Project - Potential Project-related Effects

Table 15: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-15.1	Concerned that the Project will affect migrating salmon that return from the South to the Fraser River through Canoe Passage. Concerned about mitigation for natural migration patterns that are in the Project area and the impacts to salmon being made that we do not understand yet along with other animal's natural migration.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**03-Jul-2014, Workshop:** Responded that the Regional Study Area has been extended to Hope, which will capture a large portion of that migration and that is actually where the DFO sub-areas stop. Stated that a real effort was made to capture some, if not all, of the migration. Stated that sockeye hold more in the North arm and South arm, but that there are species of Chinook and chum that hold around Canoe Passage, so that area is being included. Canoe Passage is a fairly small distributary of the Fraser but there is still holding there. Sockeye in particular are coming out and heading north, with the exception of the Harrison Lake stock, which DFO thinks might be migrating south. **22-Oct-2014, Workshop:** Responded that the options for onsite habitat mitigation do consider fish passage. The primary intent is to soften the shoreline to make it more amenable to salmonid use. Stated that juvenile salmon use eelgrass beds and tidal marsh habitat. Stated that the mitigation measures primarily consider juvenile salmon outmigration and rearing. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. .	**Addressed in EIS Appendix 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. **Addressed in EIS Section 13.6.3.1:** The potential effect on the migration behaviour of juvenile salmon from terminal placement and causeway widening was assessed qualitatively. Two effects mechanisms—changes in the light environment and changes in habitat availability—were considered to have the potential to influence migration behaviour of juvenile salmon and result in a minor decrease of juvenile salmon productivity pre-mitigation. With implementation of mitigation measures, including adherence to juvenile salmon fisheries-sensitive window, implementation of a light management plan, as well as offsetting in the form of onsite native eelgrass transplants and reconstructed tidal marsh habitats north of the widened causeway, migration-related changes in juvenile salmon productivity were assessed as negligible. **Addressed in responses to IR5-18 and IR5-22:** Further discussions about terminal placement's potential effects on the migratory behaviour of juvenile salmon is available in the VFPA's responses to IR5-18 and IR5-22.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish **Information Requests** Response to Sufficiency Information Request #18 (IR5-18 of CEAR Document #1153) Response to Sufficiency Information Request #22 (IR5-22 of CEAR Document #1153)
HFN-15.2	Stated that sockeye salmon have not been assessed in the EIS and is an information gap. Stated that the Cowichan Nation Alliance is not satisfied with the explanation provided as to why sockeye is excluded from the assessment. Stated that field studies were conducted at the wrong time of the year. Concerned that sockeye salmon have not received adequate consideration in the EIS.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 15-Jun-2015, Letter to the CEA	**12-Nov-2014, Workshop:** Responded that the VCs were defined based on the findings of the fieldwork. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but Chinook and chum have more of a presence. Responded that the VFPA understands the importance of the species (sockeye) and more details specific to sockeye can be provided.	**Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Concerned that the exclusion of sockeye salmon as a focal species, the economic component to its catch value is not adequately assessed. Concerned that there will be negative impacts on sockeye as a result of the Project. Stressed the importance of sockeye to the Cowichan Nation Alliance. Requested for peer review of the work pertaining to sockeye. Reiterated their concerns regarding the impact of the Project on migrating fish and disagreement that the VPFA consultants did not find evidence of sockeye salmon in the local assessment area. Stated that the scope of the field sampling program is too narrow to address all fish species that may be affected by the Project. Stated that the local assessment area used to assess representative species excludes important areas Northwest of Roberts Bank that are within the vicinity of the proposed Project. Stated that commercial fishing of sockeye salmon is recognised in the EIS; however, the effect of the Project on sockeye salmon is missing due to the narrow constraints of the local assessment area.	Agency from Halalt First Nation (CEAR Document #253) 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**11-Dec-2014, Workshop:** Responded that the VFPA thought more information about how sockeye had been considered had been provided to the Cowichan Nation Alliance, and apologised if they have not yet received anything. The EIS will describe more fully how salmon have been assessed. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. [The VFPA] provided a rationale for not assessing effects to sockeye. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **29-Aug-2017, Workshop:** Noted concerns regarding fish, and will include this as ongoing topic for further discussion on representative species and ways to address concerns raised.	of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. **Additional information provided by the VFPA:** Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in responses to IR5-15 and AIR-12.04.15-09:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye salmon and describes the status and management practices associated with the species. Rationale as to how sockeye salmon were assessed via use of Chinook and chum as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sockeye, as well as effectiveness of mitigation, are presented in the VFPA's response to AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in the VFPA's response to IR5-15. **Addressed in EIS Section 13.3:** The marine fish LAA encompasses an area of approximately 5,416 ha. In determining LAA boundaries, consideration was given to the nature and characteristics of marine fish, and potential exposure of marine fish to various Project influences (e.g., total suspended solids (TSS), sedimentation, and underwater sound levels). Also taken into account were social	9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.3.1 Spatial Boundaries 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity **Information Requests** Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				and cultural considerations, such as community knowledge and ITK, and current land and resource use by Indigenous groups and others. The RAA, which covers an area of approximately 52,456 ha, was established to provide a regional context for the assessment of Project-related effects. The RAA was also established to encompass the area within which the residual effects of the Project on marine fish may combine with the effects of other projects and activities to potentially result in a cumulative effect. Marine and freshwater RAA boundaries were determined based on DFO Pacific Fisheries Management Area limits (see EIS Figure 12-3).	
HFN-15.3	Stated that the EIS should consider salmon pooling at the mouth of the Fraser River and investigate Project-related impacts on sockeye salmon in this area. Stated that fishermen report that Canoe Pass is an important holding area for sockeye.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but chinook and chum have more of a presence. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. [The VFPA] provided a rationale for not assessing effects to sockeye. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 13.0:** While there is evidence that adult sockeye pass through the estuary annually en route to the Fraser River to spawn, available information indicates that most stocks enter the Fraser River with little or no delay (i.e., perhaps one day); hence, any potential interaction between the Project and migrating or passing individual adult sockeye salmon would be limited to approximately several days per year. A potential exception is a portion of the late-run timing group, which typically holds in the outer estuary for several weeks prior to starting upriver migration; however, since 1995, large segments of the late-run sockeye have ceased their holding behaviour and entered the Fraser River three to six weeks earlier than historically observed. As noted in EIS Section 13.2.1, there is no scientific evidence that waters at or near Roberts Bank represent holding areas for adult sockeye. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The response also further assesses potential effects of the Project on sockeye directly. As further described in the response to IR5-15, based on existing literature, there is no formally defined holding area within the Fraser River estuary for returning adult sockeye. It appears that the brackish layer or plume within which adult sockeye may hold can extend as far north as Gibsons Landing, as far west and south as the Gulf Islands (from Gabriola Island near Nanaimo to Saturna Island at Boundary Passage), and as far east at Point Roberts area. However, since 1995, sockeye holding behaviour appears to have ceased.	**EIS** 13.0 Marine Fish **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
HFN-15.4	Asked why people have not been included as one of the species that eats chum salmon in the food web example (slides 12-13, Marine Fish Presentation at 2014 Cowichan Nation Alliance Workshop #2).	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the approach undertaken seeks to understand the ecosystem from a natural perspective, and human interactions are addressed in a different way.	**Addressed in EIS Appendix 7.2-B (#101):** The Roberts Bank ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA to Halalt First Nation: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	without the Project, and humans are not included in the food web. However, the existing conditions for species included in the model are reflective of existing harvesting levels by humans; therefore, human interaction within the model is implicit. **Addressed in response to IR3-09:** Dungeness crab fishing at Roberts Bank was investigated using the Roberts Bank ecosystem model in the VFPA's response to IR3-09. Salmon harvesting was not considered, because salmon harvesting occurs over large geographic areas, with only a small proportion of the salmon catch coming from areas in the periphery of or adjacent to Roberts Bank. As such, salmon fishing was considered unlikely to influence model results. Results from the Roberts Bank ecosystem model re-run showed that when Dungeness crab fishing was considered, results were generally the same when compared to those described in the EIS.	Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis **Information Requests** Response to Sufficiency Information Request #09 (IR3-09 of CEAR Document #984)
HFN-15.5	Concerned that a spill could travel into mouth of Fraser River and impact migratory salmon species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B - Tables
HFN-15.6	Asked whether fish are being redirected away from Canoe Pass because of ships and whether that impact will increase with RBT2.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. Potential effects on marine fish migration behaviour from changes in the light environment and changes in habitat availability are assessed in the EIS. With mitigation, including implementation of a light management plan, and onsite offsetting in the form of eelgrass transplants and tidal marsh creation, changes in productivity of marine fish associated with these rearing habitats is assessed as negligible.	**Additional information provided by the VFPA:** There is no known evidence that existing shipping activity is affecting movement patterns of fish at Roberts Bank. In MSA Section 8.1, potential effects of underwater noise were considered to be negligible because noise generated by Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** A review of historical and recent air photos, in addition to modelling of sediment deposition at Roberts Bank (including Canoe Passage) is underway. Historic Canoe Passage discharge channel locations and sediment distribution (e.g., bar formation or build-up of sand) will be documented to assess natural variation pre- and post-terminal construction, and potential	**MSA** 8.1 Marine Fish

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				changes as a result of the proposed terminal configuration will be assessed. Fish and fish habitat suitability studies are currently underway to assess current fish distribution and abundance, and potential changes in fish presence as a result of the proposed Project will be assessed. Potential changes resulting from the Project during both construction and operations phases will be included in the assessment.	
HFN-15.7	Stated that sturgeon is underrepresented as components affected by the Project. Requested an investigation into the Project-related effects on sturgeon.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency has requested additional information on these items in its letter of July 31, 2015 to [the VFPA] (pages 4 and 5, #9 and #10)."*	**Addressed in EIS Appendix 7.2-B (#79):** Potential Project-related effects on sturgeon (white sturgeon and green sturgeon) are considered in the marine fish assessment within the Pacific salmon sub-component. Sturgeon species were not selected as a representative species due to their rarity in the Roberts Bank area. Representative species in the Pacific salmon sub-component include Chinook and chum salmon. Based on qualitative and empirical evidence considered during the marine fish assessment, minor decreases in productivity to Pacific salmon are anticipated due to direct mortality (e.g., entrainment of juveniles), and changes in the acoustic (i.e., if impact pile driving is used) and light environments during the Project's construction phase, as well as due to changes in habitat availability during Project operation. Effects on Pacific salmon associated with changes in water quality and changes in biotic interactions are considered negligible. **Addressed in response to IR-7.31.15-09:** The VFPA's response to IR-7.31.15-09 provides a characterisation, including the results of baseline surveys, of fish populations (e.g., marine invertebrates, marine fish, marine mammals, and other marine animals) found in, or migrating through, the LAA and RAA. **Addressed in response to AIR-12.04.15-09:** The VFPA's response to AIR-12.04.15-09 outlines in detail the selection process for VCs, sub-components, and representative species and rationale for selection. Discussion of how sockeye, sturgeon, and eulachon were captured in the assessment (i.e., by proxy), is provided. **Addressed in response to IR-7.31.15-10:** The VFPA's response to IR-7.31.15-10 provides local and regional scale maps for potential or confirmed fish habitat. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sturgeon and describes the status and management practices associated with the species. Rationale as to how sturgeon were assessed via use of Chinook and chum salmon as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sturgeon, as well as effectiveness of mitigation, are presented in	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity **Information Requests** Response to Information Request #9 (IR-7.31.15-09 of CEAR Document #314) Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Information Request #10 (IR-7.31.15-10 of CEAR Document #314) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				AIR-12.04.15-09 (CEAR Document #388), including Appendix AIR9-A Table 2; and in the VFPA's response to IR5-15.	
HFN-15.8	Stated that eulachon is underrepresented as components affected by the Project. Requested an investigation into the Project-related effects on eulachon. Stated that the marine fish local assessment area is too narrow and does not consider Project-related effects on species migrating through the Salish Sea and up the Fraser River. Stated that the study area only includes fish caught South of the Fraser River Canoe Passage.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency has requested additional information on these items in its letter of July 31, 2015 to [the VFPA] (pages 4 and 5, #9 and #10)."*	**Addressed in response to IR-7.31.15-09:** The VFPA's response to IR-7.31.15-09 provides a characterisation, including the results of baseline surveys, of fish populations (e.g., marine invertebrates, fish, marine mammals, and other marine animals) found in, or migrating through, the LAA and RAA. **Addressed in response to AIR-12.04.15-09:** The VFPA's response to AIR-12.04.15-09 outlines in detail the selection process for VCs, sub-components, and representative species and rationale for selection. Discussion of how sockeye, sturgeon, and eulachon were captured in the assessment (i.e., by proxy) is provided. **Addressed in response to IR-7.31.15-10:** The VFPA's response to IR-7.31.15-10 provides local and regional scale maps for potential or confirmed fish habitat. **Addressed in response to IR5-15:** The VFPA's response to IR5-15 specifically discusses biology, migration behaviour, habitat utilisation, the status, and management practices associated with eulachon. As noted in that response, assessment conclusions and mitigation measures for representative species also apply to eulachon and white sturgeon (Lower Fraser population) and remain unchanged. **Addressed in EIS Section 8.0:** As noted in EIS Section 8.1.3, spatial assessment boundaries were identified for each VC based on the spatial characteristics of the Project and the VC (e.g., location, distribution, range), and the areas within which Project-VC interactions and effects are expected to occur. When determining the spatial boundary, the Project team also considered, as applicable, available community knowledge and ITK, information on current land and resource use by Indigenous groups, and other pertinent ecological, technical, social, and cultural considerations, as well as input from government, Indigenous groups, and the public.	**EIS** 8.1.3 Establishment of Assessment Boundaries **Information Requests** Response to Information Request #9 (IR-7.31.15-09 of CEAR Document #314) Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Information Request #10 (IR-7.31.15-10 of CEAR Document #314) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
HFN-15.9	Stated that the marine fish local assessment area is too narrow and does not consider Project-related effects on species migrating through the Salish Sea and up the Fraser River. Stated that the study area only includes fish caught South of the Fraser River Canoe Passage.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency has requested additional information on these items in its letter of July 31, 2015 to [the VFPA] (pages 4 and 5, #9 and #10)."*	**Addressed in EIS Section 8.0:** As noted in EIS Section 8.1.3, spatial assessment boundaries were identified for each VC based on the spatial characteristics of the Project and the VC (e.g., location, distribution, range), and the areas within which Project-VC interactions and effects are expected to occur. When determining the spatial boundary, the Project team also considered, as applicable, available community knowledge and ITK, information on Current Use, and other pertinent ecological, technical, social, and cultural considerations, as well as input from government, Indigenous groups, and the public. **Addressed in response to IR-7.31.15-09:** The VFPA's response to IR-7.31.15-09 provides a characterisation, including the results of baseline surveys, of fish populations (e.g., marine invertebrates, marine fish, marine	**EIS** 8.1.3 Establishment of Assessment Boundaries **Information Requests** Response to Information Request #9 (IR-7.31.15-09 of CEAR Document #314) Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Information Request #10 (IR-7.31.15-10 of CEAR Document #314)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				mammals, and other marine animals) found in, or migrating through, the LAA and RAA. **Addressed in response to AIR-12.04.15-09:** The VFPA's response to AIR-12.04.15-09 outlines in detail the selection process for VCs, sub-components, and representative species and rationale for selection. Discussion of how sockeye, sturgeon, and eulachon were captured in the assessment (i.e., by proxy) is provided. **Addressed in response to IR-7.31.15-10:** The VFPA's response to IR-7.31.15-10 provides local and regional scale maps for potential or confirmed fish habitat.	
HFN-15.10	Concerned that the existing infrastructure and the current Project will continue to negatively affect the health and/or availability of fish. Asked how these effects will be controlled and requested information regarding the environmental management plan. Asked if the environmental management plan will be constructed with the consultation of First Nation communities. Asked if the environmental management plan be subject to review. Stated that there is a predicted minor decrease in marine fish productivity with the Project. Stated that the EIS states that these effects can be partially mitigated through the implementation of environmental management plans and the creation of habitat.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **27-Nov-2017:** The VFPA held a Follow-up Program meeting with the Cowichan Nation Alliance. The VFPA discussed the Follow-up Program and lessons learned from DP3. The VFPA sought feedback from Cowichan Nation Alliance on the Follow-up Program and asked what Cowichan Nation Alliance felt should be considered, what they felt was important to their community, and how they would like to be involved going forward.	**Addressed in EIS Section 33.0:** Project-related environmental management plans will be developed prior to the start of construction and operation phases to ensure alignment with required permits and approvals, final designs, finalised construction or operation approaches, and site-specific considerations. Environmental management plans applicable to fish include: • Construction Compliance Monitoring Plan • Environmental Training Plan • Dredging and Sediment Discharge Plan • Light Management Plan • Underwater Noise Management Plan • Sediment and Erosion Control Plan • Marine Species Salvage Plan • Hazardous Materials and Waste Management Plan • Health and Safety and Emergency Response Management Plan • Spill Preparedness and Response Plan Feedback on applicable environmental management plan sub-plans will be solicited from Indigenous groups potentially affected by the Project.	**EIS** 33.0 Environmental Management Program

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Table 16: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-16.1	Concerned about effects on crabs, particularly in relation to black material observed in crabs harvested in the area. Crab harvesting in the RBT2 Project area results in black (coal polluted crabs), which are not edible. Asked how the VFPA can remediate lands first to deal with coal.	01-Nov-2013, Meeting with Cowichan Nation Alliance 12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**01-Nov-2013, Meeting:** Responded that crabs are part of the baselines studies and the VFPA is looking at current conditions of the baseline studies. **12-Nov-2014, Workshop:** Referred to the black crab study being carried out separately from the environmental assessment. Two black crab samples have been collected, and are currently waiting to be tested. The VFPA will be able to provide an update once that has happened. Tsawwassen First Nation collected the crab samples for this study. **07-Aug-2014, Email from the VFPA to Halalt First Nation:** Provided information on a study that the VFPA is undertaking related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. This black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing. Provided details on the purpose, methodology, study area, and timeframe. **09-Jul-2015, Email from the VFPA to Halalt First Nation:** Followed up to previous communications and the Dungeness Crab field study notification of August 2014. Attached a letter and memorandum regarding the studies undertaken by Hemmera in response to reports from Indigenous groups to the VFPA regarding blackening of Dungeness crab and concerns related to potential contamination. The memo included a summary of findings. The results of both studies were the same: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA to Halalt First Nation:** Stated that since concerns were raised, the Project team has conducted further work on these topics to	**Addressed in EIS Section 27.0 and EIS Appendix 27-C:** Addresses potential effects of contaminant-related consumption risks of Dungeness crab, where contaminant analysis of crab tissue and the completion of a human health risk assessment was completed to support the development of the RBT2 environmental assessment. The leg muscle tissue did not contain detectable PAH concentrations, in spite of the use of sensitive laboratory analytical methods. Only arsenic was present in concentrations of potential concern and, consequently, was carried forward in a quantitative human health risk assessment; it was concluded that arsenic-associated health risks from the consumption of Dungeness crab tissue are acceptably low. A second study paralleled the above in terms of methods and analysis, but involved collaboration with Indigenous groups to provide samples of crabs as well microscopic examination of the tissue structures (i.e., histologic) of blackened areas. Again, results yielded no evidence of crab contamination related to coal dust, based on sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements. Results of microscopic examination point to localised physical damage of the exoskeleton and the bacterial shell disease as the underlying cause of blackening. **Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the causes of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available.	**EIS** 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The proposed Project is being designed to exclusively handle containers. There will not be an increase in coal shipments as a result of the Project. The VFPA has undertaken shellfish	

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				studies in the Roberts Bank area to assess contamination, and proposes to study crab tissues to assess whether the black material is coal dust, a fungus, or other substance.	
HFN-16.2	Requested more information on sea pens. Asked what is known about the impact and role of orange sea pens in the area. Asked what the per cent decrease in productivity is expected to be. Asked if the orange sea pen test transplant area has been determined yet to be either successful or unsuccessful. Concerned with the impact of a loss of sea pens on habitat and other species. Concerned about the large decrease in orange sea pen productivity. Asked what effect will the decrease in sea pen have on the marine environment. Asked if their predicted decrease will affect marine health, and if so what mitigation methods could be implemented. Stated that the EIS clearly indicates an interaction of the orange sea pen with other marine organisms. Stated that the EIS predicts a 55% decrease in orange sea pen productivity, but fails to include information regarding the impact this has on the marine environment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**12-Nov-2014, Workshop:** Stated that sea pens are known to exist in the area; however, from a scientific and ecological perspective, they are poorly understood. The first studies were done in 2002-2003, and more field studies were more recently undertaken in 2011 using an underwater remote vehicle. Additional recent studies have included people going underwater to count sea pens, to map their distribution, and to identify other species associated with them. One study sought to understand them better in the context of water flows and sediments and other studies looked at transplanting sea pens. If the transplant was not viable or unreliable, the effects would be characterised in a worst-case scenario. In this current status of the assessment, it is anticipated that there will be a moderate impact on the orange sea pens in the area if transplanting is unsuccessful. **13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 12, #24)."* **07-Feb-2018, Email from the VFPA to Halalt First Nation:** "Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved the transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled *Orange Sea Pen Transplant Pilot and Monitoring Program*. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05."	**Addressed in EIS Section 12.0:** As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in orange sea pen productivity, and that the level of confidence in this assessment was considered to be moderate. **Addressed in response to IR-7.31.15-24:** The VFPA's response to IR-7.31.15-24 presents the inter-relations between orange sea pens and other marine species and the predicted effects to other marine species from the Project-related loss of orange sea pen habitat. **Addressed in response to IR5-05:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. **Addressed in response to IR5-06:** The VFPA's response to IR5-06 discusses the confidence in the effect rating for orange sea pens. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere. **Addressed in response to IR5-07:** The VFPA's response to IR5-07 provides an assessment of the potential ecological effects on other components of the environment such as marine invertebrates and marine fish resulting from a decrease in the orange sea pen population	**EIS** 12.0 Marine Invertebrates **Information Requests** Response to Information Request #24 (IR-7.31.15-24 of CEAR Document #314) Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Request #06 (IR5-06 of CEAR Document #1145) Response to Sufficiency Information Request #07 (IR5-07 of CEAR Document #1145)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				due to the proposed Project activities. As noted in the response to IR5-07, the conclusion of no significant effects to marine invertebrates and fish remain unchanged.	
HFN-16.3	Referred to the food webs showing biomass in the future with and without the Project (slides 17-18 of Marine Invertebrates presentation at Cowichan Nation Alliance Workshop #2), and the bubbles changing in size. Requested the exact number of anticipated change for each of the species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included information on the biophysical setting in Section 10.0.	**Addressed in EIS Section 10.0:** The VFPA used an ecosystem-based approach to assess Project-related effects to the productivity of marine biophysical VCs. Modelling of ecosystem productivity was one of several tools used to inform effects assessments. Productivity is a measure of the amount of plant and animal biological material (or biomass) produced within an area over a given amount of time. A predator-prey food web for the Roberts Bank ecosystem was developed to represent the linkages and interactions between marine vegetation, invertebrates, fish, mammals, and coastal bird species that influence the productivity of the ecosystem. The model calculates productivity changes to 58 functional groups to represent the complex interactions of this ecosystem; productivity changes to each of these groups calculated by the model are presented in EIS Appendix 10-C. The results are presented as changes to biomass in the groups, not species' abundance (number of individuals). The model was also used to predict the productivity of proposed on-site habitat that would be created to offset expected Project-related effects on the productivity of marine biophysical VCs.	**EIS** 10.0 Biophysical Setting Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run
HFN-16.4	Concerned with the potential for RBT2 to constrain crabbing areas. Stated that fishing will be confined to a smaller area and there is concern regarding crowding. Stated that their use of the Roberts Bank area has increased recently because crabs in proximity to Penelakut are contaminated by the Crofton Mill. Stated that they rely on crab taken from the RBT2 area to support its food, social and ceremonial fishery and its traditional way of life. Requested an explanation as to why potential adverse effects on crab harvesting is deemed negligible.	17-Jun-2015, Meeting with Cowichan Nation Alliance 15-Jun-2015, Letter to the Canadian Environmental Assessment Agency (CEA Agency) from Halalt First Nation (CEAR Document #253)	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **28-Jul-2016, Issues Workshop – Island Nations:** The VFPA hosted an issues workshop where concerns raised about project impacts to crab where discussed along with proposed mitigation measures. Explained that the EIS section for current use/rights considers the navigational closure area. FSC harvesters can access this closure area to crab without floats; commercial and other harvesters cannot. That closure area would be expanded to accommodate the new terminal and would increase in size. The idea would be that VFPA would work with DFO to continue the practice to only allow FSC crabbing within that area. We also have identified other consultation mechanisms to continue engagement with Aboriginal groups regarding monitoring/follow up programs regarding resources relied upon by Aboriginal groups. We have	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures, and will	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions With the Project - Potential Project-Related Effects

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			identified the opportunity for future VFPA-Aboriginal group collaboration. **12-Apr-2018, Letter from the VFPA to Halalt First Nation:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in response to IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	**Information Requests** Response to Sufficiency Information Request #07 (IR10-07)

Halalt First Nation

Table 17: Marine Water Quality

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-17.1	Asked if a change in salinity can have an effect on marine mammals, marine fish, and marine vegetation such as eelgrass.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that there will be extensive discussion around all of the VCs and how they relate to these ICs. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presentations on marine mammals, marine fish, and marine vegetation were provided to Cowichan Nation Alliance in Workshop #2. The VFPA presented that Roberts Bank is dynamic, highly variable, estuarine environment and that biofilm has adapted to a wide range of salinity variability. Explained that the VFPA will monitor and evaluate to confirm changes in water quality (salinity) and sediment erosion and deposition patterns through its Follow-up Program. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#50):** Changes in hydrology are predicted to affect salinity and turbidity levels, and increase sediment deposition as a result of the Project, but these changes are anticipated to be minimal relative to existing natural variability. These localised indirect effects of changes in hydrology on habitat are evaluated in the marine biophysical component effects assessments, including marine vegetation, marine invertebrates, marine fish, and coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.6 Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish 13.6.2 Negligible Effects 14.0 Marine Mammals 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.4 Potential Effects of the Project on Steller Sea Lions 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting

Table 18: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-18.1	Concerned with cumulative effects to Aboriginal rights associated with marine shipping. Stated that increases in shipping will result in "death by a thousand cuts". Concerned that the draft Current Use Summary does not include effects from malfunctions or accidents, as well as cumulative environmental effects.	17-Jun-2015, Meeting with Cowichan Nation Alliance 09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Explained that the document shared by the VFPA on July 27, 2015 included a draft summary of CNA's current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. Noted that these topics will be addressed in the Report to be submitted to the Canadian Environmental Assessment Agency ("CEAA") in the fall of 2015. **09-Nov-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the MSA for the proposed Project, which included its assessment of cumulative effects in MSA Section 6.0.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping a without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
HFN-18.2	Stated that Canada, B.C., Parks and First Nations are working to establish the National Marine Conservation Initiative in the Gulf Islands. Concerned with impacts from shipping to this initiative and conservation areas.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency. **09-Nov-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Appendix 5-B (#26):** The conservation areas within the marine shipping area are described in MSA Section 2.1.2 and shown on MSA Figure 2-2. The extent to which potential effects of marine shipping associated with the Project are predicted to occur within conservation areas is addressed within each relevant IC or VC section.	**MSA** 2.0 Geographic Setting 2.1.2 Species at Risk and Conservation Areas Figure 2-2 Conservation Areas in and near the Marine Shipping Area Appendix 5-B Aboriginal Issues and Interests
HFN-18.3	Concerned with the impacts of marine shipping to short fishing openings.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. Noted that the VFPA is not involved in setting the regulations for Aboriginal fisheries. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency. **09-Nov-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Section 9.2:** Potential effects of vessel transit from Project-associated shipping on commercial fish and seafood harvesting marine area displacement, access, fish and seafood availability, and gear damage or loss would not be measurable from existing conditions and are therefore considered to be negligible. Potential consequential effects on harvest and associated revenues of commercial fishing and seafood enterprises are also considered to be negligible. When all lines of evidence are considered, the effect of vessel transit on commercial fishing and seafood harvesting is considered to be negligible.	**MSA** 9.2 Marine Commercial Use 9.2.5.1 Negligible Effects
HFN-18.4	Requested more information on increased vessel traffic. Concerned with increase vessel traffic within Halalt territory and that Project will result in more ships in shipping lanes, traveling through Coast Salish fishing areas, at and beyond Roberts Bank.	18-Sep-2014, Meeting with Halalt First Nation	**18-Sep-2014, Meeting:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the MSA for the proposed Project, which included MSA.	**Addressed in MSA Section 4.0:** MSA Section 4.0 contains vessel traffic numbers related to vessel traffic occurring outside the VFPA's jurisdiction. **Addressed in response to IR4-04:** The VFPA's response to IR4-04 provides updated vessel movements for all marine shipping area segments in 2012 and projected movements in 2030. **Addressed in MSA Section 9.2:** Potential effects of vessel transit from Project-associated shipping on commercial fish and seafood harvesting marine area displacement, access, fish and seafood availability, and gear damage or loss would not be measurable from existing conditions and are therefore considered to be negligible. Potential consequential effects on harvest and associated	**MSA** 4.0 Activity Description Appendix 5-B Aboriginal Issues and Interests 9.1 Human Health 9.2 Marine Commercial Use 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 10.0 Potential Accidents or Malfunctions **Information Requests** Response to Sufficiency Information Request #04 (IR4-04 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				revenues of commercial fishing and seafood enterprises are also considered to be negligible. When all lines of evidence are considered, the effect of vessel transit on commercial fishing and seafood harvesting is considered to be negligible. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios	

Halalt First Nation

Table 19: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-19.1	Concerned with the potential effects of the Project on eelgrass habitat for crabs and other species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **28-Jul-2016, Workshop:** Explained that the EIS predicted a negligible effect on eelgrass overall. There is a negligible effect which is offset through transplants. The placement of the terminal will also create a wave shadow causing more optimal conditions for eelgrass growth. We don't believe there will be eelgrass mediated effects to crabs.	**Addressed in EIS Appendix 7.2-B (#68):** Potential effects on eelgrass habitat, as well as on crabs and other species that use eelgrass habitat, are described in the EIS. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass is a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 11.7.2 Reduction and Off-setting Measures 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 12.7.2 Mitigation #1 for Direct Mortality
HFN-19.2	Concerned with the conclusions of significance for biofilm including for the cumulative effects assessment. Asked about the certainty of confidence modelling and whether it is possible to see the results from an independent third party review on the marine vegetation effects assessment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the confidence for biofilm is relatively high. Studies were not limited to modelling; the Roberts Bank ecosystem model is not being relied upon for the confidence prediction. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **24-Apr-2017, Email from the VFPA to Halalt First Nation:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	**Addressed in EIS Appendix 7.2-B (#63):** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the marine vegetation assessment, will be subject to an independent review. The scope and methods of the marine vegetation study are presented in EIS Section 11.0. The assessment of marine vegetation focused on eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Studies were informed by engagement with the Shorebirds-Biofilm TAG and regulatory agencies. The LAA included Roberts Bank, and the RAA included Roberts Bank, Roberts Bank North, the lower Fraser River, Canoe Passage, and Boundary Bay. Existing conditions were characterised for representative species for each of eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Existing conditions for marine vegetation are influenced by previous developments, including the development of the Roberts Bank and BC Ferries terminals, the dynamic natural environment, and species that forage on marine vegetation. Overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of environmental management plans and the creation of habitat. The overall productivity increase is due to sheltering of the intertidal zone shoreward of the terminal, which would optimise physical conditions for marine vegetation. During Project construction and operation, changes in productivity of eelgrass, biofilm, and biomat are predicted to be negligible (i.e., not measurable or detectable), while increases in productivity of intertidal marsh is expected. Productivity of rockweed, a macroalgae, is predicted to decrease during construction and operation. This decrease can	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				be mitigated through the creation of onsite subtidal rock reef habitat. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity but is expected to return to existing conditions outside of the annual freshet period. The assessment concludes that there are no significant adverse residual effects from the Project to marine vegetation, as it will continue to maintain its existing ecological functions. The Project is not expected to result in any incremental cumulative effects to marine vegetation. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing; • Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
HFN-19.3	Asked for clarification on the statement that biomat and biofilm are relatively new to science. Asked if there could be other things that the biologists are not aware of.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that biofilm is relatively new to science in that it was first discovered at Roberts Bank in 2003, in association with work being undertaken for the DP3 project. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **24-Apr-2017, Email from the VFPA to Halalt First Nation:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm	**Addressed in EIS Section 11.0 and EIS Appendix 7.2-B (#65):** Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment, and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which for the purposes of the marine vegetation effects assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing;	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6. Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	• Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
HFN-19.4	Concerned about the role of offsetting within the determination of residual effects. Requested more information related to habitat offsetting.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the potential effect would be site-specific to RBT2. This presentation does not discuss any offsetting work that the VFPA would consider in conjunction with the Project. This assessment looks at whether there are any potential effects, and considers how they could be avoided or mitigated. If they cannot be avoided or mitigated and there is a residual effect that is when offsetting would be considered. The VFPA is undertaking an extensive program for offsetting. For marine vegetation, there are two potential Project-related effects. The first is decreased productivity, for which mitigation measures (including offsetting) are anticipated to result in there being no residual effects. The VFPA referred to slide 17 (of Marine Vegetation presentation, Cowichan Nation Alliance Workshop #2), which is a table of the marine vegetation sub-component species and their expected difference in productivity between future conditions without the Project and future conditions with the Project. There is an onsite habitat mitigation program, where work would be expected to be conducted right at and near the terminal. It is anticipated that work will be successful. Some measures may be able to be done in advance, and we will know whether or not they are successful. There is also a commitment to monitor. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses	**Addressed in EIS Appendix 7.2-B (#28):** Project-related effects on marine biophysical VCs that cannot be fully mitigated through avoidance or reduction or other mitigation measures will be addressed through offsetting. Offsetting proposed for this Project is focused on the creation and enhancement of biophysical habitats that currently support species of the Roberts Bank ecosystem. The concepts proposed are consistent with current legislation and policy and are based on well-established techniques that have been successfully implemented at Roberts Bank, elsewhere in B.C., and in the Pacific Northwest. The EIS includes a description of onsite habitat concepts to offset potential decreases in productivity, including the identification of beneficial habitat types for each of the VC sub-components, and representative species and groups where applicable. **Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The five habitat types considered for onsite offsetting include: • Intertidal marsh: Important for shoreline stabilisation, gas and nutrient regulation, contaminant filtering, and nutrient supply, as well as providing structural habitat used for shelter and food by organisms. Some of the species that use intertidal marsh habitat at Roberts Bank include bivalve shellfish, Dungeness crabs, juvenile Chinook salmon, shiner perch, sand lance, and waterfowl. Approximately 15 ha of intertidal marsh is proposed along the widened causeway and in the S-bend of the new terminal. • Sandy gravel beach: Provides spawning area for forage fish, including surf smelt, Pacific herring, and sand lance. Two sandy gravel beaches, totalling approximately 4.5 ha, are proposed along the widened causeway. The beaches are intended to provide attachment-type habitat and substrate suitable for marine vegetation and invertebrates, and to benefit some of their predators (e.g., juvenile Chinook salmon, waterfowl, and American wigeon). • Mudflat: Plays a role in dissipating wave energy and supports large numbers of birds and fish. Mudflats also support biofilm, an important component of the food web in estuarine and coastal ecosystems. Approximately 4.5 ha of mudflats is proposed along the widened causeway and in the S-Bend of the new terminal. Biofilm,	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3 Offsetting Potential Effects 17.3.2 Offsetting Potential Effects, Offsetting Framework

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				invertebrates, waterfowl, and shorebirds will benefit from this habitat. • Subtidal rock reefs: Support rockfish populations and assist in meeting fisheries management objectives to alleviate historic declines of regional populations. The creation of approximately two hectares of reef habitat will benefit macroalgae vegetation, and provide refuge, feeding, and spawning habitat for invertebrates, fish, and birds. • Eelgrass: Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS.	
HFN-19.5	Concerned that the assessment excludes marine vegetation that is culturally important to Cowichan Nation Alliance and could be impacted by the Project. Requested that 'coastal terrestrial vegetation' be identified as a distinct Valued Component.	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by the Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** The VFPA hosted two workshops for Indigenous groups on the VCs providing them with an opportunity to comment on the proposed VCs. For coastal terrestrial vegetation, there is no interaction with the Project and the terrestrial environment, either directly or indirectly, due to the marine-based nature of the Project, and therefore no effects are anticipated.	**Addressed in EIS Section 8.0:** The process for selecting VCs is described in EIS Section 8.0. Rationale for not selecting terrestrial vegetation as a VC is provided in EIS Appendix 8-A. Terrestrial vegetation on the Roberts Bank causeway to the track tie-in location (a less than 1 ha area with in the British Columbia Rail (BCR) right-of-way) is characteristic of highly disturbed sites. Terrestrial vegetation of ecological value does not occur proximal to the Project. Additionally, the Project area does not contain any wetlands above the high water level. Wetlands below high water level are included in the marine vegetation VC.	**EIS** 8.0 Effects Assessment Methods Appendix 8-A Valued Component Selection Rationale Table 8-A2 Rationales for Candidate Component Exclusion Decisions and Other Considerations

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Table 20: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-20.1	Asked what the rationale is for including fish refugia in the caisson design.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Section 13.0 Marine Fish.	**Addressed in EIS Sections 4.0 and 13.0:** A mitigation opportunity for marine fish during operation of the terminal includes provision of refuge habitat in the caissons. To increase the availability and connectivity of refuge habitat for marine fish, and to provide a diversity of potential food sources, design options for the caisson face have been considered (EIS Section 4.0) and are described further in EIS Section 13.7.1.3. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The upper portions of the caissons are not filled with ballast rock, only water. In previous projects, such as DP3, a decision was made to provide an opening into every 2nd or 3rd caisson to allow fish and marine creatures to seek refuge inside this water filled area of the caisson. This fish refugia concept was carried over in the design for the proposed Project. It is an accepted DFO habitat development concept.	**EIS** 4.0 Project Description 13.0 Marine Fish 13.7.1.3 Caisson Fish Habitat
HFN-20.2	Asked what the mortality rate during crab salvage efforts would be during molting season.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Stated that mortality related to construction activities has not been quantified. Assumptions would have to be made around density, which could be done; the VFPA is hoping that the mitigation will be good enough in that crabs will be trapped and removed from the construction area, and timing windows would be respected to reduce mortality.	**Addressed in response to IR5-04:** The VFPA's response to IR5-04 discusses the planned approach for crab salvage during the construction of RBT2. Salvages are planned for all Project activities that have the potential to cause direct mortality to legal-sized male and gravid female Dungeness crabs. A list and schedule of proposed Project activities is provided in Table IR5-04-1; the activities for which Dungeness crab mortality or injury may occur are indicated, and for those activities that may cause mortality or injury, plans for salvages are also indicated.	**Information Requests** Response to Sufficiency Information Request #4 (IR5-04 of CEAR Document #1209)
HFN-20.3	Requested details regarding lessons learned from previous habitat creation programs and how these lessons have been considered within the EIS.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since it is not required by the EIS Guidelines. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, and Malahat First Nation:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3. This included a presentation on DP3's Habitat Compensation Plan.	**Addressed in responses to IR7-28:** The VFPA's forthcoming response to IR7-28, as requested by the Review Panel, will discuss the effectiveness of past fish habitat compensation measures.	**Information Requests** Response to Sufficiency Information Request #28 (IR7-28)

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Table 21: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

HFN-21.1	Concerned about potential noise effects from shunting to wildlife and humans.
	Stated that members are affected and interrupted by the shunting.
	Asked if the numbers (of noise events) presented are an expected average over a 24-hour period.
		22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:**
			Recorded comment for consideration by Project team.
			01-Apr-2015, Letter from the VFPA to Halalt First Nation:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.
			19-Apr-2016, Letter from the VFPA to Halalt First Nation:
			Shared meeting notes from the 22-Oct-2014 workshop, which included the following post-meeting note: Stated that the number of noise events is predicted on a per-hour basis.
				Addressed in EIS Appendix 7.2-B (#43):
				The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS.
				The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use.
				The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic.
				The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration.
				Mitigation measures related to noise are included in the human health assessment (EIS Section 27.9.2).
				The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration.
				The assessment concluded that:
				• Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible.
				• The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors.
				• Some changes in noise conditions that could be perceptible include:
				  ○ Increased noise during periods of peak construction activity.
				  ○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals.
				  ○ Increased noise in marine areas is expected to be perceptible close to the terminal.
				  ○ The construction and operation of the marine terminal and causeway is not expected to result in perceptible increases in levels of ground-borne vibration.
				Suggested mitigations were considered in the development of proposed mitigation for Project-related changes in noise. Noise Management Plans would be developed for construction and operation phases and would integrate with the VFPA's existing noise monitoring programs.
				Mitigation of construction-related noise would include:
				• Scheduling of higher-noise generating activities during weekdays, and during the daytime;
				• Shutdown of equipment and vehicles when not in use;
				• Utilisation of equipment that produces less noise; and
					EIS
					Appendix 7.2-B Aboriginal Groups Interests and Issues Table
					9.3 Noise and Vibration
					9.3.6 Methods
					9.3.7 Existing Conditions
					9.3.9 Future Conditions with the Project
					9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities
					9.8 Underwater Noise
					13.0 Marine Fish
					13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity
					14.0 Marine Mammals
					14.6 Future Conditions with the Project
					15.0 Coastal Birds
					15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity
					27.0 Human Health
					27.6 Future Conditions With the Project - Potential Project-Related Effects:
					27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise
					27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance
					27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity
					27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects
					27.9.2 Significance Determination

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				• Awareness and training for construction crews. Mitigation for operation-related noise would include: • Optimised tonality of equipment alarms to limit audibility on shore while meeting safety requirements; • Operator awareness and training; and • Regular maintenance of equipment (e.g., lubrication of pulleys and other moving parts, replacement of deteriorated exhaust mufflers, maintaining efficiencies of engines through servicing).	
HFN-21.2	Noted that Penelakut has a village site at the north end of Galiano Island at Porlier Pass. Asked if studies were done on the west side of Porlier Pass and the Gulf Island passages.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Referred to the work carried out by acoustician that determined the areas identified in the slide is where noise is expected to go. Stated that sound does not necessarily travel with currents. Rather, it bounces off of surfaces. There is likely to be noise in that area, but not Project noise, which is what the slides are referring to. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#44):** The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3. The marine study area includes all marine areas within 10 km of the proposed terminal, including areas at the mouth of the Fraser River and Canoe Passage, north of the northern tip of Westham Island. The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.3 Noise and Vibration

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Table 22: Outdoor Recreation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-22.1	Concerned that the data provided in the recreational fishing studies is not representative of the Project area. Suggested that a study of recreational fisheries in the area should be included within the EIS. Stated that the recreational fishing studies provide broad data for the entire Salish Sea. Stated that basing local recreational fisheries from this data is unrepresentative of the fisheries around the proposed Project.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 24.0:** EIS Section 24.4 presents a listing of secondary sources of information for outdoor recreation, including the use of DFO recreation harvesting statistics and fishing management plans and relevant recreational fishing and hunting restrictions as set out by DFO, Ministry of Forests, Lands and Natural Resource Operations (MFLNRO), and Delta. The assessment concludes that the Project footprint and proposed expansion of the area closed to recreational crabbing are expected to result in the displacement of recreational crab harvesters. Recreational crab harvesters that currently use the western side of the Roberts Bank terminals would be required to move to other areas. Following mitigation, the residual effect of displacement is determined to be negligible. The Project is not expected to result in measurable adverse residual effects to outdoor recreation. The Project is not expected to result in any incremental cumulative effects to outdoor recreation.	**EIS** 24.0 Outdoor Recreation 24.4 Information Sources

Table 23: Port Operations

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-23.1	Asked where ships currently re-fuel in the VFPA's jurisdiction.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Section 4.4.2.1 Container Ship Manoeuvres.	**Addressed in EIS Section 4.4.2.1:** Facilities to support bunkering of ships do not exist at Roberts Bank, nor does the Project include any facilities to support bunkering. Container ships usually bunker at one of their home ports. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** Container ships cannot re-fuel at Roberts Bank. Container ships are on a tight schedule and will arrange to pick up fuel at a location where they will be at berth for a longer time (home port) and where fuel is less expensive, usually in Asia. Vessels within the VFPA's jurisdiction that need to re-fuel will typically take on fuel in Burrard Inlet, alongside at berth or at one of the designated anchorages in the inlet. The fuel is delivered to the vessels by barge, either from the Stanovan Marine Terminal (Chevron) in Burnaby or the Shellburn Marine Terminal (Shell Canada), also in Burnaby. Tugs used to guide the container ships during arrival and departure, bunker at the Chevron marine fuelling station in Burrard inlet.	**EIS** 4.4.2.1 Container Ship Manoeuvres
HFN-23.2	Concerned about traffic and increased use of anchorages around the Gulf Islands. Concerned about increased number of large ships anchoring in Cowichan Tribes territory. Stated that increased shipping traffic from the proposed Project would likely increase the frequency of these freighters anchoring in Cowichan Bay. Concerned with sewage effluent and ships moored and anchored south of Penelakut and north of Thetis Island. Stated that ships are dumping effluent and it is impacting their beaches. Stated that they are there for two weeks and does not know why they would not be in the Fraser River.	17-Jun-2014, Technical Working Group Meeting #4 09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of the Cowichan Nation Alliance 18-April-2017, Chief & Council Meeting – Cowichan Nation Alliance 07-Nov-2017, Cowichan Nation Alliance Meeting with Federal Agencies	**17-Jun-2014, Meeting:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Referred Cowichan Nation Alliance to Section 3.3.2 of the Marine Shipping Overview document sent to Cowichan Nation Alliance on May 26, 2015: There are no plans, or foreseen terminal operating requirements, for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Container ships operate on a scheduled service, usually between Asia and the west coast, and adjust their speeds as required to arrive at the terminal within their assigned	**Addressed in EIS Appendix 7.2-B:** The scope of the Project, as defined in the *EIS Guidelines* issued by the CEA Agency, includes vessel movements within VFPA jurisdiction, including approach, berthing, unberthing, and departure from the terminal. The assessment does not include the anchoring of ships in the Gulf Island area. The MSA includes an assessment of the impacts of Project-associated marine shipping outside the VFPA's jurisdiction. For questions regarding island anchorages, please contact the CEO of the Pacific Pilotage Authority at [email address]. **Addressed in MSA Appendix 5-B (#3):** Anchorage is discussed in MSA Section 4.0. Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance,	**EIS** 4.4.2.1 Container Ship Manoeuvres Appendix 7.2-B Aboriginal Groups Interests and Issues Table **MSA** 4.0 Activity Description 4.2.2.2 Anchorage Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #01 (IR5-01 of CEAR Document #1078) **TC IR-07 of CEAR Document #982 from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			arrival window; thus, anchorage is not a normal requirement. Exception to this could occur in the event of an extreme storm event in the Pacific Ocean, resulting in a refuge anchorage requirement for safety reasons or to accommodate unexpected ship-specific maintenance personnel, or operation issues that may arise. Container ship anchorages for Deltaport Terminal in 2012 and 2013 were rare, with a frequency range of three to four per year out of an approximate annual total of 270 ship calls to Deltaport Terminal in each of those years. The same frequency can be assumed for marine shipping associated with RBT2, resulting in approximately three to four unforeseen container ship anchorages per year. As defined in the *EIS Guidelines*, issued by the CEA Agency, the scope of the Project includes marine transportation within the VFPA's jurisdiction. Ship traffic through the Gulf Islands is outside of the scope of the Project. The MSA includes an assessment of potential effects associated with marine shipping outside the VFPA's jurisdiction. The spatial boundaries are included in the noise and vibration (EIS Section 9.3) and underwater noise (EIS Section 9.8) assessments. Project-related changes to noise and vibration, both above water and underwater, are not expected to extend from the Project area into this area. The appropriate authority for comments related to island anchorages is the Pacific Pilotage Authority (contact information provided). **18-April-2017, Meeting:** Recorded comment for consideration. **07-Nov-2017, Meeting:** The Cowichan Nation Alliance met with federal agencies, including the CEA Agency, Transport Canada, ECCC, Health Canada, DFO, NRC, and the Canadian Coast Guard. Transport Canada committed to connect the Cowichan Nation Alliance with a representative of Transport Canada to discuss anchorage concerns further. **16-Nov-2017, Email from the CEA Agency to Halalt First Nation:** Provided draft meeting notes from the 07-Nov-2017 meeting, which included a link to IR5-01 that discusses aspects of anchorage outside of the VFPA's jurisdiction, and TC IR-07.	personnel, or operation issues that may arise. The assessment of marine shipping associated with the Project is based on a routine vessel transit scenario. Because anchorage only occurs in rare circumstances, anchorage is not assessed as an activity related to marine shipping associated with the Project. **Additional information provided in response to IR5-01:** The VFPA's response to IR5-01 generally discusses aspects of anchorage outside of the VFPA's jurisdiction. Notably, it references detailed information regarding anchorages in Transport Canada's response to Panel information request TC IR-07 from Transport Canada to the Review Panel. Transport Canada's response to information request TC IR-07 tabulates detailed information regarding anchorages and minimum, mean, and maximum number of days in Appendix D (Pacific Pilotage Authority Anchorage Usage Data 2012 – 2016 for the Pacific Pilotage Authority Marine Shipping Area). As shown in these tables, a total of 124 anchorages occurred between 2012 and 2016 for container vessels destined for VFPA jurisdiction, and the mean number of anchorage days was 2.69, with a minimum of 0.05 days and a maximum of 83.64 days. **Additional information provided by the VFPA:** Information regarding an interim protocol for the use of Southern B.C. Anchorages can be found on Transport Canada's website. The following text is an excerpt from the *Interim Protocol for the Use of Southern B.C. Anchorages webpage*: An interim protocol for the use of Southern B.C. anchorages has been developed by Transport Canada in collaboration with the Chamber of Shipping of BC, the Shipping Federation of Canada, the Pacific Pilotage Authority, the VFPA, and the Port of Nanaimo (working group members). It also takes into account comments provided to Transport Canada by coastal communities about the impact of increased use of anchorages in their surrounding waters. Drafts of the interim protocol were also shared with coastal communities and Indigenous groups. Under the protocol, the VFPA assigns anchorages as equitably as possible, subject to individual anchorage size restrictions, using their computerised queueing system, which takes into account the dimensions of the vessel and specific anchorage usage over the previous 30 days. The objective of this approach is to balance the usage, so that no single anchorage is in constant use, and that that there is an equitable rotation of use through all suitable anchorages. Noise and Lights:	**Interim Protocol for the Use of Southern B.C. Anchorages. Available at:** **https://www.tc.gc.ca/en/services/marine/ports-harbours/interim-protocol-use-southern-bc-anchorages.html**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				All vessels, while at anchor, should minimise noise levels and light usage in consideration of local residents. The following guidelines apply: Noise: • Generator usage should be reduced to the minimum required generator(s) to operate essential services and systems; • External doors and hatches to machinery spaces must be kept closed as often as possible; • Use of power tools and chipping hammers must be kept to a minimum and is not permitted on deck on weekends, nor between 1900 and 0700 hours on weekdays. Lights: • While the vessel is to be lit in compliance with the Collision Regulations, deck lights must be kept to a minimum, and • Lighting used to illuminate Concerns with any of the specifics related to the responsibilities of ships at anchor (e.g., noise, light) within the protocol, can be reported to the VFPA Operations Centre. The VFPA Operations Centre will relay the complaints to the vessel agent with a copy to the Chamber of Shipping of BC, the Shipping Federation of Canada, and Transport Canada with the request to follow up with the vessel. The Interim Protocol is a temporary and voluntary measure that addresses some of the concerns Canada and the Port have heard in recent years. The Oceans Protection Plan, National Anchorage Framework will be undertaking the studies and consultation necessary to develop principles that determine the location and management practices for anchorages outside of ports in the future. In 2017, Transport Canada announced the Oceans Protection Plan's Anchorages initiative. The Anchorages Initiative will engage governments, marine industry, Indigenous groups, community organisations, and stakeholders to: • Develop a process to identify potential anchorage locations; • Analyse and respond to environmental, economic, cultural, safety and security concerns now and over the long-term; • Draft a "best practices at anchor" manual; and • Propose oversight/management options for anchorage locations outside the port authority's boundaries. The comprehensive review will use an evidence-based approach, and includes hearing feedback on issues from Indigenous groups, coastal communities, other levels of governments, and industry.	

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Results and lessons learned from the Interim Protocol will help inform the national Anchorages Initiative.	
HFN-23.3	Related concerns regarding: • Pollution impacts from anchoring ships to shellfish; • Ships not following proper bilge water regulations; • Invasive species of clams being introduced and varnish clams disappearing; and • Invasive species of mussels (blue) being introduced to Penelakut territory.	17-Jun-2014, Technical Working Group Meeting #4	**17-Jun-2014, Meeting:** There are regulations currently in place that prevent the discharge of bilge water in VFPA jurisdiction. Similarly, vessels that enter VFPA jurisdiction are not permitted to release raw sewage effluent. If required, untreated sewage can be discharged at least 12 miles (19.3 km) from shore with the ship moving faster than 4 knots. If sewage is comminuted (i.e., blended or pulverised), discharges can take place 3 miles (4.8 km) from shore. For ships equipped with approved treatment plants there are also limits to the permissible coliform counts	**Addressed in EIS Section 13.6.2.1:** Potential operation-phase changes from wastewater (sewage) and stormwater discharges, and discharges from ships (bilge water and ballast water) are not expected to affect marine vegetation due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures described in EIS Section 4.2.1, and the implementation of regulatory requirements and guidelines (refer to EIS Section 9.7.8 for more information). **Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. *Spartina* Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6.2.1 Changes in Water Quality

Halalt First Nation

Table 24: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-24.1	Asked who is responsible for the cost of clean-up in the event of a spill and who is responsible for compensation of lost food sources for First Nations people. Stated that the VFPA should be held accountable, not just the shipper. Asked how the VFPA is bolstering WCMRC capacity to respond. Asked whether the VFPA contributes to WCMRC. Asked if Canada's compensation regime for impacts from a major container vessel casualty from its containers, debris, and/or wreckage fully compensate for natural resource damages, as well as to Cowichan Nation Alliance subsistence (non-commercial) and traditional fisheries. If yes, what are these compensation avenues?	07-Oct-2014, Aboriginal Groups Workshop #1 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**07-Oct-2014, Workshop:** Explained that with WCMRC, each vessel (i.e. the shipping company), the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project in the first place, must have a formal agreement with WCMRC, and pay into the fund/service, and then WCMRC responds to the spills. **22-Oct-2014, Workshop:** Stated that the framework of responsibility is based on the polluter pays principle. Each vessel, the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project, must have a formal agreement with Western Canada Marine Response Corporation (WCMRC), and pay into the fund/service, and then WCMRC responds to the spills. Stated that the VFPA would be responsible for the safe access and transit to or from the site, and implementing changes to navigation patterns to keep people clear of a potential spill. Increased traffic and risk of collision is considered in the assessment. The review panel will need to consider the VFPA's role in such an incident. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.*	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on liability on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm **Additional information provided by the VFPA:** The *Canada Shipping Act (2001)* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions 30.3.3 Port Metro Vancouver Practices and Procedures Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
HFN-24.2	Concerned that the assessment for accidents and malfunctions should consider extreme weather events, not only ideal/normal weather patterns.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the VFPA is taking a conservative and worst-case scenario approach, so weather extremes are considered. The worst weather condition might also be overlaid with the timing of something such as spawning season, for the purposes of the assessment.	**Addressed in EIS Appendix 7.2-B (#213):** A description of how local conditions and natural hazards, such as severe or extreme weather conditions and weather-related events, could adversely affect the Project, and how these in turn, could affect the environment, is presented in EIS Section 31.0. Project design and management measures capable of mitigating the effects of extreme weather conditions on the Project also will effectively address any potential effects associated with ideal/normal weather patterns. As described in EIS Section 9.1, climate is recognised as one of the primary drivers in shaping the Roberts Bank ecosystem. The influence of weather patterns typical for	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.1 Climate, Coastal Conditions, and

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA to Halalt First Nation: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	south coast B.C. and Roberts Bank are considered as an aspect of the Project's physical setting in existing conditions, expected conditions, and future conditions in the assessment of Project-related effects on the ICs and VCs.	Geotechnical Considerations 31.0 Effects of the Environment on the Project 31.2.1 Extreme Weather and Weather-related Events
HFN-24.3	Requested a list of hazardous materials/dangerous goods that are shipped in containers. Asked if there has been an assessment done on which hazardous materials are currently being handled in the Port.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded the Port has records and statistics on the contents of containers Noted that more information on the contents of containers would be provided in the EIS. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx. The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 10.0 Potential Accidents or Malfunctions
HFN-24.4	Asked if shipping of hydrocarbons in containers has been included in the assessment, as hydrocarbons are being increasingly shipped by rail, resulting in incidents. Asked if there is an increase in the movement of coal contemplated in the Project.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that there have not been plans or projections for a change in the distribution of contents of containers. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Interests and Issues Table
HFN-24.5	Concerned about the increased tanker traffic including oil spills, spill response, vessel safety, invasive species and cumulative effects.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use were	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Further information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The proposed Project is being designed to exclusively handle containers. There will be no additional tankers as a result of the Project. The proposed Project will undergo a thorough and independent environmental assessment, which will include a component that will look at potential cumulative effects and potential for spills.	
HFN-24.6	Concerned that bunker fuel or cargo spill would be distributed by ocean currents - not just in shipping lanes.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** The document shared by the VFPA on July 27, 2015 included a draft summary of Cowichan Nation Alliance's Current Use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the report to be submitted to the CEA Agency in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with Cowichan Nation Alliance on May 26, 2015, or the *Updated EIS Guidelines*, issued by the CEA Agency on April 17, 2015.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario. **Addressed in MSA Section 10.0:** The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation
HFN-24.7	Concerned with the safety of those participating in Tribal Journeys.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** Stated that potential effects will be addressed in the MSA, which will be submitted to the CEA Agency.	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0, as well as EIS Appendix 30-A. Data collected by DFO between 2008 and 2012 for vessels in DFO sub-areas encompassing Canadian and U.S. waters transited by ships bound for Roberts Bank was reviewed. These data indicated that daily fishing vessel numbers in the area are	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			09-Nov-2015, Letter from the VFPA to Halalt First Nation: Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's response.	low (i.e., no vessels per sub-area on most days; maximum of six vessels on one day in the largest sub-area). On this basis, the quantitated risk assessment estimated the return period for a collision involving a container ship and a fishing vessel as 1 in 50 years, equivalent to a 'very low' probability in this assessment. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues. **Addressed in MSA Section 10.0:** Includes a description of applicable collision risk reduction measures. The assessment of Current Use considers the risk of collision, and perceptions of safety and determined that residual effects of the collision scenario on Current Use was considered significant, though unlikely to occur. **Addressed in response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the Project.	Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions **Information Requests** Response to Sufficiency Information Request #15 (IR10-15)
HFN-24.8	Asked if there will be timely and adequate rescue and tow of a disabled container vessel that is undertaken by a tug of adequate. If yes will these be commercial tugs of opportunity or a dedicated response tug operated by trained and experienced crew for high seas rescue.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
HFN-24.9	Asked if there will be timely and adequate salvage capability provided for a container vessel threatened or stricken with structural failure and needing hull patching and/or container cargo removal? If yes, will the salvage services be from a company sourced internationally, or will services be provided by a salvor representative whose office resides in B.C. and has repositioned equipment strategically located for rapid deployment? What will the timelines be for each salvage service (stability analysis, fire-fighting, hull patching, towing, cargo/fuel removal, shore clean-up) within the marine study area?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-24.10	Asked if there will be planning and collaboration by Transport Canada with the Cowichan Nation Alliance on potential places of refuge within our Traditional Territory Stated that if yes, what are Transport Canada's intentions and approaches?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada's response to information request TC IR-07 discusses planning and collaboration in the development of new places of refuge. In its response, Transport Canada notes it "recently led a review and update of the Pacific regional POR [place of refuge] plan. The plan provides guidance in regional POR planning and decision-making for federal, provincial, First Nations, municipal and non- government partners, and includes a more comprehensive and cooperative mechanism for risk assessment and decision-making. As the federal government retains responsibility for marine shipping, if the urgency of the situation requires immediate action, Transport Canada and Canadian Coast Guard will initiate action under the *Canada Shipping Act, 2001* and engage with other partners (e.g., Province of BC, Public Safety Canada, Parks Canada, Environment and Climate Change Canada, First Nations, municipalities) as soon as possible thereafter using the plan, including the Incident Command System and Unified Command. Under the Oceans Protection Plan, places of refuge engagement will be expanded to the rest of the Pacific coast to enhance the plan with new sub-regional annexes, including for the South Coast, summarising the navigation criteria, in balance with the environmental, socio-economic and cultural values of First Nations and local communities that may be exposed to some risk from a POR decision. These new annexes will modify and/or update current pre-surveyed places of refuge, from the existing regional plan dated 2009. It should be noted that "pre-surveyed" doesn't mean "pre-designated". Actual assignment of a place of refuge anchorage is undertaken in accordance with this plan, using a cooperative risk assessment and decision-making process whenever time and operational imperatives allow. Engagement with other First Nations and coastal communities will ensure these annexes are developed in a balanced and fully informed manner."	**TC IR-07 (CEAR Document #982) from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017**
HFN-24.11	Asked if there are regions and periods whereby sea conditions for daylight oil spill and/or container-debris response are not safe or ineffective within our Traditional Territory. If yes, what would be the frequency of limiting factors such as: waves, wind, fog, currents, etc. within the marine study area?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
HFN-24.12	As a precautionary approach are current and future environmental impact assessments for vessel casualty scenarios and associated means for mitigation to be based on worst-case analysis rather than relying on statistical analysis to render consequences and preparedness lower as "credible" or "plausible" worst-case scenarios? For risk determination and emergency preparedness purposes, what	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** The methods used to assess the potential accidents and malfunctions are consistent with the *EIS Guidelines* issued by the CEA Agency. **Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	***Updated EIS Guidelines*** **Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	direction does Transport Canada provide to the shipping industry and for federal impact assessments in defining the nature, scale and scope of major vessel casualty's consequences?				
HFN-24.13	Asked if heavy fuel oils (bunker) used by the project's container vessels - if spilled in BC's marine temperate waters - submerge (over wash) and/or sink anywhere within the marine study area? If yes, then what is the current capability within industry and government with regards to having specialized equipment and trained personnel to realistically track and recover such oil? How is this specialized equipment and operations evaluated by regulatory agencies?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 10.4:** MSA Appendix 10-B provides qualitative evaluations of the physical fate and transport of potential spills. The evaluation focuses on the Boundary Passage region where the probability of an accident or malfunction and associated spill to the marine environment is greater and the environmental consequence likely higher. The identified residual adverse environmental effects are unlikely to occur, because of the very low probability of the accident scenarios. MSA Section 10.4 discusses existing emergency response mechanisms and arrangements with Response Organisations within the spatial extent of marine shipping associated with the Project. MSA Section 10.4.4.1 specifically discusses the capabilities of WCMRC, the Response Organisation within the marine shipping area. WCMRC maintains a team of full-time and part-time employees, and trains on average 150 to 200 marine contractors and fishers in spill response each year. In addition to formal training, WCMRC conducts a program of equipment deployment and desktop exercises over the three-year certification cycle. WCMRC meets the equipment requirements for certified Response Organisations by maintaining the following: • A dedicated fleet of specialised oil spill response vessels, with a combined skimming capacity of 468 tonnes/hour; • More than 35,500 m of boom; • The capacity to clean-up 1,500 m of shoreline/day; • 8,100 tonnes of primary storage capacity; • Four sweep systems for on-water oil collection; • Incident Command Post kits containing all the materials and equipment required to establish and operate a complete Incident Command Post. Three of these kits are currently stored in trailers ready to be mobilised in Burnaby, Duncan, and Prince Rupert, B.C.; • A communications network that includes fixed and portable repeaters and a mobile communications vehicle for supporting remote operations; • Equipment or Office warehouses in Burnaby, Duncan, and Prince Rupert; and • Equipment caches in Haida Gwaii, Kitimat, Shearwater, Port Hardy, Campbell River, Sunshine Coast, Port Alberni, Nanaimo, Deltaport, Fraser River, and Esquimalt.	**MSA** 10.4 Mitigation Measures 10.4.4.1 Western Canada Marine Response Corporation Capabilities Appendix 10-B Marine Fate of Shipping Spill-type Accidents
HFN-24.14	Asked if there will be a requirement to heat recovered heavy bunker fuels in BC's temperate waters in order to facilitate its transfer from recovery vessels to transport barges then to land for disposal? If yes, then what is the current capability in industry and government with regards to having specialized equipment and trained personnel to heat and transfer highly viscous, weathered	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	bunker oil? If present, how is this specialized equipment and operations evaluated by regulatory agencies?				
HFN-24.15	Asked if ambient-temperature water flushing and deluge systems commonly used for sediment-type shore treatment be singularly effective for weathered heavy fuel oil (bunker) stranded on shore? If not effective, will these water-systems require augmenting by heated water or shore-washing agents? For container-debris is there a systematic process to field assess shoreline impacts and then to identify mitigation measures (i.e., clean-up tactics) -such as modelled after the well-established Shoreline Clean-up Assessment Techniques (SCAT) for stranded oil? If yes, where is this guideline and who has been trained?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management. **Addressed in response to IR11-12:** The VFPA's response to IR11-12, as requested by the Review Panel, will provide information concerning Geographic Response Plans (GRP) mapping for shorelines adjacent to and down-current from potential marine accidents and malfunctions associated with the proposed Project.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)** **Information Requests** Response to Sufficiency Information Request #12 (IR11-12)
HFN-24.16	As a container-debris generally results in a wide-range of types and amounts of HNS (e.g., hazardous materials/dangerous goods), asked who will provide this specialized services for both on-shore and on-water recovery, and who will manage this mitigation measure.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
HFN-24.17	Asked if there will there be an adequate number of willing shoreline workers to undertake a major clean-up of a wide-spread bunker oil spill and/or container debris field. Asked who is prepared to source, register, train, equip, supervise and pay for a workforce that could be in the order of several hundred to a thousand people. Asked if a regional or provincial survey been done to determine public availability, receptiveness, and composition	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	for oil and for container debris clean-up.				
HFN-24.18	For bunker oil and/or container debris clean-up, asked if there will there be adequate logistical support such as vehicles, vessels, planes, camps to transport a large shoreline workforce to remote areas within the marine study area. If yes, who will provide and manage these logistical services for a container vessel? Does provision of such services depend on if there is an oil spill?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
HFN-24.19	Asked if there are waste management solutions for final disposal of oily wastes, container debris of both from a container vessel casualty. If yes, what waste volumes have been considered in oil and in debris, and where are the facilities located for each of these waste streams?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
HFN-24.20	Asked if there has been any provincial or national exercises and plans for managing a major loss of containers and resulting debris-field from a container vessel casualty that entails: salvage services, waste management, logistics, incident management, workforce establishment, hazardous material management, etc. If yes, when, where, and by who?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
HFN-24.21	Asked if there will be financial risks for participants in Unified Command (agencies and First Nations) once a ship-owner (the Responsible Party) reaches its legal limit of financial responsibility that results in the incident's management and further expenditures being transferred to government. If yes, what are these risks?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-24.22	Asked if the federal and provincial government will be receptive to a formalized government-to-government arrangement with the Cowichan Nation Alliance to guide in major vessel waterway management, cumulative impact assessments, and vessel casualty preparedness and response. If yes, what is the forum in which this can be done?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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Table 25: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-25.1	Concerned that the description of Cowichan Nation Alliance's members' historical village (Tl'uqtinus) and use of the area is inaccurate and not respectful. Stated that Cowichan Nation Alliance will review the information and identify information gaps. Provided a list of recommended revisions to EIS Section 32.0.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 15-Jan-2015, Letter from the Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the information presented is an excerpt from the Kennedy (2014) report. Stated that the information could be made clearer. Requested additional clarification in writing from the Cowichan Nation Alliance. **25-Mar-2015, Letter from the VFPA to the Cowichan Nation Alliance:** Responded to the Cowichan Nation Alliance's requested revisions and demonstrated how they had been considered in the draft.	**Addressed in EIS Appendix 7.2-B (#178):** The VFPA provided draft summaries of past and current use and community information within EIS Section 32.0 for review by each Indigenous group and comments received were incorporated. EIS Section 32.1.1.7 presents Halalt First Nation's community profile information. EIS Section 32.2.4.5 presents information in relation to Tl'uqtinus. **Additional information provided by the VFPA:** On April 24, 2014, the VFPA and Cowichan Nation Alliance, which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum First Nation, signed a funding agreement to support a RBT2-specific use study. On July 11, 2014, the VFPA provided Halalt First Nation with a draft of the Community Profile Extract for the opportunity to review and provide comments. On October 16, 2014, the Cowichan Nation Alliance provided the VFPA with a report titled *Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use.* The VFPA met the Cowichan Nation Alliance on December 11, 2014 to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and Treaty Rights and Related Interests and Current Use of Lands and Resources for Traditional Purposes; and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by the Cowichan Nation Alliance, and preliminary conclusions of the assessment. On December 9, 2014, the VFPA provided the Halalt First Nation with an advance draft of the existing conditions section for "Potential or Established Aboriginal and Treaty Rights and Related Interests, and including current use of lands and resources for traditional purposes" of the EIS. The VFPA requested that Halalt First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections were received from the Cowichan Nation Alliance on January 15, 2015. On March 25, 2015, the VFPA provided the Cowichan Nation Alliance with a table outlining all	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.1.1.7 Halalt First Nation 32.2.4.5 Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation)

Halalt First Nation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Cowichan Nation Alliance's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.	
HFN-25.2	Stated that the VFPA is always stating that the Project will have no impacts and is not interested in mitigating effects.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the VFPA is open to hearing suggestions for mitigation measures. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#5):** The EIS considers clear, enforceable measures that are technically and economically feasible that would mitigate any adverse effects of the Project, as required by the *EIS Guidelines*. The approach to considering mitigation measures for adverse effects is described in EIS Section 8.0. The proposed approach for mitigation to address Project-related effects to marine biophysical VCs is described in EIS Section 17.0. **Addressed in EIS Appendix 7.2-B (#197):** The VFPA has adopted the use of the following mitigation hierarchy to address Project effects: 1. Avoidance, such as through Project placement and design, and adherence to fisheries-sensitive windows; 2. Reduction, such as through the implementation of standard management practices and Environmental Management Plans; and 3. Offsetting, which involves the creation and enhancement of biophysical habitats that support species of the Roberts Bank ecosystem. Marine sub-components or representative species that undergo decreases in productivity will be offset to the extent feasible using onsite offsetting.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 8.1.6 Mitigation Measures 17.0 Mitigation for Marine Biophysical Valued Components 17.1 Avoiding Potential Effects 17.2 Reducing Potential Effects 17.3.2 Offsetting Framework 17.5 Mitigation Summary for Potential Marine Biophysical Valued Component Productivity Losses
HFN-25.3	Concerned that the timing and funding offered by the VFPA to support a TUS study was inadequate. Stated that the VFPA was not provided with the whole breadth of information related to current use, given the timeline and funding provided.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Explained that if the Current Use study had not been provided to the VFPA, the authors would have been relying on other sources of information, and there may not have been any content in the Current Use report. Stated that there is a lot of value to what is provided by Indigenous groups. If there are major concerns with the way information is being presented in terms of conclusions or content, the VFPA invites Cowichan Nation Alliance to comment.	**Addressed in EIS Appendix 7.2-B (#175):** The VFPA provided funding to the specified Indigenous groups to support consultation. Additionally, the VFPA provided funding to support completion of traditional use studies to these Indigenous groups and all groups provided a traditional use study. Further information, provided during fall 2014 consultation and in writing, has been incorporated into the EIS. The VFPA will continue to consult with appropriate Indigenous groups and there will be further opportunities to provide information through the CEA Agency process.	**EIS** 7.0 Engagement and Consultation Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
HFN-25.4	Concerned that current use assessment precludes an assessment of future use. Stated that commercial harvesting, government regulations and legislations have made participation in commercial fishing challenging. Stated that Cowichan Nation Alliance plans to be fishing in the Project area in the future.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the rights portion (EIS Section 32.0) of the assessment incorporates past use as well as interest in future use. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Section 32.0 Potential or Established Aboriginal and	**Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project on Current Use are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency. The rationale for the determination of negligible residual effects to Current Use is included in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that the Cowichan Nation Alliance will supply information about how they see future use fitting into the assessment.		Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	Information sources used in EIS Section 32.0 are listed in EIS Section 32.2.3, with Project-specific studies appearing in EIS Section 32.2.3.1. A full list of references cited appears in EIS Section 32.4. **Addressed in response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.3 Information Sources 32.2.3.1 Project-Specific Studies. 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis 32.4 Existing Conditions ***Updated EIS Guidelines*** **Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
HFN-25.5	Concerned that Draft Report of Current Use does not include cumulative effects.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."*	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out.	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
HFN-25.6	Concerned that the Draft Report of Current Use does not include effects from malfunctions or accidents.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."*	**Addressed in MSA Appendix 5-B (#87):** MSA Section 10.0 includes consideration of a collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for VCs marine commercial use, outdoor recreation, human health, and Current Use. MSA Section 9.5 considers the risk of collision and perceptions of safety. MSA Section 10.0 considers plausible worst-case spill scenarios. **Addressed in MSA Section 10.0:** MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
HFN-25.7	Concerned that Draft Report of Current Use emphasizes Cowichan activities in the international shipping lanes only.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribes cc: Stz'uminus First Nation, Halalt First Nation, Penelakut Tribe:** *"Your letter additionally includes an expression of concern related to the VFPA's definition of the [marine shipping area]. The [marine shipping area] is defined to include activities that take place between the 12 nautical mile limit of Canada's territorial sea to the limit of the VFPA's care and control. The [marine shipping area] is defined more broadly than the international shipping lane, and is intended to include areas that could potentially be impacted by marine shipping associated with RBT2.*	**Addressed in MSA Section 9.5:** The spatial boundaries for the assessment are summarised in MSA Table 9.5-1 and shown in MSA Figure 9.5-1 through MSA Figure 9.5-11. The LAA for each Indigenous group was selected to conservatively define the area within which Project-associated shipping has the potential to affect the Current Use activities of that Indigenous group. The RAA for each Indigenous group was established to provide a regional context for that Indigenous group for the assessment of effects from Project-associated shipping.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			It includes the trans-boundary inland marine waters in this area, as well as numerous islands and islets belonging to either the Gulf Islands or San Juan Islands."		
HFN-25.8	Stated that the conclusions of the VFPA's experts that the impacts on the marine environment will be either non-existent or immaterial is at odds with the fact that the terminal will displace at least 117 hectares of marine area that was previously a useable fishing/marine resource. Stated that the impact is always determined to be negligible, and presentations do not acknowledge the impact that will occur.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Shared preliminary results from the environmental assessment, provided information about the proposed mitigation of Project effects, and sought input from members of the Cowichan Nation Alliance.	**Addressed in EIS Section 8.0:** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012* and Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the Guideline for the Selection of Valued Components and Assessment of Potential Effects, among others.	**EIS** 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment
HFN-25.9	Requested an explanation as to why potential adverse effects on crab harvesting is deemed negligible. Suggested Halalt receive accommodation to compensate the loss of the crab harvesting area. Stated that crab harvesting occurs in the direct vicinity of Roberts Bank, and the inability to harvest due to Project-related changes in access is an issue.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 21.0:** The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. Measures proposed to reduce potential effects include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction and operation environmental management plans related to construction-phase communication, construction monitoring and crab salvages. **Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity;	**EIS** 21.0 Marine Commercial Use **Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				• Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operations; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operations; • Navigational Limited Access Fishing Area (multi-user system during operations); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and Total cost of implementation of each measure during construction and/or operation.	
HFN-25.10	Stated that Halalt has demonstrated Aboriginal rights immediately at and surrounding the RBT2 project site. The project area site and the surrounding area fall within Halalt's traditional territory in its own right and in conjunction with other First Nation members of the Cowichan Nation Alliance with whom Halalt is aligned.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 1, #2)."*	**Addressed in EIS Section 32.2.4.5:** The collective core and marine territories asserted by the Hul'qumi'num Treaty Group are identified in EIS Figure 32-5. The asserted core territory of the Hul'qumi'num Treaty Group fully overlaps the LAAs for the marine vegetation, marine invertebrates, marine fish, and coastal birds VCs, and the marine mammals LAA portion north of the international border. As noted in EIS Section 32.2.4.5, based on information reviewed or received, it is the VFPA's understanding that Cowichan Nation Alliance has identified the following asserted rights and related interests in relation to the Project area: • Harvesting marine resources (marine fish, marine invertebrates, marine mammals, and marine vegetation); • Harvesting coastal birds and ducks; • Use of marine travelways for FSC purposes; and	**EIS** 32.2.4.5 Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation) **Information Requests** Response to Information Request #2 (IR-7.31.15-02 of CEAR Document #314)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				• Traditional lands and waters in area of Tl'uqtinus (on the South Arm of the Fraser River). **Addressed in response to IR-7.31.15-02:** The VFPA's response to IR-7.31.15-02 confirms that the Indigenous traditional territories presented in the EIS remain appropriate for the purpose of the environmental assessment.	
HFN-25.11	Stated that Halalt is very much concerned about cumulative impacts and how the RBT2 project will affect its ability to exercise its Aboriginal rights. For example, a quick review of ethnographic evidence will highlight Halalt's traditional rights in the Roberts Bank area. The EIS does little to address Halalt concerns.	15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253)	**13-Oct-2015, Letter from the CEA Agency to Halalt First Nation (CEAR Document #312):** *"This item was not required by the EIS Guidelines. Aboriginal groups are encouraged to describe to the Panel how past projects and potentially the RBT2 project have/will cumulatively impact First Nation's future ability to exercise asserted or established Aboriginal or Treaty rights.* *The Agency has requested additional information on cumulative effects which are required by the EIS Guidelines in its letter of July 31, 2015 to [the VFPA] (page 8, #13). This information should inform the cumulative environmental effects of the RBT2 project and may assist in understanding potential cumulative impacts on First Nation's future ability to exercise asserted or established Aboriginal or Treaty rights."*	**Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in AIR-12.04.15-13, including in that response's schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

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Table 26: Project Overview and Description

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-26.1	Requested to know how much of Roberts Bank is taken up by the Project.	05-Mar-2013, Meeting with Cowichan Nation Alliance	**05-Mar-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#1):** The engineering design of the Project components, as well as construction phase activities are described in detail in EIS Section 4.0. EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. The proposed Project consists of three main components: 1. A new three-berth marine container terminal; 2. A widened causeway to accommodate additional road and rail infrastructure; and 3. An expanded tug basin to accommodate a second tug operations contractor. The marine terminal would be located immediately west of the existing Roberts Bank terminals, approximately 5.5 km from the east end of the causeway. The terminal would be rectangular in shape, approximately 1,700 m long and 700 m wide, and would support moorage of three container ships on the south side, container storage in the centre, and rail intermodal yards on the north side. The total usable above-water area of the marine terminal would be 108 ha. The Roberts Bank causeway would be widened to link existing road and rail networks to the marine terminal and to accommodate additional road and rail infrastructure. Widening would range from 0 m to approximately 140 m at the widest point. **Addressed in Project Construction Update:** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018. The report updates EIS Table 4-1, presenting minor changes to the Project footprint. **Additional information provided by the VFPA:** **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The total marine footprint of the terminal will be approximately 117 ha. The orientation of the proposed terminal has been designed to facilitate the berthing of container ships, and to minimise disturbance to marine physical components (e.g., water and sediment) processes. The environmental assessment will include an analysis of potential effects on water areas.	**EIS** 4.0 Project Description 4.4.1 Construction-phase Activities 4.2.2 Project Component Details, Widened Causeway 4.2.3 Expanded Tug Basin 5.0 Alternative Means of Carrying out the Project Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Project Construction Update (PCU; CEAR Document #1210)**

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Table 27: Project Benefits

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-27.1	Asked what is being proposed for accommodation. Recalled that accommodation for the Deltaport Third Berth (DP3) Project was extended to Musqueam and Tsawwassen, with other nations receiving participation funding only. Interested in revenue sharing between Cowichan Nation Alliance and the VFPA. Asked about the revenue from the Project. Interested in discussions around a Mutual Benefits Agreement.	01-Nov-2013, Meeting with Cowichan Nation Alliance 18-Sep-2014, Meeting with Halalt First Nation 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 16-Jan-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253) 10-Nov-2015, Meeting with Cowichan Nation Alliance 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Stated that the VFPA will provide the Cowichan Nation Alliance with more information regarding economic opportunities at a later date. **18-Sep-2014, Meeting:** Explained that information will be provided to Halalt First Nation and that further discussions will need to occur regarding opportunities. **11-Dec-2014, Workshop:** Noted interest in joint venture partnership and revenue sharing. Stated that this will be an ongoing discussion. **10-Nov-2015, Meeting:** Recorded comment for consideration by Project team. **18-Apr-2017, Meeting:** Discussed the development of a mutual benefits agreement with Cowichan Nation Alliance and asked for input on what could be included – business, contracting, employment, etc. **16-Jun-2017, Letter from the VFPA to Halalt First Nation:** "Further to discussions at our meeting on April 18, 2017, the VFPA is interested in initiating discussions with Halalt First Nation regarding potential legacy benefits from the Project, Legacy benefits are intended to benefit Aboriginal groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalizing aquaculture. As we discussed with you, it is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Aboriginal groups involved in the RBT2 Project. We welcome input regarding potential legacy benefits for Aboriginal groups that could be provided as part of the Project. With that in mind, we request a meeting with Halalt First Nation to hear about your community's priorities in relation to this funding. In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Halalt First Nation regarding a potential mutual benefits agreement ("MBA') for the Project. An MBA between the VFPA and Halalt First Nation could provide a number of opportunities allocated directly to Halalt First Nation in exchange for a letter of support for the Project that confirms Halalt First Nation has been adequately consulted and accommodated. We would like to hear whether negotiating an MBA is of interest to Halalt First Nation."	**Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project. **Additional information provided by the VFPA:** Stz'uminus, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting. Discussions regarding Legacy Benefits are also ongoing.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-27.2	Concerned about skills training and the opportunities available. Interested in the skills and training requirements referenced. Interested in procurement, training, employment, and other economic opportunities early, to ensure time for community preparation to respond.	01-Nov-2013, Meeting with Cowichan Nation Alliance 17-Jun-2014, Technical Working Group Meeting #4 03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 28-Sep-2014, Meeting with Halalt First Nation 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 10-Nov-2015, Meeting with Cowichan Nation Alliance 15-Jun-2015, Letter to the CEA Agency from Halalt First Nation (CEAR Document #253) 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Referred to the InterVISTAS Study and how there is information on the jobs contained within that report. Stated that all jobs will not be unionised and that the VFPA cannot even say there will be a union at the RBT2 terminal. That is not a VFPA decision. These are early days and we are about 7 to 10 years out from being finished. There is an opportunity to identify jobs and skills needed to build it. Talked about support businesses, direct and indirect jobs such as: trucking, logistics centres, and rail business. There is an opportunity to identify jobs and to look at long-term opportunities around employment. Committed to prepare a written response regarding job opportunities, skills, and training. **17-Jun-2014, Workshop:** Stated that skills and training requirements will be considered under the proposed labour market VC, and the VFPA is interested in discussing this in more detail. A discussion is needed on the importance of flagging training relevant to upcoming Project-related jobs. The VFPA is aware of the importance of giving communities time to prepare for employment opportunities. **03-Jul-2014, Workshop:** Stated that the VFPA is trying to access the historical data, in relation to Indigenous versus non-Indigenous employment related to port activities. Stated that the VFPA does have data on what we call labour force characteristics (age, educational level, skill training level, in what particular industries the Indigenous workforce is working). This helps us profile the Indigenous population generally within our study area, which is the area that we are concerned about. Stated that ultimately the goal is to be able to present what we call benefit enhancement recommendations, that is linked integrally to the labour market strategy that will be put forward through the Project, that not only talks quantitatively about how many jobs, but also how, and what sort of target initiatives could be put forward to enable certain segments of the population to take advantage. **18-Sep-2014, Meeting:** Responded that the Project team has heard from First Nation communities that employment, training and contracting opportunities are of interest and importance. Stated that the VFPA also understands that communities require time to plan for opportunities and that information will be made available to Halalt First Nation that will assist in being prepared for potential opportunities. **11-Dec-2014, Workshop:** Asked for information on the benefits and opportunities the Cowichan Nation Alliance may be interested and noted that discussions are just beginning.	**Addressed in EIS Appendix 7.2-B (#215):** During a five-and-a-half-year construction period, the Project would generate significant employment benefits for B.C. Project construction would generate a total of 12,719 person-years of direct, indirect, and induced employment of B.C. workers, and approximately $1 billion in wages: • 4,150 person-years of direct employment, with wages of $494 million; • 6,264 person-years of indirect employment, with wages of $374 million; and • 2,305 person-years of induced employment, with wages of $129 million. Of the Project's direct spending on materials, goods, and services for construction, approximately $862 million, or an average of $157 million per year, would be spent on materials, goods, and services in B.C. An additional $482 million would be spent on production inputs to make or provide the direct materials, goods, and services. The total gross revenues for businesses in B.C. supplying materials, goods, and services for Project construction is estimated as $1.3 billion, with $837 million of this revenue accruing to businesses in Metro Vancouver. During the operation phase, Project activities on the marine terminal, widened causeway, and expanded tug basin would generate an annual total of 1,553 person-years of direct, indirect, and induced employment, and total wages of approximately $185 million: • 928 person-years of direct employment connected to terminal operations, with wages of approximately $153 million; • 625 person-years of indirect and induced employment to support terminal operations, with wages of approximately $32 million. During the operation phase, the annual average goods and services revenues for B.C. due to terminal operations spending are estimated at $23.3 million with an additional $10.0 million in goods and services revenues for upstream supply industries. The total gross revenues for businesses supplying B.C. materials, goods, and services for terminal operations are estimated as $33.3 million annually. Approximately $31 million of this revenue would accrue to businesses in Metro Vancouver. The VFPA proposes to assist Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribes, Hwlitsum, and Métis Nation British Columbia in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			10-Nov-2015, Meeting: Recorded comment for consideration by Project team. **12-May-2016, Letter from the VFPA to Halalt First Nation:** Enclosed an Information Sheet specific to Employment. Stated that the VFPA would like to meet to discuss employment opportunities related to the Project. **18-Apr-2017, Meeting:** Recorded comment for consideration by the Project team.	support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3. **Addressed in EIS Appendix 7.2-B (#112):** As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. **Additional information provided by the VFPA:** Stz'uminus, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting.	

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Table 28: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-28.1	Asked about the effects of truck traffic on sediment along the causeway with respect to contaminants.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#202):** There is not anticipated to be a Project interaction between air emissions from truck traffic on the causeway, and uptake of contaminants in soils, plants, or species relying on soils and plants. Rationale for this conclusion is included in EIS Appendix 27-A.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health Appendix 27-A Air Quality HHRA Technical Report
HFN-28.2	Asked about potential heavy metals, PCBs, hydrocarbons, contaminants, and pollutants in sediment along the causeway and around the Project area. Asked which contaminants the sediment samples tested for and for the baseline results. Asked if the conclusions of the assessment are based on the averages of those samples. Concerned about the potential effects on clams and other shellfish. The effect of current baseline levels of heavy metals, contaminants, and pollutants in sediment along the causeway on clams and other shellfish. Stated that the baseline levels are well presented in the EIS; however, the effects on clams and other shellfish are unclear.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 15-Jun-2015, Letter to the Canadian Environmental Assessment Agency (CEA Agency) from Halalt First Nation (CEAR Document #253)	**22-Oct-2014, Workshop:** There were approximately 57 different metals the samples were tested for, and stated that the full list will be in noted in the EIS. Slide 10 says the assessment is focused on areas where there will be disturbance. The results have not been rolled into an average. The EIS will include a detailed table that shows results for each of the data points. There were no PCBs or hydrocarbons present in the areas that were surface sampled. Sampling at the actual terminal site was of a higher intensity because that is where the greatest disturbance is expected, because of disposal at sea (DAS) and dredging activities. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. Baseline levels of heavy metals and other contaminants along the causeway are included in EIS Section 9.6. Specific listings of studied contaminants—and how the analyses were completed—are available in EIS Appendix 9.6-A. Overall, sediment quality within the study area is within the range of levels expected in an estuarine environment and without local contamination sources. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. The shellfish consumption human health risk assessment in EIS Appendix 27-C addresses this scenario by examining tissue contaminant concentrations in existing areas of Roberts Bank with higher concentrations of coal dust contaminants. Any construction-related sediment re-suspension will result in sediment contaminant concentrations that are lower than the assessed existing conditions since (i) once re-suspended, the re-settled sediments will be a mixture of the historical deposits and new sediment contributions from Fraser River outflows; and (ii) there is no plausible mechanism for the geochemical focusing of the contaminants of potential concern as a result of the re-suspension scenario. **Addressed in EIS Section 12.6.2.1:** While contaminants are present at Roberts Bank, they are closely associated with fine sediment and have therefore accumulated in locations outside those that will be disturbed by Project activities, such as the upper intertidal zone north of the causeway. No appreciable sediment contamination was observed in Project areas. Because sediments that will be re-suspended and deposited as a result of construction phase activities are not contaminated, changes in contaminant concentrations bioavailable to the food chain are not anticipated. Overall, contaminant re-suspension is not considered to affect marine invertebrate productivity because: (i) there are no Project-	**EIS** 9.6 Physical Setting, Surficial Geology and Marine Sediment Appendix 9.6-A Sediment and Water Quality Characterization Studies 12.5.2 Bivalve Shellfish 12.5.3 Dungeness Crabs 12.6.2.1 Changes in Water Quality Appendix 27-C Human Health Risk Assessment

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				related inputs of contaminants in the LAA; (ii) no appreciable sediment contamination was observed in Project areas; and (iii) where contaminants are present, concentrations are either below applicable thresholds in sediments or below consumption thresholds in bivalve shellfish and Dungeness crab tissue based on rigorous human health risk assessment (EIS Sections 12.5.2.5 and 12.5.3.5). Project-related contamination is therefore unlikely to occur.	
HFN-28.3	Concerned with the potential effects of disposal at sea on the sea bed.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Explained that the DAS would occur at 3 locations along the -45 m contour line directly off the berth face of the planned terminal. Stated that the VFPA is working on that matter and it will be included in the EIS. **01-Apr-2015, Letter from the VFPA to Halalt First Nation:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** Dredging and DAS-related activities are described in the EIS and considered in the assessment of potential effects on marine physical and biophysical components. As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. DAS activities will occur subject to Environment Canada's DAS permit requirements under the *Canadian Environmental Protection Act, 1999*. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. See EIS Section 9.6.8 and EIS Appendix 9.6-C for more information. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40:** As noted in in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40, based on information provided by ECCC (CEAR Document #564), discharge of supernatant containing unsettled fines from the containment dykes during filling is not expected to be subject to DAS permitting. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall,	**EIS** 4.0 Project Description 4.4.1 Project Activities, Construction Phase Activities Table 4-5 Source and Quantities of Material Requiring Disposal at Sea Figure 4-21 Intermediate Transfer Pit and Disposal at Sea Candidate Locations Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Table 8-1 Intermediate Component and Valued Component Linkages 9.0 Physical Setting 9.6 Physical Setting, Surficial Geology and Marine Sediment 9.6.5 Methods 9.6.6 Surficial Geology and Marine Sediment, Existing Conditions 9.6.8 Future Conditions with the Project Appendix 9.6-C Roberts Bank Terminal 2 Technical Report, Dredging Studies – Dispersion Modelling 9.7 Physical Setting, Marine Water Quality **Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928) **PCU (CEAR Document #1210)**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations, or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	

Table 29: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
HFN-29.1	Asked if above-ground noise is transmitted under water.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Above ground noise is not anticipated to propagate into the water to result in behavioural effects to marine mammals and was determined to be a negligible effect.		
HFN-29.2	Stated that different species experience different perceptions of noise. Asked how much is known about the different ways species perceive noise. Asked about the effect of impulsive noise events on fish and other marine species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 12-Nov-2014 Cowichan Nation Alliance EIS Workshop #2	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised: • Human generated underwater noise can affect fish and marine mammals (assessed separately as VCs) with representative species for each VC that may experience noise differently; • The VFPA conducted extensive state-of-art field and modeling studies for RBT2, using most up to date science on how different species hear and respond to underwater noise, conducted new studies on what levels of underwater noise may affect southern resident killer whales; • Existing underwater noise conditions relatively high, primarily due to commercial vessel traffic, including ferry traffic; • RBT2 will produce underwater noise (construction and operations); no impulsive noise is planned during construction (i.e., impact piling not anticipated, only vibratory piling); and • Preliminary results of studies indicate RBT2 noise levels will be minor to moderate.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project
HFN-29.3	Requested more information on the types of mitigations implemented for underwater noise.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised mitigation	**Addressed in EIS Section 33.3.7:** The Underwater Noise Management Plan will describe measures to manage underwater noise and over-pressure waves generated during pile driving and other construction activities as necessary to avoid or reduce potential effects on marine mammals, diving coastal birds, and aquatic life. Key components of the plan will	**EIS** 33.3.7 Underwater Noise Management Plan

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			measures to address potential effects of underwater noise during construction. • Project placement and design; • Best management practices and standards; • Industry practices; • Equipment maintenance and noise reduction; • Timing or seasonal windows; • Marine mammal observers and hydrophone; • Monitoring of zones of potential injury or disturbance; and • Onsite juvenile Chinook habitat restoration.	include use of underwater noise reduction and dampening methods and technologies. The plan will incorporate measures described in Best Management Practices for Pile Driving and Related Operations, prepared by the B.C. Marine and Pile Driving Contractors Association and DFO (2003). Compliance monitoring parameters for underwater noise will be addressed as part of the Construction Compliance Monitoring Plan.	

APPENDIX IR10-01-C8

LAKE COWICHAN FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-1.1	Concerned that activities at the Project site interfere with the Nation's trade and inter-community relation activities.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The Vancouver Fraser Port Authority (VFPA) has reviewed this letter and provides the following information.	**Addressed in Response to IR10-06:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	**Information Requests** Response to Sufficiency Information Request #06 (IR10-06)

Table 2: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-2.1	Requested completeness information on the "Cumulative Effects of the project related to other projects such as the Kinder Morgan Project, and other reasonably known projects, including sediment plume and hydrology changes pushing the plume northward in the Salish Seas".	15-Jun-2015, Letter to the Canadian Environmental Assessment Agency (CEA Agency; CEAR Document #257)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #307):** *"…Additionally, the Agency has requested additional information on Cumulative Effects in its letter of July 31, 2015 to [the VFPA] (page 7, #13)."*	**Addressed in EIS Appendix 7.2-B (#39):** The list of certain and reasonably foreseeable projects and activities that have the potential to interact cumulatively with the Project-related effects is in EIS Table 8-8. This list includes all projects with the potential for a cumulative interaction with the Project. The CEA Agency is the appropriate authority to address questions related to the *Canadian Environmental Assessment Act* (*CEAA*) *2012* and designated projects. **Addressed in MSA Appendix 5-B (#24):** The assessment of potential effects of marine shipping associated with the Project incorporates the existing vessel traffic within the marine shipping area (defined in MSA Section 4.0). The list of certain and reasonably foreseeable projects and activities considered in the cumulative effects assessment is included in MSA Appendix 6-A. Kinder Morgan Pipeline Expansion Project (aka Transmountain Pipeline) is included in the list of Certain and Reasonably Foreseeable Projects and Activities, and therefore part of the cumulative effects assessments. **Addressed in Responses to IR-7.31.15-13 and AIR-12.04.15-13:** Further discussion of the cumulative effects methodology and how the effects of past, present, and future projects and activities in the context of cumulative effects were considered is provided in IR-7.31.15-13 and AIR-12.04.15-13. **Addressed in Response to IR4-09:** In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017).	**Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment **Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)
LCFN-2.2	Stated that the VFPA has relied on the premise that only if there are residual effects will there be cumulative effects. Lake Cowichan First Nation does not agree that this follows, or that this logic follows in this order.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #257)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #307):** *"…Additionally, the Agency has requested additional information on Cumulative Effects in its letter of July 31, 2015 to [the VFPA] (page 7, #13)."*	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. **Addressed in Responses to IR-7.31.15-13 and AIR-12.04.15-13:** Further discussion of the cumulative effects methodology and how the effects of past, present, and future projects and activities in the context of cumulative effects were considered is provided in IR-7.31.15-13 and AIR-12.04.15-13.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
LCFN-2.3	Stated that Chief Livingstone has expressed the following specific concerns related to: • Effects of the environment on the Project and the attendant spills or accidents that could occur and the long-term residual effects; and • Cumulative effects – spills and accidents specifically and the long-	15-Jun-2015, Letter to the CEA Agency (CEAR Document #257)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #307):** *"The Agency did not request additional information regarding accidents and malfunctions since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.*	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 31.0 Effects of the Environment on the Project **MSA** 10.0 Accidents and Malfunctions **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	term residual and cumulative effects.		*Additionally, the Agency has requested additional information on Cumulative Effects in its letter of July 31, 2015 to [the VFPA] (page 7, #13).”*	adverse residual effects to all marine biophysical valued components (VCs), as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales (SRKWs), coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Addressed in MSA Section 10.0:** The potential effects of an oil spill on marine resources, including marine birds, marine mammals, and marine fish and fish habitat are considered within the assessment of potential accidents or malfunctions (MSA Section 10.0). This section also considers the potential effects on Current Use, and related impacts on rights, resulting from effects on marine resources. The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. A description of spill response protocols is also included in MSA Section 10.0. **Addressed in EIS Section 31.0:** EIS Section 31.0 addresses effects of the environment on the project. Effects of the environment on the Project, and any subsequent effects on the environment, would be avoided or minimised through a combination of design features, construction practices, and the Project’s environmental management program. Preliminary Project design addresses a range of potential effects of the environment on the Project, including extreme weather events and a predicted 1.0-metre sea level rise by 2100 (adjusted to a net 0.5-metre increase by accounting for factors such as uplift and settlement in the area). Measures conducted during Project construction to improve the ability of infrastructure to withstand a submarine landslide resulting from seismic activity include the dredging of soils and silts with poor seismic performance followed by vibro-densification. Due to the unpredictability and uncertainty associated with submarine landslides and tsunamis, and their expected low probability of occurrence at the Project site, measures to protect the Project during such events would be further defined in the detail design phase. Low-probability catastrophic events such as an earthquake of magnitude eight (M8) or higher, a submarine landslide in the immediate vicinity of the Project, or a large tsunami	Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				could result in irreparable damage to the Project. The effects of a catastrophic natural event would be widespread in the Fraser River delta and would not be unique to the Project. The Project design assessed in the EIS considered anticipated climate-related sea level rise. While sea level rise is therefore not expected to adversely affect the Project over the long-term (to 2100), it is predicted to result in the inundation and conversion of intertidal habitat to subtidal habitat at Roberts Bank and throughout the Fraser River estuary. This inundation would result in the gradual conversion of the intertidal habitat, including the habitat created adjacent to the Project area to mitigate Project-related effects. Due to the presence of dyke structures and the widespread nature of sea level rise-related changes, it would not be possible to mitigate this effect of the environment on the Project by establishing new intertidal habitat. **Addressed in Responses to IR-7.31.15-13 and AIR-12.05.15-13:** Further discussion of the cumulative effects methodology and how the effects of past, present, and future projects and activities in the context of cumulative effects were considered is provided in IR-7.31.15-13 and AIR-12.04.15-13.	

Table 3: Effects of the Environment on the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-3.1	Concerned that an earthquake could cause the land around the Project to liquefy and lead to spillage of potentially toxic contaminants into the Salish Sea. This could lead to containers washing out into the sea and striking vessels carrying dangerous cargo, diluted bitumen, coal, and other dangerous contents.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and provides the following information.	**Addressed in EIS Section 30.0 and MSA Section 10.0:** In developing EIS Section 30.0 and MSA Section 10.0 on accidents and malfunctions, the VFPA identified plausible worst-case scenarios to assess. The scenarios were selected based on the probability of events occurring (using ship incident data collected over several years) and the environmental consequences of those events. An event such as that which is described, while possible, did not warrant assessment.	**EIS** 30.0 Potential Accidents or Malfunctions **MSA** 10.0 Accidents and Malfunctions

Table 4: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-4.1	Commented the capacity funding provided is insufficient. Requested that Traditional Use Study funding be provided quickly due to Lake Cowichan First Nation's limited budget for retaining consultants. Requested funding to enable Q'ul-Lhanumutsun Aquatic Resources Society to assist Lyackson and Lake Cowichan in understanding marine resource issues and concerns. Commented that time and budget provided for Lake Cowichan First Nation to complete a Project-related Traditional Use Study was limited.	30-Apr-2014, Meeting with Lake Cowichan First Nation and Lyackson First Nation 12-Aug-2014, Meeting with Lake Cowichan First Nation and Lyackson First Nation 17-Nov-2014, E-mail 10-Dec-2014, Health & Aboriginal Rights Workshop – Lake Cowichan First Nation / Lyackson First Nation	**08-Apr-2014, Letter:** Offered funding for ongoing participation. **09-Sep-2014, Letter:** Accepted funding. **30-Apr-2014, Meeting:** Recorded comment for consideration by the Project team. **12-Aug-2014, Meeting:** Undertook to follow up right away on the request for quick provision of the Traditional Use Study funding. **19-Aug-2014, Letter:** Offered funding for a Traditional Use Study. **19-Aug-2014, Letter:** Accepted funding. **21-Aug-2014, Letter:** Lake Cowichan First Nation provided the VFPA with a report entitled "Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use", which provided a summary of four interviews conducted regarding Lake Cowichan First Nation members' use of the Project area. **22-Aug-2014, Letter:** Offered funding for fall 2014 consultation activities. **26-Aug-2014, Letter:** Accepted funding. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **26-Jan-2015, Email from the VFPA:** *"With respect to your request for funding for the involvement of [Q'ul-Lhanumutsun Aquatic Resources Society] QARS, the port authority understands that the CEA Agency has provided funding for your review of the EIS and that this type of funding could assist in the involvement of QARS as support to Lake Cowichan and Lyackson in the EIS review. The port authority is also considering the provision of additional funding to support Aboriginal groups in the EIS review and you may wish to consider the use of some of that funding as well."* **11-May-2015, Letter:** Offered funding for participation in Project-related consultation activities including marine shipping study. **19-May-2015, Letter:** Accepted funding. **26-Apr-2016, Letter:** Offered funding to support ongoing involvement in consultation activities. **27-Apr-2016, Letter:** Accepted funding. **24-Oct-2017, Letter:** Offered additional funding for Participation in consultation activities for the Project. **25-Oct-2017, Letter:** Accepted additional funding.	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. The VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum First Nation. Per Lake Cowichan First Nation's request, the VFPA was able to expedite payment for the Traditional Use Study such that the agreement was signed on 19-Aug-2014 and payment was sent 22-Aug-2014. The Traditional Use Study was submitted on 28-Aug-2014. **Addressed in EIS Appendix 7.2-B (#175):** The VFPA provided funding to the specified Indigenous groups to support consultation. Additionally, the VFPA provided funding to support completion of traditional use studies to these Indigenous groups and all groups provided a traditional use study. Further information, provided during fall 2014 consultation and in writing, has been incorporated into the EIS. The VFPA will continue to consult with appropriate Indigenous groups and there will be further opportunities to provide information through the CEA Agency process.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

Table 5: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-5.1	Expressed concern with the non-requirement of a Disposal at Sea (DAS) permit even with the removal of the intermediate transfer pit (ITP) and noted they would ask Environment and Climate Change Canada (ECCC) why no permit is required.	05-Sep-2017, Meeting with Chief and Council	**05-Sep-2017:** Recorded comment for consideration by the Project team.	**Addressed in IR Package 3 Preamble in Support of Responses to IR3-25 to IR3-40:** ECCC outlined specific observations on proposed Project activities that may be subject to DAS permitting (see CEAR Document #564), including key details that would be required to determine applicable regulatory requirements under the *Canadian Environmental Protection Act*, *1999*. Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 discusses the updated construction activities relevant to dredgeate handling and potential DAS regulatory requirements. Specifically, changes to the following are described: • Use of the ITP; • Management of silty 'fallout' material from the vibro-replacement process in the dredge basin; • Disposal of dredged material from the tug basin expansion; and • Disposal of supernatant (containing unsettled fines from fill material) from the terminal containment dykes. As a result of the changes, a DAS permit is no longer anticipated to be required for Project construction. The key changes relevant to this conclusion are described in the Preamble for each of the four Project construction activities identified above.	**Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928) **CEAR Document #564 From ECCC to the Review Panel re: Comments on the information relating to the environmental assessment of RBT2**
LCFN-5.2	Requested that construction methodologies that cause the least damage be implemented.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 33.0:** A Construction Environmental Management Plan (EMP) and an Operation EMP, each with several sub-plans, will be developed for the Project prior to construction and operation. The purpose of the EMPs is to ensure appropriate measures and controls are in place to prevent or reduce adverse environmental effects and to provide clearly defined action plans and emergency response procedures to protect human and environmental health. Project-related EMPs would be developed prior to the start of construction and operation phases to ensure alignment with required permits and approvals, final designs, finalised construction or operation approaches, and site-specific considerations. During the finalisation of the plans, relevant regulatory agencies would be consulted to ensure plans address regulatory requirements. EMPs and their sub-plans would be subject to review by applicable regulatory agencies. In addition, feedback on applicable sub-plans would be solicited from Indigenous groups potentially affected by the Project. The development of the Project's EMPs would be informed by the VC assessments presented in the EIS and would set out the applicable legislation and regulations, and relevant standards and guidelines to be complied with and the mitigation measures to be implemented during Project construction and operation. The EMPs would also describe compliance monitoring efforts and reporting to regulators.	**EIS** 33.0 Environmental Management Program

Table 6: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-6.1	Stated that they want to see adaptive management strategies and reporting in the Follow-up Program. Requested that reporting be provided in writing and that there be funding to support review of the outcomes of the Follow-up Program, including holding meetings with the VFPA to discuss. Requested that high quality studies, monitoring, and follow-up programs be conducted should the Project proceed. Requested that adaptive management strategies, monitoring, follow-up, and reporting activities be carried out. Requested that regular annual reports to the community be provided once a year or more, with the opportunity for community members to participate in the Science Advisory Body. Requested that a critical third-party analysis be carried out post-construction and of operations on a regular and ongoing basis. Stated that if the Project proceeds, Lake Cowichan First Nation has the right to expect a bond.	26-Apr-2016, Meeting with Lake Cowichan First Nation and Lyackson First Nation 18-Aug-2017, Meeting with Administrative Staff 15-Nov-2017, Letter to Panel (CEAR Document #1101)	**26-Apr-2016, Meeting:** Responded that adaptive management and reporting would be a component of the Follow-up Program. **30-Aug-2017, Meeting:** The VFPA met with Lake Cowichan First Nation to discuss lessons learned from the Deltaport Third Berth Project as well as the Follow-up Program for RBT2. The VFPA sought feedback from Lake Cowichan on what they feel should be included in the Follow-up Program and how they would like to be involved going forward. Discussions are ongoing.	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for the Deltaport Third Berth Project, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Follow-up Program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program

Table 7: Light – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-7.1	Reiterated concern with LED lighting and its effect on wildlife and fish. Noted that LEDs might not be a good thing. They may be stressors to fish and wildlife, as fish come up to light if pointing a flashlight. Concerned that the use of LEDs, while commendable for reducing power consumption, would result in very bright lighting.	05-Sep-2017, Meeting with Chief and Council 15-Nov-2017, Letter to Panel (CEAR Document #1101)	**05-Sep-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#99, #45):** A process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. **Addressed in EIS Section 33.0:** Suggested light and lighting mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of EMPs, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 33.0 Environmental Management Program
LCFN-7.2	Concerned that the Project could significantly increase both light pollution and light trespass.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and has provided the additional information.	**Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on VCs and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources, and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of EMPs, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring;	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.4.4 Light, Relevant Guidelines 9.4.8 Light, Future Conditions with the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required.	
LCFN-7.3	Requested that a light study be conducted to ensure a reduction of light pollution and light trespass if the Project is approved.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and has provided the additional information.	**Addressed in EIS Appendix 7.2-B (#32):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. Consideration has been given to the need for and scope of follow-up regarding predicted Project-related effects and proposed mitigation. EIS Appendix 33-A summarises proposed preliminary Follow-up Program elements.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 27.0 Human Health 27.7.1 Mitigation Measure #1 – Measures to Address Air Emissions-related Effects 27.12 Human Health, Monitoring and Follow-Up Programs Appendix 27-A Air Quality HHRA Technical Report, Figures 7 and 8 33.0 Environmental Management Program 33.3.3 Construction Environmental Management Plans, Air Quality and Dust Control Plan 33.5 Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements
LCFN-7.4	Concerned that light at night is a known stressor to day and night birds, animals, and fish. Stated that it can cause confusion and exhaustion in these species, leaving them more vulnerable to prey.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and has provided the additional information.	**Addressed in EIS Appendix 7.2-B (#95):** It is recognised that nocturnal behaviour of birds varies in response to lighting conditions. A review of documented effects of both natural and artificial light on birds is provided in the EIS. The potential effects on coastal birds of changes in artificial light related to the Project are considered in the EIS. A Light Management Plan will be included in the Construction EMP and the Operation EMP, to reduce artificial light-related effects on coastal birds. **Addressed in Response to IR5-25:** In summary, the assessment of potential effects of the Project predicted a minor decrease in juvenile salmon and herring productivity pre-mitigation that could result from lighting and shading associated with Project marine infrastructure. With mitigation, including implementation of a light management plan, effects on fish productivity from Project-related changes in the light environment will be negligible, with no residual effect. Additional information is provided in the response to IR5-25. **Addressed in Response to IR5-39:** The interaction between overpass lighting and rail switch lighting and the marine mammals VC indicated in EIS Appendix 8-B was in error. There is no anticipated interaction. Light from the Project is not anticipated to extend into the water, and known marine mammal haulouts in the local assessment area (LAA) for the Project are located at Sand Heads, approximately 16 kilometres from overpass lighting and rail switch lighting, where light will not reach (MSA Figure 8.2-3). **Addressed in Response to IR9-02:**	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect- Changes in Productivity 15.8.3 Mitigation #2 – Measures to Address Productivity Loss due to Changes in Habitat Quality 33.0 Environmental Management Program 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan **Information Requests** Response to Sufficiency Information Request #25 (IR5-25 of CEAR Document #1153)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	Response to Sufficiency Information Request #39 (IR5-39 of CEAR Document #1138) Response to Sufficiency Information Request #02 (IR9-02)
LCFN-7.5	Concerned that lighting from the Project can obscure the stars in the night sky. From a cultural standpoint, the visibility of the night sky is of considerable importance to the Lake Cowichan First Nation's legends.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and has provided the additional information.	**Addressed in EIS Section 9.4 and Appendix 9.4-A:** Sky glow is the result of stray light being scattered in the atmosphere, brightening the natural sky background level and reducing star visibility. EIS Section 9.4.8.2 presents the results of modelling undertaken related to sky glow. Based on a predicted change, the brightness of the stars does not appear to change noticeably.	**EIS** 9.4.8.2 Operation Appendix 9.4-A Light Assessment Study

Table 8: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-8.1	Concerned with impacts from marine shipping to fishermen.	23-Jul-2015, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#53):** The assessment of potential effects of marine shipping associated with the Project is included in MSA Sections 9.2 and 9.3. This section includes consideration of Indigenous commercial fishing licence holders. The assessment of marine commercial use was conducted to evaluate the potential effects of Project-associated marine shipping on commercial fish and seafood harvesting (including Indigenous marine fish and seafood harvesting), guided sport fishing, marine-based tourism, and marine transportation. Existing marine commercial use within the marine shipping area includes fishing and seafood harvesting of crab, shrimp, salmon, rockfish, red sea urchin, and a variety of other marine resources. Guided sport fishing activities focus on various salmon species, and whale-watching activities focus on SRKWs, humpback whales, and Steller sea lions. Commercial marine transportation activities in the marine shipping area include cargo and container ships, tankers, tugs and barges, and ferries. Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.2 Marine Commercial Use 9.2.4 Existing Conditions, Aboriginal Marine Fish and Seafood Commercial Harvesting 9.2.5.1 Negligible Effects – Marine Fishing and Seafood Harvesting 9.3 Outdoor Recreation 9.3.5.1 Negligible Effects – Recreational Fishing and Seafood Harvesting
LCFN-8.2	Concerned about the Roberts Bank bivalve shellfish closure.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lake Cowichan First Nation / Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#75):** No bivalve harvesting is currently allowed within the local or regional assessment areas of marine invertebrates, due to both Sanitary and Biotoxin Shellfish Closures imposed by DFO over concerns regarding discharges from sanitary, stormwater, or industrial sources. DFO is the proper authority to determine the validity of shellfish closures. **Addressed in EIS Appendix 7.2-B (#135):** Commercial and recreational crab harvesting closures associated with the Roberts Bank terminals are considered in the marine commercial use (EIS Section 21.0) and outdoor recreation (EIS Section 24.0) assessments. DFO bivalve harvesting closures related to proximity to sanitary outfalls are considered in EIS Appendix 27-C. An assessment of current shellfish harvesting potential and contaminant-related consumption risks is provided in EIS Section 27.0 and EIS Appendix 27-C.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 21.0 Marine Commercial Use 21.5.1 Commercial Fish and Seafood Harvesting 27.0 Human Health 27.5.4 Exposure to Shellfish Contamination 27.6.1.3 Negligible Effects Related to Shellfish Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank

Table 9: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-9.1	Requested that resident herring stocks at Roberts Bank be studied, and potential Project impacts on resident herring stock be assessed. Recommended Q'ul-Lhanumutsun Aquatic Resources Society as being suitable to assist in collecting data and informing research. Concerned that resident herring cannot be assessed the same way as migratory species, and there could be key components missing. Noted herring are extremely sensitive to noise. Noted the Q'ul-Lhanumutsun Aquatic Resources Society mandate includes studying resident herring collapse. Asked how the assessment makes a distinction between migratory versus resident populations of herring, and which group of herring are expected to be impacted by the Project. Suggested ship noise associated with the BC Ferries and VFPA terminals is the reason herring are no longer found at Roberts Bank, and efforts should be made to bring them back. Noted there is evidence of herring in Tsawwassen First Nation middens. Concerned that RBT2 will contribute to underwater noise levels. Asked where/why the herring has gone.	28-Oct-2014, Preliminary EIS Results Workshop #3 17-Nov-2014, Email 10-Dec-2014, Health & Aboriginal Rights Workshop – Lake Cowichan First Nation / Lyackson First Nation 23-Jul-2015, Meeting with Lake Cowichan First Nation and Lyackson First Nation 12-Nov-2015, Meeting with Administrative Staff 05-Jun-2017, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**28-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **10-Dec-2014, Workshop:** Responded that there are underwater noise specialists involved in RBT2 to assess effects on marine creatures. A separate underwater noise study is underway. Field studies were conducted on herring and information is available on their use of the area; the effect to herring was evaluated. The Project is anticipated to be beneficial to herring, in general, largely because eelgrass beds are increasing and also some predator-prey relationships may change. For example, there may be less species feeding herring. A negative residual effect on herring is not anticipated. **26-Jan-2015, Email from the VFPA:** The concern about resident herring stocks has been addressed in the EIS and the required studies have been undertaken on the species. Given the work has been undertaken, the VFPA will not require additional studies to be done or data to be collected by Q'ul-Lhanumutsun Aquatic Resources Society. In terms of sharing the information collected to date on herring, the VFPA will be providing Lake Cowichan First Nation with the EIS upon its submission and, upon your review, should you wish to meet specifically on this, the VFPA would be happy to do so. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **05-Jun-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#81):** Pacific herring is considered as a representative species in the forage fish sub-component of the marine fish assessment, as presented in the EIS. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. Pacific herring are expected to experience a short-term decrease in productive potential (i.e., -2%) due to direct mortality from construction activities (i.e., entrainment) and minor acoustic effects (if either vibratory or impact pile driving is used), and long-term minor decreases due to reduction in the availability and quality of subtidal and intertidal sand habitat. **Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in EIS Section 9.8, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed. **Addressed in Response to IR4-18:** As noted in VFPA's response to IR4-18, as requested by the Review Panel, in response to anecdotal reports by a member of the public of herring spawn	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.3 Existing Conditions, Forage Fish 13.5.3.3 Pacific Herring 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies related to Marine Fish to support the Assessment 13.6.3 Potential Effect - Changes in Productivity 13.8.1 Residual Effect – Characterisation of Productivity Loss Table 13-12 Marine Fish Productivity Summary (Prior to Mitigation) Based on Weight of Evidence 33.3 Construction Environmental Management Plans **Information Requests** Response to Sufficiency Information Request #18 (IR4-18 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				on eelgrass on the north side of the Roberts Bank causeway in early April 2017, the VFPA conducted a survey to document presence and distribution of herring spawning activity at Roberts Bank. Survey results are in agreement with existing conditions described in EIS Section 13.5.3.3, and confirm that while the LAA does support some spawn, it does not appear to be an important herring spawning area. Adherence to EMPs (see EIS Section 33.3) will reduce the potential that herring will be affected by changes to water quality and sediment, or underwater noise during Project construction activities that will occur outside the fisheries-sensitive window. Notwithstanding the above, a potential for interaction with the Project has been identified and a residual effect has been assessed as not significant (see EIS Section 13.8.1).	
LCFN-9.2	Noted the difficulty of getting salmon. Explained Lyackson First Nation and Lake Cowichan First Nation have harvested their food fish together for the past three years, with the majority of this activity taking place in the mouth of the Fraser River. Stated that a recently interviewed Lyackson elder provided information about harvesting sturgeon, crab, shellfish, halibut, and flounder around the mouth of the Fraser River and toward Steveston, and referred to campsites in those areas.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation 05-Jun-2017, Meeting with Lake Cowichan First Nation and Lyackson First nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 13.0 on Marine Fish and Section 21.0 on Marine Commercial Use. **05-Jun-2017, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River. **Addressed in EIS Section 13.0:** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. In addition, the potential effects of the Project with respect to the ongoing productivity of commercial, recreational, and Aboriginal (CRA) fisheries are evaluated in the EIS (EIS Section 16.0). All Project construction and operation activities are expected to interact at an undetectable level with the ongoing productivity of CRA fisheries. Project-related effects, therefore, are not anticipated to compromise the ongoing productivity of CRA, and are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects on these fisheries. **Addressed in EIS Section 21.0:** In addition, the potential effects of the Project with respect to the ongoing productivity of CRA fisheries are evaluated in the EIS. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. This is further addressed specifically in relation to potential effects on Current Use and potential impacts on Aboriginal rights and related interests, which are addressed in the EIS.	**EIS** 13.0 Marine Fish 13.6 Future Conditions with the Project 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.6 Future Conditions with the Project 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in EIS Section 32.2.6.2: According to EIS Section 13.0, minor decreases in productivity are anticipated for all sub-components during both construction and operation phases, pre-mitigation. A number of mitigation measures have been identified, including but not limited to avoidance (e.g., subtidal Project placement and use of timing windows), fish salvage, implementation of an Underwater Noise Management Plan, development and implementation of construction EMPs, and offsetting through creation of eelgrass, sandy gravel beach, tidal marsh, and subtidal rock reef habitat. These measures are expected to address potential Pacific salmon, reef fish, and demersal fish productivity losses; however, residual effects are anticipated for flatfish and forage fish, in part because of reduced habitat (loss of subtidal sand). These residual effects are considered in that assessment to be not significant, and cumulative effects are not predicted.	
LCFN-9.3	Concerned that many fisheries are currently adversely affected by the development and dyking of the banks of the Fraser River.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and provides the following information.	**Addressed in Response to AIR-12.04.15-13:** In the EIS, the existing conditions reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects and activities in the context of cumulative effects is provided in AIR-12.04.15-13, including in that response's Schedule 13-3 focused on fish and fish habitat.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
LCFN-9.4	Concerned about the risk to sturgeon populations. Indicated that this is the second year in a row that food fisheries have been shut down, and perhaps the 3rd or 4th year that Lake Cowichan First Nation has not been able to acquire fish at all. Concerned that one-way valves at the dykes as well as other structures like the marina's docks do not allow fish to enter critical side channels.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and provides the following information.	**Addressed in Response to IR5-15:** In its response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to sturgeon and describes the status and management practices associated with the species. Rationale as to how sturgeon were assessed through the use of Chinook and chum salmon as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sturgeon, as well as effectiveness of mitigation, are presented in AIR 12.04.15-09 (CEAR Document #388, including Appendix AIR9-A Table 2) and in the response to IR5-15.	**Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

Table 10: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN -10.1	Concerned about presence of black crabs found in the Roberts Bank area, and that the Project will exacerbate existing conditions.	12-Aug-2014, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**12-Aug-2014, Meeting:** Responded a study is being undertaken to address concerns related to black crabs. **09-Jul-2015, Email from the VFPA:** In response to reports from Indigenous groups regarding blackening of Dungeness crab and concerns related to potential contamination, the VFPA arranged for Hemmera to undertake testing of Dungeness crab tissue. The VFPA also provided Indigenous groups with crab sampling kits in an effort to obtain sample crab for testing. A memo detailing the results of black crab testing was attached. **01-May-2017, Email from the VFPA:** Hemmera, on behalf of the VFPA, plans on conducting a study in May or June 2017 to measure contaminant levels in shellfish collected at Roberts Bank. The study will consist of collection of Dungeness crab and Macoma clams from three locations at Roberts Bank, and laboratory analysis for a suite of contaminants including polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), and trace elements. This study, in conjunction with past shellfish studies, will further strengthen the existing understanding of shellfish contaminant levels at Roberts Bank. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 – Crab Hepatopancreas Additional Study Summary; and • IR4-34 – Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Appendix 7.2-B (#133):** Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the characterisation of air quality existing conditions and the assessment of potential cumulative changes to air quality. Release of coal dust into the environment is not Project-related; however, re-suspension of sediments containing historical coal dust deposits may occur during the construction phase, potentially leading to short-term uptake of contaminants by both bivalve shellfish and Dungeness crab. To address concerns about the health of these species, studies on both bivalve shellfish (including clams) and Dungeness crabs examined the edible tissue concentrations of coal dust-derived contaminants (including PAHs and heavy metals). Results from lab analyses demonstrate that bivalve shellfish (including clams) do uptake PAHs found in the surrounding sediments; however, a human health risk assessment found concentrations in edible tissues were not high enough to pose a consumption risk. The assumptions used to estimate the consumption risk (i.e., total Incremental Lifetime Cancer Risk (ILCR)) are relatively conservative: The maximum observed PAH tissue concentration and a very high annual shellfish consumption rate. The total ILCR for exposure to potentially carcinogenic PAHs was estimated to be approximately on the order of magnitude lower than 1 in 100,000, the value considered by Health Canada and the B.C. Ministry of Environment to be an acceptable low risk potential. On this basis, it was concluded that PAHs in Roberts Bank edible bivalve tissues pose a negligible consumption human health risk. **Addressed in Response to IR4-33:** In its response to IR4-33, issued by the Review Panel on March 31, 2017 (CEAR Document #946), the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site. **Addressed in Responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the VFPA's response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 27.0 Human Health 27.5.4 Exposure to Shellfish Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #946) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, issued by the Review Panel on March 31, 2017 (CEAR Document #1078), the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site	
LCFN -10.2	Concerned about the over-harvest of clams by non-Indigenous people.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#109):** Regulation and management of these fisheries occurs through the *Fisheries Act*, and is enforced by DFO.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.5 Existing Conditions 16.6 Future Conditions with the Project
LCFN -10.3	Stated that they are working to repair clam gardens for use by the community. Concerned that marine shipping activities will harm this effort.	23-Jul-2015, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 7.2:** As noted in MSA Section 7.2, an assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project on wake-generated waves. Ship wake that is less than 10 cm in height is considered to be well within the range of natural conditions. **Addressed in MSA Appendix 5-B (#35):** The assessment of marine fish and fish habitat (MSA Section 8.1) includes consideration of potential effects on marine invertebrates, including bivalve shellfish. As noted in MSA Section 8.1.6.1, available data suggest that predicted wake wave heights arriving at shorelines within the LAA are well within the range of natural wave conditions, and are not distinguishable from the spectrum of wind-generated waves, except in non-calm conditions. Therefore, regardless of increased frequency of wake-related waves, any disturbance to marine fish and fish habitat will not be distinguishable from existing conditions and, consequently, is considered to be negligible.	**MSA** 7.2 Wave Environment 8.1 Marine Fish and Fish Habitat

Table 11: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-11.1	Referred to the Eastern Pacific Humpback Whale being representative of other species, and expressed particular concern about the grey whale. Noted grey whales have been observed in Boundary Bay and on the east side of Valdes Island.	30-Apr-2014, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**30-Apr-2014, Meeting:** Responded that no baleen whales were observed by the VFPA. All the baleen whales occur sporadically in the inside waters (not out by buoy J). They do occur, but it is not fairly common, and that includes the grey whale. **08-Oct-2014, Workshop:** The topic of marine mammals and potential effects from the Project was discussed at Preliminary EIS Results Workshop #2. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#87):** The EIS describes the models used to support the assessment of potential effects on marine mammals, and discusses uncertainty and level of confidence in the effect predictions. The marine mammal sub-component, baleen whales, including grey whale, are represented by humpback whales in the marine mammals' assessment. While the scope of the Project, as set out in the *EIS Guidelines*, includes vessel traffic within VFPA jurisdiction, the scope of assessment is not limited to VFPA jurisdiction. The EIS provides an assessment of potential Project-related effects to the maximum spatial extent of where they are expected to occur. The LAA encompasses the area in which Project-related effects (direct or indirect) to marine mammals could potentially occur. This boundary was established based on the zone of audibility for all representative species from modelled underwater noise from Project construction and operation. **Addressed in MSA Appendix 5-B (#47):** The assessment of potential effects on marine mammals (MSA Section 8.2) includes consideration of grey whales, as included in the sub-component baleen whales, and represented by humpback whales. **Additional information provided by the VFPA:** As noted in MSA Section 8.2, overall Potential effects on marine mammals related to Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment and physical disturbance from vessel strikes. These effects are expected to be not significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either SRKWs or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of SRKWs, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected not to be significant for seals, sea lions, baleen whales, and toothed whales other than SRKW. The assessment concludes that since past activities and projects have had a significant adverse effect on SRKW, Project-associated vessel activities in combination with existing and future vessel activity are expected to result in a significant cumulative effect to marine mammals.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals Table 14-7 Marine Mammal Modelling Studies Contributing to Project-related Predictions 14.1 Component Overview and Regulatory Setting 14.2 Selection of Marine Mammals Valued Component 14.3 Assessment Boundaries 14.5 Existing Conditions Figure 14-1 Local and Regional Assessment Areas for Southern Resident Killer Whale Figure 14-2 Local and Regional Assessment Areas for Humpback Whales and Steller Sea Lions **MSA** Appendix 5-B Aboriginal Issues and Interests 8.2 Marine Mammals 8.2.1 Component Overview 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes 8.2.7.2 Mitigation – Vessel Strikes 8.2.8.2 Residual Effect #2 – Physical Disturbance from Vessel Strikes 8.2.8.4 Summary of Residual Effects and Significance 8.2.9 Cumulative Effects Assessment
LCFN-11.2	Concerned about marine mammals being injured by vessel propellers.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Nov-2015, Letter from the VFPA:**	**Addressed in EIS Appendix 7.2-B (#89):** The assessment considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable or measurable residual adverse effects from vessel strikes are predicted for marine mammals. The marine mammal assessment considers the potential for cumulative effects with respect to the potential residual effect (i.e., increased underwater noise produced by container ships and support tugs during Project operation), in combination with other projects and activities within the regional assessment area, including underwater noise from incremental marine vessel traffic outside VFPA jurisdiction. **Addressed in MSA Appendix 5-B (#44):** The assessment of marine mammals (MSA Section 8.2) includes consideration of potential effects on whales, including vessel strikes by Project-associated vessels. Overall, the	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.3 Potential Effects of the Project on North Pacific Humpback Whale 14.6.4 Potential Effects of the Project on Steller Sea Lions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	assessment notes potential residual effects on marine mammals, which include behavioural disturbance and masking due to changes to the acoustic environment and physical disturbance from vessel strikes, from Project-associated vessel transit activities are expected to be not significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either SRKW or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of southern resident killer whales, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales other than SRKW. The assessment concludes that since past activities and projects have had a significant adverse effect on SRKW, Project-associated vessel activities in combination with existing and future vessel activity are expected to result in a significant cumulative effect to marine mammals.	Table 14-19 Injury and Disturbance Radii for Steller Sea Lions during Impulsive Construction Noise 14.10 Cumulative Effects Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 8.2 Marine Mammals 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes 8.2.7.2 Mitigation – Vessel Strikes 8.2.8.2 Residual Effect #2 – Physical Disturbance from Vessel Strikes 8.2.8.4 Summary of Residual Effects and Significance 8.2.9 Cumulative Effects Assessment
LCFN-11.3	Requested completeness information on 'resident herring stock analysis and impacts of the project on predator prey scope'. Concerned about the impact of the BC Ferries and VFPA causeways on the herring population. Indicated that the VFPA's scientists have not responded sufficiently to Lake Cowichan First Nation's concerns related to herring and the SRKWs' diet, nor have they responded to concerns about the possibility of resident versus migratory herring. Suggested that herring are part of the SRKWs' diet but herring populations have fled the region due to their sensitivity to the noise generated by BC Ferries and the VFPA's causeways. Commented herring are very important to	15-Jun-2015, Letter to the CEA Agency (CEAR Document #257) 23-Jul-2015, Meeting with Lake Cowichan First Nation and Lyackson First Nation 12-Nov-2015, Meeting with Administrative Staff 05-Jun-2017, Meeting with Lake Cowichan First Nation and Lyackson First Nation 15-Nov-2017, Letter to Panel (CEAR Document #1101)	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **13-Oct-2015, Letter from the CEA Agency (CEAR Document #307):** *"The Agency has requested additional information on some of these items in its letter of July 31, 2015 to [the VFPA] (pages 2-5, #6, 10 and 11).* *The Agency did not request additional information regarding herring since there is already information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **12-Nov-2015, Meeting:** Responded it is understood that Chinook feed on herring and that link is considered in the EIS ecosystem modelling. In IR-7.31.15-06, there are eight or nine sub-questions and an overview of the model. Information in the EIS is considered complete; results show herring will not be affected by the Project. That observation is based on a number of areas, marine mammal experts, empirical modelling, and professional judgement. SRKW feed primarily on salmon. Herring may form a small	**Addressed in EIS Section 13.0:** As noted in EIS Section 13.0, Pacific herring was included in the assessment as a representative species under the forage fish sub-component. EIS Section 13.5.3.3 discusses life history requirements, use of Roberts Bank, and the status and limiting factors of Pacific herring specifically. As a focal species, the Roberts Bank ecosystem model (described in EIS Section 10.0) specifically modelled literature-derived estimates for herring biomass, production, consumption, and trophic relationships. EIS Section 13.0 discusses potential Project effects to fish and fish habitat. Overall, marine fish are expected to experience a minor decrease in productivity in the future with the Project. Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of EMPs and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. **Addressed in EIS Appendix 7.2-B (#81):** Pacific herring is considered as a representative species in the forage fish sub-component of the marine fish assessment, as presented in the EIS. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. Pacific herring are expected to experience a short-term decrease in productive potential (i.e., -2%) due to direct mortality from construction activities (i.e., entrainment) and minor acoustic effects (if either vibratory or impact pile driving is used),	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.8 Underwater Noise 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.3 Existing Conditions, Forage Fish 13.5.3.3 Pacific Herring Based on Weight of Evidence 14.0 Marine Mammals 14.5.1.4 Southern Resident Killer Whale Life Functions and Critical Habitat Features 14.9 Determination of Significance of Residual Adverse Effects **MSA** 8.1 Marine Fish and Fish Habitat **Information Requests** Response to Completeness Information Request #6 (IR-7.31.15-06 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	SRKW at different times of the year, based on first-hand knowledge; was critical that the assessment conclusion is not based on first-hand knowledge. Affirmed Lake Cowichan First Nation understanding that SRKW eat herring, or at least that they used to eat herring until they disappeared and now eat Chinook salmon. Asked why SRKW no longer eat herring. Stated that although the EIS discusses herring in a general sense, it does not capture or assess it specifically to effects relative to Species at Risk – SRKW – or predator-prey interactions in that specific fish-based food chain. Concerned that the Project will adversely impact the availability of herring and salmon for SRKW. Concerned that they are already adversely impacted by noise and the Project will increase the amount of noise. Indicated this is a concern they would raise at the Panel Hearings.		part of their diet, but effects are negligible. **10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation:** Responded to previous concerns that there are underwater noise specialists involved in RBT2 to assess effects on marine creatures. A separate underwater noise study is underway. Field studies were conducted on herring and information is available on their use of the area; the effect to herring was evaluated. The Project is anticipated to be beneficial to herring in general, largely because eelgrass beds are increasing and also some predator-prey relationships may change. For example, there may be less species feeding herring. A negative residual effect on herring is not anticipated. **26-Jan-2015, Email from the VFPA:** The concern about resident herring stocks has been addressed in the EIS and the required studies have been undertaken on the species. Given the work has been undertaken, the VFPA will not require additional studies to be done or data to be collected by [Q'ul-Lhanumutsun Aquatic Resources Society] QARS. In terms of sharing the information collected to date on herring, the VFPA will be providing Lake Cowichan First Nation with the EIS upon its submission and, upon your review, should you wish to meet specifically on this, the VFPA would be happy to do so. **05-Jun-2017, Meeting:** Undertook to provide a response as to why SRKW are not eating herring anymore. Responded to previous concerns that further studies were recently done on herring and none were found in the vicinity of the Project.	and long-term minor decreases due to reduction in the availability and quality of subtidal and intertidal sand habitat. **Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKWs (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKWs for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKWs. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKWs. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKWs. **Addressed in MSA Section 8.1:** MSA Section 8.1 provides an assessment of potential effects of shipping associated with the Project, with Pacific herring selected as a sub-component. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 metres of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the local assessment area. **Addressed in EIS Section 14.5.1:** As noted in EIS Section 14.5.1, recent science suggests Chinook salmon comprise over 70% of the SRKW's annual diet and 80% to 90% of their summer (July to August) diet. Annual consumption of Chinook salmon is supplemented 15% by other salmonids (i.e., 10% chum, 5% coho), and 15% by groundfish (i.e., 3% halibut, 3% sablefish, 3% lingcod, 3% dover sole, 3% gonatid squid). **Additional information provided by the VFPA:** The VFPA cannot confirm that herring were ever a significant component of the SRKW's diet and therefore cannot speculate on why they are currently not a part of their current diet.	Response to Completeness Information Request #10 (IR-7.31.15-10 of CEAR Document #314) Response to Completeness Information Request #11 (IR-7.31.15-11 of CEAR Document #314)
LCFN-11.4	Concerned that the SRKW data does not accurately describe	28-Oct-2014, Preliminary EIS Results	**28-Oct-2014, Workshop:** Stated that the VFPA takes into account a lot of sightings, whale	**Addressed in EIS Section 14.4:** Numerous literature and data sources were consulted for information on marine mammals, including the following:	**EIS** 14.0 Marine Mammals

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	where whales are observed. Stated that SRKW are seen regularly in the area traversed by the ferries to/from Nanaimo, which is not reflected on the density map. Suggested referring to a new technology that has been developed for finding whales to avoid and reduce vessel strikes, particularly at night. Suggested considering PLOS (Camera Thermal detection) One whale monitoring technology in the assessment, for mitigation from underwater noise impacts, as referenced in the following article: http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0071217 Asked how the information Lake Cowichan First Nation provided to the VFPA related to new underwater noise technology was considered in the assessment.	Workshop #3 - Lake Cowichan First Nation 29-Oct-2014, Email 10-Dec-2014, Health & Aboriginal Rights Workshop – Lake Cowichan First Nation / Lyackson First Nation 05-Jun-2017, Meeting with Lake Cowichan First Nation and Lyackson First Nation	watching, from ferries; basically, anyone who is a citizen of B.C. can call in a sighting. During the Technical Advisory Group (TAG) process, the TAG concluded that this is the best/biggest data set available on killer whales. Stated that using this type of information is not going to be perfect, because there are more people in certain areas compared to others, but this is the best available current data source with thousands of data points to understand how animals are using a broad area. This is a really good data set, but it does have limitations. Stated that studying marine mammals is very challenging. They are underwater most of the time. Figuring out where they are is not always easy. Using hydrophones can be a challenge, and one needs to understand the distribution over a very large area. Stated that using the technologies that Lyackson First Nation is referring to is actually pretty tricky because they can only hear so far. Once the whale is so far away from the microphone, it cannot be picked up. Detecting marine mammals is always a challenge and the VFPA decided to go with the input of our experts. They felt that this was the biggest, most robust dataset that was available, and based on their recommendation this what we used; it is inclusive of a lot of information over quite a large area. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 14.0 Marine Mammals. **05-Jun-2017, Meeting:** Undertook to get back to Lake Cowichan First Nation with a detailed response. [See "Additional information provided by the VFPA" in the next column.]	• Publicly available Indigenous traditional knowledge (LGL Limited and Tsawwassen Fisheries 2012, 2013), workshops with Indigenous groups, and Indigenous traditional knowledge obtained from Project-specific studies related to Current Use (described in EIS Section 32.0); • Marine mammals in the Roberts Bank area have been studied for over three decades. Previous studies that are considered relevant in this assessment include books, academic journals, consultant technical reports, government technical reports, and other scientific literature, which reflect this growing body of knowledge; • Previous environmental assessments and monitoring reports (e.g., Deltaport Third Berth Project and ambient noise measurements (Stantec 2010): underwater noise predictive modelling study to determine the extent of the area of disturbance for SRKWs in the vicinity of the vibro-densification and dredging activities (Jacques Whitford AXYS and JASCO Research Ltd. 2007a and 2007b, Jacques Whitford AXYS et al. 2007); and surveys for marine mammals conducted before and during construction from 2003 to 2008 (Triton Environmental Consultants Ltd. 2004, Stantec 2010); and • Databases (e.g., B.C. Conservation Data Centre, Committee on the Status of Endangered Wildlife in Canada (COSEWIC) Wildlife Species Database, Species at Risk Public Registry, BC Cetacean Sightings Network, and OM Sighting Network). The VFPA also initiated a Technical Advisory Group process in 2011 to gather input from experts on SRKWs to address known data gaps. **Additional Information provided by the VFPA:** The Technical Advisory Group, including DFO, advised that the BC Cetacean Sighting Network Data was the best large long-term dataset to determine the occurrence of SRKW in the Salish Sea. During the development of EIS, the VFPA also deployed a hydrophone at the proposed terminal site to detect SRKW when they were present in the Project area, 24 hours a day, in order to supplement the sighting network data. The VFPA has committed to conducting mitigation measures during the construction period to protect SRKW from acoustic disturbance, including trained marine mammal observers, underwater noise monitoring, and detection of SRKW with hydrophones. Technologies, such as thermal imaging described above, are being explored by the VFPA as a potential mitigation measure during periods of darkness and low visibility; however, the ability of these technologies to detect killer whales is not well understood. The VFPA is committed to continue to explore new technologies to mitigate potential underwater noise disturbance during the construction period. **Further Information provided in the Response to IR4-10:** In 2016, the Enhancing Cetacean Habitat and Observation (ECHO) Program conducted a desktop study identifying three quiet ship classifications and three propeller technologies shown to reduce underwater noise in support of new criteria for the EcoAction Program. Effective January 1, 2017, the EcoAction Program includes new incentive criteria to provide harbour due rate discounts for quieter ships (i.e., ship classification society quiet vessel notations, cavitation/wake flow reduction technologies), making Canada the first country in the world, and Port of Vancouver the first port, with a marine underwater noise reduction incentive. Since the VFPA launched its new EcoAction underwater noise reduction criteria in 2017, 12 vessels took actions to reduce their underwater noise levels and received a bronze level incentive resulting in reduced harbour due rates. As it relates to RBT2, container ships calling on RBT2 that qualify under the EcoAction Program by meeting incentive criteria for reducing underwater noise levels, informed by ECHO initiatives, will reduce potential effects to at-risk whales. These reductions in underwater noise would occur in the southern coast of B.C. due to both marine shipping associated with the Project along shipping lanes, and when container ships are calling at RBT2.	14.4 Information Sources **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-11.5	Stated that Lyackson and Lake Cowichan are hoping to hunt seals in the future, and are interested in protecting the ability to undertake this activity.	23-Jul-2015, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#81):** Concern is noted. The VFPA acknowledges that reported Current Use in a given area does not necessarily reflect past levels of use or desired future use by Indigenous groups, and this is reflected in the assessment wherever relevant as indicated by an Indigenous group. The assessment of potential adverse effects on Aboriginal and treaty rights is primarily based on the results of the Current Use analysis and effects assessment, as well as the results of the Indigenous group consultation undertaken for the Project. The assessment of Current Use does not limit the assessment of Aboriginal and treaty rights. The assessment of rights includes all Aboriginal and treaty rights, regardless of whether they are being currently exercised. **Addressed in EIS Section 32.2.6.2:** The Project is not expected to affect the Current Use of marine mammals for harvesting purposes, which, based on information reviewed, is not presently occurring. The Project is also not expected to affect existing ceremonial uses related to this resource. **Addressed in Response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights 14.0 Marine Mammals 32.2.6.2 Potential Effect 2: Changes in Availability of Preferred Current Use Resources **Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
LCFN-11.6	Concerned with cumulative effects of increased marine shipping from multiple projects and potential impacts to Steller sea lions	23-Jul-2015, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#89):** The assessment considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable or measurable residual adverse effects from vessel strikes are predicted for marine mammals. The marine mammal assessment considers the potential for cumulative effects with respect to the potential residual effect (i.e., increased underwater noise produced by container ships and support tugs during Project operation), in combination with other projects and activities within the regional assessment area, including underwater noise from incremental marine vessel traffic outside VFPA jurisdiction. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. **Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales, other than SRKWs. The VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKWs. As such, Project-associated vessel activity, in combination with existing and future vessel activity, is expected to continue to result in a significant cumulative effect to SRKWs.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals 14.10 Cumulative Effects Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 8.2 Marine Mammals 8.2.9.1 Cumulative Effect #1 – Behavioural Effects Due to Underwater Noise 8.2.9.2 Mitigation Measures for Cumulative Effects 8.2.9.3 Assessment of Residual Cumulative Effects and Significance Determination
LCFN-11.7	Stated that a basking shark and grey whale have been sighted off the eastern shore of Valdes Island, and should be included in the assessment.	27-May-2014, Technical Working Group Meeting #3 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**27-May-2014, Meeting:** Responded that with respect to the potential basking shark sighting, we understand this to be a rare sighting and based on this input are looking at available information on basking sharks. Though the VFPA is not currently considering shark species as a VC or focal species in the environmental assessment we are	**Addressed in MSA Section 8.2:** An assessment of the potential environmental effects from marine shipping associated with the proposed Project on basking sharks and grey whales was completed, using humpback whales as a representative species (refer to MSA Section 8.2.6.3). Potential effects on marine mammals related to Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment and physical disturbance from vessel strikes. These effects are expected to be not significant for marine mammals.	**EIS** Appendix 8-A Valued Component Selection Rationale **MSA** 8.1 Marine Fish and Fish Habitat 8.1.5 Existing Conditions 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			considering the potential for an interaction and potential effect to sharks. **23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 8.2 Marine Mammals.		

Table 12: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN -12.1	Stated that Lake Cowichan and Lyackson have no data on current use in the marine shipping area, and require additional funding and time to complete a study.	23-Jul-2015, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**11-May-2015:** Offered funding of for participation in Project-related consultation activities including a marine shipping study. **19-May-2015:** Accepted funding. **23-Jul-2015, Meeting:** Explained that the VFPA's approach to Current Use is to use existing information. Stated that the VFPA is putting together profiles. Stated that the VFPA provided Lake Cowichan First Nation with the draft Current Use section already (by email on 24-Jun-2015). Stated that the Lyackson First Nation draft Current Use sections will be going out shortly. The VFPA is sharing the draft for input from Indigenous groups. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of Current Use (MSA Section 9.5). The VFPA has acknowledged the challenges of participating in consultation during summer months, and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation, and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests. **Addressed in Section 17 of the *Updated EIS Guidelines*:** Section 17 of the *Updated EIS Guidelines* notes: "It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail. To the degree possible, the proponent [the VFPA] should maximise the use of existing material that is relevant to marine shipping activities associated with the Project which is beyond proponent's care and control and within the 12 nautical mile limit of the territorial sea. Existing material may be utilized from academic studies, work of government and non-government working groups, past or ongoing environmental assessments, Aboriginal traditional knowledge reports or any other source the proponent deems appropriate for its presentation of this material" The MSA addresses the requirements of section 17 of the *Updated EIS Guidelines* regarding the environmental effects of marine shipping associated with the Project beyond the Project scope.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4.1 Existing Conditions, Tsawout First Nation 9.5.4.5 Existing Conditions, Malahat First Nation 9.5.4.6 Existing Conditions, Beecher Bay First Nation 9.5.4.7 Existing Conditions, Esquimalt Nation 9.5.4.9 Existing Conditions, T'Sou-ke First Nation 9.5.4.10 Existing Conditions, Pacheedaht First Nation 9.5.4.11, Existing Conditions, Dididaht First Nation 9.5.4.16 Existing Conditions, Lake Cowichan First Nation 9.5.4.17 Existing Conditions, Lyackson First Nation ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*, CEAR Document #177)**

Table 13: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN -13.1	Concerned about whether or not biomat and biofilm should be considered as a Species at Risk, given their rarity, and the lack of knowledge about them. Concerned about effects on biofilm and marsh. Interested in the relationship between biomat and biofilm and the existing causeway.	30-Apr-2014, Meeting with Lake Cowichan First Nation and Lyackson First Nation 28-Oct-2014, Preliminary EIS Results Workshop #3 10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation	**30-Apr-2014, Meeting:** Recorded comment for consideration by the Project team. **28-Oct-2014, Workshop:** Responded that in some cases, there is a residual effect to biofilm and also not. If there is a residual effect, then we need to understand: 'is there another project or activity that would also have a similar residual effect that would occur at the same time and same place?' We have gone through the project and activity list that we understand are planned in the future, and that is not the case; there are no other projects or activities that would cause a similar effect that would occur at the same time, at same place as RBT2. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **24-Apr-2017, Email from the VFPA:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank. Study Name: Biofilm – Biofilm Dynamics Study (continued from May 2016) Purpose: To assess factors influencing biofilm community dynamics at Roberts Bank. Study Area: Roberts Bank upper intertidal zones. Methods: Biologists will collect sediment samples from the Roberts Bank upper intertidal zone and analyse the samples for biofilm species composition and indicators of nutritional value to shorebirds. Abiotic parameters (temperature, salinity, and depth) will be monitored at the sampling locations during this study. Timing: This study will be conducted during daylight hours in April and May 2017.	**Addressed in EIS Appendix 7.2-B (#65):** Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment, and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which for the purposes of the marine vegetation effects assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. Biofilm, biomat, and intertidal marsh are considered in the effects assessment as sub-components of the marine vegetation VC. The existing conditions (including ecological function) for biomat and biofilm in the Project area and the potential effects of the Project on these marine vegetation sub-components, as well as on coastal birds, are described in the EIS. The assessment concludes that, overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of EMPs and the creation of habitat. During Project construction and operation, changes in the productivity of biofilm and biomat would be negligible (i.e., not measurable or detectable), while increases in the productivity of intertidal marsh are expected. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity. Biofilm community composition is expected to return to existing conditions outside of the annual freshet period. As described in the EIS, the temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet are not predicted to affect shorebirds. **Addressed in Response to IR8-04:** As noted in the VFPA's response to IR8-04, biofilm sampling and analysis have been completed since the submission of the EIS. Sampling was undertaken in both 2016 and 2017. The results and analysis of the 2016 program are presented in the response. The results from the 2017 sampling program were subsequently submitted to the Panel registry and align with the 2016 results. The response provides the background and rationale for the additional studies as well as commentary on how the 2016 results compare with the findings and conclusions presented in the EIS. Two standalone reports are attached to the response as Appendices IR8-04-A and IR8-04-B. The results of the 2016 additional studies complement the findings of the EIS and adds to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS: • Impacts to western sandpiper have largely been avoided through the placement of the marine terminal almost six kilometres away from their main feeding areas on Roberts Bank;	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6. Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110) Additional Information in Response to IR8-04 (CEAR Document #1215)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• The availability of food at Roberts Bank with the Project in place will not be limiting for migrating western sandpiper; • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing; • Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpiper.	
LCFN -13.2	Concerned about potential impact on marine plants, and subsequent impacts to water quality and flow. Noted Lake Cowichan First Nation community project that involved the planting of over 850 native plants on their waterfront property. Requested prioritisation of traditional plants as part of mitigation measures.	12-Aug-2014, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**12-Aug-2014, Meeting:** Offered to meet with the group to provide more information about the Habitat Enhancement Program and explains the objective of getting community input into planting plants of cultural significance on the Habitat Enhancement Program sites and that this has been achieved to date. **28-Oct-2014, Preliminary EIS Results Workshop #3:** At the Preliminary EIS Results Workshop #3, the VFPA presented on marine vegetation and explained that marine vegetation is expected to experience a slight net increase in productivity—some species productivity will increase, while others decrease. The effects on productivity are not anticipated to be significant. Biofilm productivity is also not anticipated to change with RBT2, though a change in biofilm community is anticipated: short-term, reversible. Overall, no cumulative effects are anticipated. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 11.0 Marine Vegetation.	**Addressed in EIS Section 11.0:** Overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of EMPs and the creation of habitat. The overall productivity increase is due to sheltering of the intertidal zone shoreward of the terminal, which would optimise physical conditions for marine vegetation. During Project construction and operation, changes in productivity of eelgrass, biofilm, and biomat are predicted to be negligible (i.e., not measurable or detectable), while increases in productivity of intertidal marsh are expected. Productivity of rockweed, a macroalgae, is predicted to decrease during construction and operation. This decrease can be mitigated through the creation of on-site subtidal rock reef habitat. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity, but is expected to return to existing conditions outside of the annual freshet period. The assessment concludes there are no significant adverse residual effects from the Project to marine vegetation, as it would continue to maintain its existing ecological functions. The Project is not expected to result in any incremental adverse cumulative effects to marine vegetation.	**EIS** 11.0 Marine Vegetation

Table 14: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN -14.1	Concerned about the Project being able to withstand environmental forces such as an earthquake, and waves and liquefaction that could occur as a result of such an event.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#214):** Potential effects related to a spill in the marine environment are addressed in EIS Section 30.0. Seismic events are considered in EIS Section 31.0. Effects of the environment on the Project related to extreme weather and weather-related events, and any subsequent effects on the environment, would be avoided or reduced through application of design criteria and implementation of standard management practices, work procedures, and mitigation measures during construction and operation. Effects of the environment on the Project related to low-probability events such as a large earthquake, a submarine landslide in the immediate vicinity of the Project, or a large tsunami, could result in irreparable damage to the Project. Effects of a catastrophic natural event or sea level rise would be widespread in the Fraser River delta and would not be unique to the Project. Measures conducted during Project construction to improve the ability of infrastructure to withstand a submarine landslide resulting from seismic activity include the dredging of soils and silts with poor seismic performance followed by vibro-densification. Due to the unpredictability and uncertainty associated with submarine landslides and tsunamis, and their expected low probability of occurrence at the Project site, measures to protect the Project during such events would be further defined in the detail design phase.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions 31.0 Effects of the Environment on the Project 31.4 Seismic Activity
LCFN -14.2	Noted Roberts Bank is a sensitive area; concerned about spills and accidents. Requested more information on this topic. Concerned that spills and accidents could occur due to activities related to the Project, from the container ships themselves, to on-land activities at the project site. Expressed reservation towards assurances by the VFPA that precautionary measures will be taken since other shipping accidents such as the MV Queen of the North has not been salvaged and the shipwreck still holds diesel.	03-Jul-2014, AG Valued Components Workshop #2 10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation 15-Nov-2017, Letter to Panel (CEAR Document #1101)	**03-Jul-2014, Workshop:** Recorded comment for consideration by the Project team. **07-Oct-2014, Workshop:** Accidents and malfunctions were discussed at Preliminary EIS Results Workshop #1. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on SRKWs, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B - Tables

Table 15: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-15.1	Stressed the importance of accessing traditional food, particularly for elders. Concerned that industrial development has resulted in a loss of harvesting skills and knowledge. Noted they have instituted programs for the revival of traditional and cultural practices, and actively promote the nutrition and health benefits of traditional foods.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation 05-Jun-2017, Meeting with Lake Cowichan First Nation and Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **05-Jun-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#128):** The human health assessment considered the subsistence food consumption of individual Indigenous groups, as summarised in EIS Section 32.2. This information was included in the evaluation of potential effects on food security, as well as health inequity. **Addressed in EIS Appendix 7.2-B (#183):** The Current Use assessment considers the quality of the experience of carrying out Current Use activities, which considers cultural aspects. The assessment of impacts on rights also considers cultural aspects and practices. The importance of traditional foods to culture and tradition is considered in the Current Use assessment (EIS Section 32.2). **Addressed in EIS Section 32.2:** EIS Section 32.2 examines potential Project-related and cumulative effects that are relevant to traditional food consumption and nutritional health. These potential effects are related to access to preferred locations for harvesting preferred food resources, availability of preferred food resources, and quality of preferred food resources. Based on information considered in the Current Use assessment (EIS Section 32.2), there are no anticipated residual effects to most traditional food sources, including marine vegetation, marine fish, coastal birds, marine mammals, and most marine invertebrates, including bivalve shellfish and Dungeness crab.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 27.0 Human Health 27.5.7 Food Security 27.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes
LCFN-15.2	Shared additional information on traditional and current use: • Lake Cowichan First Nation would engage in trade at Tl'uqtinus and then travel north to Squamish; • Roberts Bank was an area of importance for subsistence harvesting. Noted berry fields were identified as being important sources of nutrition; • Lake Cowichan First Nation would hunt marine mammals in all areas where those species range; • Elders described long-range harvests and hunts in 60 foot canoes for days and weeks at a time; and • Lake Cowichan First Nation would harvest shellfish at Roberts Bank and in the Southern Gulf Islands.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 32.0 on Current Use.	**Addressed in EIS Section 32.0:** As noted in EIS Section 32.2.4.6, based on information reviewed or received to date (at the time of EIS writing), it is the VFPA's understanding that Lake Cowichan First Nation has identified the following asserted rights and related interests, in relation to the Project area: • Harvesting marine resources (marine vegetation, marine invertebrates, marine fish); and • Hunting (ducks). Key sources relied upon to describe the asserted rights and Current Use of Lake Cowichan First Nation in the vicinity of the Project were a Project-specific study, entitled *Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use* (Chuuchkamalthnii 2014); publicly available information pertaining to Lake Cowichan Current Use (usually presented in the context of collective HTG interests); and ongoing consultation between the VFPA and Lake Cowichan regarding the Project.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.4.6 Lake Cowichan First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-15.3	Concerned that the EIS does not account for present, future, and near-future use and occupancy on the lower Fraser River. Noted Lake Cowichan First Nation and Lyackson First Nation are seeking to have the village site at Tl'uqtinus returned to them through treaty negotiations.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#184):** As presented in the EIS, the Project is not expected to result in adverse residual effects on Tl'uqtinus and the mouth of the Fraser River.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
LCFN-15.4	Concerned that the Project intrudes on the Nation's land title rights.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.3:** The Project is not predicted to adversely impact the ability of Lake Cowichan First Nation to exercise their asserted or established Aboriginal and treaty rights.	**EIS** 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis Table 32-7 Summary of Mitigation Measures to Address Potential Impacts on the Exercise of Aboriginal or Treaty Rights
LCFN-15.5	Concerned that the Canadian government has refused to discuss the topics of lands and opportunities on the lower mainland at the Treaty Table. Expressed that the Crown has allowed legislation, regulation, and policy to be developed that has directly infringed and adversely impacts the title, rights, and interests of Lake Cowichan First Nation.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA understands that this comment is directed to the Review Panel and is of the view that the concern is outside the scope of the environmental assessment. The VFPA has reviewed this letter and has no additional information to provide.		
LCFN-15.6	Expressed that the introduction of shipping lanes and berths in the Fraser River and international laws that supersede Canada's own legislation for rights of ways to large ships is an infringement to Lake Cowichan First Nation's ability to fish.	15-Nov-2017, Letter to Panel (CEAR Document #1101)	The VFPA understands that this comment is directed to the Review Panel and is of the view that the concern is outside of the scope of the environmental assessment. The VFPA has reviewed this letter and has no additional information to provide.		

Table 16: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-16.1	Interested in a Mutual Benefits Agreement. Stated that they would send the VFPA with a list of requested Mutual Benefits Agreement items.	05-Sep-2017, Meeting with Chief and Council	**05-Sep-2017, Meeting:** Committed to provide Lake Cowichan First Nation with additional funding related to Mutual Benefits Agreement negotiations and Project consultation activities. **18-Jan-2018, Meeting:** Lake Cowichan and the VFPA began discussions on a Mutual Benefits Agreement. Discussions are ongoing. **24-Jan-2018, Letter from the VFPA:** Offered Lake Cowichan funding to support the involvement of Lake Cowichan First Nation in activities related to negotiating a Mutual Benefits Agreement for the Project. **25-Jan-2018:** Lake Cowichan signed the contribution agreement.	**Addressed in EIS Appendix 7.2-B (#215):** The VFPA proposes to assist Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3.	**EIS** Appendix 7.2-B: Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

Table 17: Traffic / Transportation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-17.1	Concerned about increased vessel traffic and impacts to traditional forms of ocean travel.	10-Dec-2014, Health & Aboriginal Rights Workshop - Lake Cowichan First Nation / Lyackson First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0, as well as the Quantitative Risk Assessment (EIS Appendix 30-A). As noted in EIS Section 32.2.6.4, while the risk of an incident is very low or negligible, container ship traffic at Roberts Bank in the Strait of Georgia is expected to increase; perceptions of risk relating to safety and security while on the water will likely persist among Indigenous groups and persons plying these waters for Current Use. **Addressed in MSA Section 9.5:** MSA Section 9.5 assesses potential effects on the Current Use and potential impacts to the exercise of asserted or established Aboriginal and treaty rights that may result from marine shipping associated with the Project. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Further Information is provided in the Response to IR7-22:** The response to IR7-22, as requested by the Review Panel, discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area. For all segments discussed in the MSA, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.6.4 Potential Effect 4 - Changes in Quality of Current Use Experience **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Response to Sufficiency Information Request #22 (IR7-22 of CEAR Document #1141)

Table 17: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-17.1	Asked about the science behind underwater noise and how noise is measured and experienced underwater. Asked about the effects of underwater noise for fish and marine mammals.	15-Apr-2014, Technical Workshop Group Meeting #2 27-May-2014, Technical Workshop Group Meeting #3 06-Jun-2014, AG Valued Components Workshop #1 08-Oct-2014, Preliminary EIS Results Workshop #2 28-Oct-2014, Preliminary EIS Results Workshop #3 10-Dec-2014, Health & Aboriginal Rights Workshop – Lake Cowichan First Nation / Lyackson First Nation	**15-Apr-2014, Meeting:** Responded that while the mechanisms of sound propagation over land and over water are similar, there is less scientific knowledge about sound propagation over water in various weather conditions. For the technical report related to sound propagation over water, we reviewed literature on the topic and used computer modelling to help address concerns of Tsawwassen residents of reported higher noise levels during certain conditions. **27-May-2014, Meeting:** Stated that an assessment of underwater noise from the Project will be included in the EIS. Stated that the EIS will consider the potential effects of underwater noise associated with ship movements within the VFPA's jurisdiction and SRKW critical habitat in Canada. **06-Jun-2014, Workshop:** Recorded comment for consideration by the Project team. **08-Oct-2014, Workshop:** Described the existing conditions related to noise and vibration and anticipated future changes resulting from the Project components and activities, as well as to provide an opportunity for feedback from participants. Noted the assessment for noise and vibration is ongoing and not yet complete. **28-Oct-2014, Workshop:** Stated that explaining decibels underwater is challenging; I don't have a good example for you right now. But those levels would be characterised as ambient conditions. Confirmed that underwater noise is a potential effect to marine fish, and notes all of the marine fish sub-components are being evaluated in the context of underwater noise. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed. **Addressed in EIS Appendix 7.2-B (#90):** The assessment presented in the EIS considers the potential effects of Project-related changes in underwater noise on marine mammals. The assessment includes the potential cumulative effects on marine mammals of the Project in combination with other projects and activities, including noise from existing and incremental marine vessel traffic. Future underwater noise levels with the Project are comparable to levels currently measured at Roberts Bank and mitigation would be implemented to reduce construction-related effects; population modelling predicted no statistical difference in the effects of underwater noise on SRKW life functions and subsequent population-level effects, between existing conditions and future conditions with the Project, and future conditions with the Project in combination with future certain and foreseeable projects. Project-related adverse residual effects to marine mammals are expected to be not significant.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.3 Existing Conditions, Forage Fish 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity Table 13-12 Marine Fish Productivity Summary (Prior to Mitigation) Based on Weight of Evidence 14.0 Marine Mammals Table 14-7 Marine Mammal Modelling Studies Contributing to Project-related Predictions 14.1 Component Overview and Regulatory Setting 14.2 Selection of Marine Mammals Valued Component 14.3 Assessment Boundaries 14.5 Existing Conditions 14.6 Future Conditions with the Project Figure 14-1 Local and Regional Assessment Areas for Southern Resident Killer Whale Figure 14-2 Local and Regional Assessment Areas for Humpback Whales and Steller Sea Lions 15.0 Coastal Birds 15.7 Future Conditions with the Project

Table 18: Visual Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LCFN-18.1	Suggested beautifying the causeway: • Plantings along the causeway to compensate for the loss in marine habitat. • Incorporation of natural plants in retaining walls, like a green wall; plants to face the ocean side; utilisation of beach soil to encourage natural plant growth.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Noted that a causeway vegetation buffer is currently a proposed mitigation measure and undertook consideration of the suggestion as a means of mitigating changes to viewscape. Noted that a vegetation buffer was done for the Deltaport Third Berth Project with limited success and there is very shallow soil in that area. Many Deltaport Third Berth Project plantings did not take. Research has been done for RBT2 to figure out what species would thrive in that environment.	**Addressed in EIS Appendix 7.2-B (#124):** The use of a vegetation buffer along the causeway as a proposed mitigation measure for effects on daytime visual resources was excluded from further assessment after consideration of feedback received during consultation with Indigenous groups, as well as inter-disciplinary input on technical feasibility. It was concluded that a vegetation buffer would have limited, if any, effectiveness as mitigation for adverse effects on visual resources, and could result in a predation risk to shorebirds from raptors. Past experience with a vegetation buffer on the causeway have been unsuccessful due to soil conditions.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 25.0 Visual Resources 25.7 Mitigation Measures

APPENDIX IR10-01-C9

LYACKSON FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Lyackson First Nation

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-1.1	Asked what the air quality impact of the Project will be on the southern Gulf Islands. Stated that Lyackson remains concerned about how the Project will contribute to the cumulative effects of reduced air quality. Stated that the Project assessment has failed to adequately capture this concern. Concerned that increased vessel traffic will result in increased air pollution.	15-Apr-2014, Technical Working Group Meeting #2 01-Nov-2016, Letter to Panel (CEAR Document #733) 04-Apr-2017, Meeting with Administrative Staff	**15-Apr-2014, Meeting:** Responded the preliminary view is that the drop in concentrations with distance is exponential and too small to differentiate from background levels at that distance (i.e., 8.1) Stated that it is anticipated that the changes in air quality will not extend beyond the local study area and therefore would not reach the Gulf Islands. The air quality assessment model outputs will provide predicted results to support this preliminary view. **08-Oct-2014, Workshop:** Air quality was discussed in detail at Preliminary EIS Results Workshop #2. Presentation stated: • Assessment approach follows conservative methodology that predicts potential worst-case changes in air quality. • Results are overstated compared to what would actually be expected to occur. • Air quality is expected to improve, or remain similar to existing conditions for most of the substances emitted. • Improvements in fuel and technology standards for ships, cargo handling equipment, locomotives, and trucks on the road will reduce emissions compared to current operations. • Emissions of climate forcing substances (e.g., greenhouse gases and black carbon) are expected to increase. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **04-Apr-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Project. The results of the air quality assessment were used in the assessments of human health and current use of land and resources for traditional purposes (Current Use). The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits, such as improvements in fuel, are described based on their anticipated level of benefit to future air quality emissions. **Additional information provided in MSA Section 7.1:** As noted in MSA Section 7.1, an assessment was conducted to determine the potential changes to air quality from marine shipping associated with the Project. The assessment considered air emissions associated with vessel transit activities. Within the marine shipping area, ship emissions are the primary source of nitrous oxides, sulphur dioxide, and particulate matter emissions, and a relatively small source of gaseous volatile organic compound emissions. MSA Section 7.1.6 presents an assessment of cumulative air quality changes. Criteria air contaminants due to emissions from large marine vessels will be lower in 2030, with or without Project-associated vessel emissions, compared to existing conditions, due to the implementation of fuel and technology standard improvements through the North American Emission Control Area (ECA) (under the responsibility of the International Maritime Organization (IMO)). Air quality objectives and standards for nitrogen dioxide, sulphur dioxide, and fine particulate matter will not be exceeded with ship emissions in the marine shipping area under future cumulative conditions, including Project-associated vessel emissions. The emissions of these criteria air contaminants from Project-associated ships are expected to represent less than 8% of	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Air Quality Existing Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Appendix H – Westshore Coal Dust Assessment **Marine Shipping Addendum (MSA, CEAR Document #316)** 7.1 Air Quality 7.1.6 Cumulative Air Quality Change Assessment

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				the total annual cumulative emissions from large marine vessels along the vessel routes, and approximately 6% of total annual cumulative greenhouse gas emissions. Trace particulate organic matter emissions (the organic fraction of particulate matter emissions) are projected to decrease substantially compared to existing conditions, due to emission reduction requirements set out for ships operating within the North American ECA. This assessment predicted that emissions of other trace gaseous volatile organic gas compounds will increase by more than 20% with large marine vessel activity in the future, although some trace organics may decrease with the implementation of the North American ECA. Vessel traffic associated with the Project is expected to represent eight of the 20 percentage points of this increase. While there are no criteria for diesel particulate matter in Canada, concentrations within the marine shipping area are currently above acceptable source impact limits for Washington State and are projected to remain above this limit in the future. The levels of other trace organics are projected to be below air quality objectives and limits in the future.	
LFN-1.2	Asked about air quality regulations for the new equipment.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that manufacturers have to meet new standards or regulations. Any new locomotive or truck (for example) that is purchased will have to meet those standards. New vessels have to meet the IMO standards to NO_2 emissions. The fuel requirement for vessels is part of the ECA, which comes into effect January 1, 2015. Container ships and bulk ships tend to last about 20 and 25 years, respectively. Equipment on the terminal gradually gets replaced as well, with new equipment having to meet whatever the current standards are. For example, there are three relatively old Stacker-Reclaimers currently in use at Westshore are expected to be replaced by 2020-2025. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#41):** The Project design places priority on the safe and efficient handling of containers and provision of a functional interface with intermodal carriers, consistent with the current design of other such terminals worldwide. Project-related changes in greenhouse gases and climate-forcing particulate matter (e.g., black carbon) are assessed in the air quality assessment. The carbon footprint for the Project will be reduced through the use of electrically-powered equipment at the terminal and shore power for berthed vessels. Shore power is a part of the VFPA's overall Air Action Program*, which also includes projects that minimise emissions of trucks, cargo handling equipment, and trains. The VFPA has already provided shore power connections for cruise ships at Canada Place and is actively working on increasing the use of shore power to include cargo ships. The Project has been designed to include connections for vessel shore power. Shore power connections will enable ships to be plugged into electrical power sources at the wharf so that their diesel engines and associated electrical generators can be turned off, thus reducing air and noise emissions. Electrical services for tug shore power connections will be extended, or added from the existing tug basin services. Mitigation measures related to air quality are included in EIS Section 27.0, and in EIS Section 35.0. *The Air Action program was renamed to Air, Energy and Climate Action. **Additional information provided by the VFPA:** The VFPA leads a suite of initiatives that reduce air emissions associated with key port activities: ships, trucks, cargo-handling equipment, and terminal activities. The VFPA's approach is to collaboratively work with industry and stakeholders in each sector to develop programs that respond to their unique operating context and meet industry leading environmental objectives. Key initiatives include the EcoAction Program, the Northwest Ports Clean Air Strategy, Air Emissions Inventories, Energy Action Initiative, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air, Energy and Climate Action initiatives can be found at: https://www.portvancouver.com/environment/air-energy-climate-action/	**EIS:** 4.0 Project Description 4.2.1 Project Component Details, Marine Terminal 4.4.2 Project Activities, Operation-phase Activities Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.2 Air Quality 9.2.8 Future Conditions with the Project 27.0 Human Health 27.7 Mitigation Measures 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments
LFN-1.3	Asked if the North American Emission Control Area coming into effect in 2015 will result in improvements in 4-5 years' time.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that an immediate improvement in terms of SO_2 and particulate matter is expected, because the fuel use is immediate. Explained that in 2010 the average sulphur content in fuel for ships calling in Vancouver was 2.4%, in 2012 the requirement became	**Addressed in EIS Section 9.2.5.1:** Changes associated with the North American ECA are described in the EIS. Older, higher-emitting container ships will be gradually taken out of service through normal fleet turnover and replaced by newer, lower-emitting ships that meet tighter engine emission standards as defined by the IMO for ships operating in the ECA.	**EIS** 9.2 Air Quality 9.2.5 Methods

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			1%, and as of January 1, 2015 it will be 0.1%. An immediate change is realised with fuel but there is a delayed response for the turnover of equipment (NO_2). Equipment standards are mandated/regulated on the manufacturing side, but the timing of the purchase of new equipment is at the discretion of operators. It takes a few years to build a ship, so vessels are commonly built to meet the anticipated standards for when it will come into operation. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 9.2 Air Quality.	The EIS accounts for changes resulting from the ECA in the prediction of changes to air quality in the operations phase.	9.2.5.1 Temporal Boundaries, Future Conditions with the Project, Operations Phase

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Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-2.1	Stated that Lyackson does not support the rationale for more goods being imported and exported from the port; nor does Lyackson support higher manufacturing which would result in increased worldwide emissions.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA's mandate is to facilitate Canada's trade objectives, ensuring goods are moved safely, while protecting the environment and considering local communities. Canada is a resource-rich nation that relies on trade to support its growing population and standard of living. Canada's West Coast, including the VFPA and the Port of Prince Rupert, have experienced substantial growth in container shipping. Canadian importers and exporters of all sizes, from grain exporters in Saskatchewan to blueberry farmers in B.C., rely on the port to help sustain their businesses and support growth opportunities. All levels of government have current and future plans to capitalise on a growing global economy, which requires Canada to be prepared for the trade that will come to Canadian ports. The role of the VFPA is to ensure the port is ready for Canada's trading future. As we plan, we must consider how to provide needed port facilities within a growing metropolitan area. We have also consulted with local governments, Indigenous groups, and residents on the ways we can grow responsibly.	**Roberts Bank Terminal 2 Project Review Panel Terms of Reference (CEAR Document #176)**

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Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-3.1	Concerned that ship wake will cause erosion of shoreline; particularly related to burial grounds on the shoreline of the San Juan and Gulf islands, and within the Gulf Islands National Park. Suggested that a slow bell be introduced to help mitigate impacts.	23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 9.4 Archaeological and Heritage Resources.	**Addressed in MSA Section 9.4.6:** The potential effects on archaeological and heritage resources from vessel transit (marine shipping) are viewed as negligible because the only physical mechanism for effect, vessel wakes, are predicted to be within the natural variation in size of wind waves and would reflect only a small percentage of the annual maximum storm wave energy. **Addressed in IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples. **Additional information provided by the VFPA:** The VFPA maintains a list of potential mitigation measures for marine shipping associated with the Project that are received through consultation and other means for consideration and evaluation by the appropriate federal authorities. Lyackson First Nation's suggestion has been logged. The VFPA remains open to suggestions regarding potential mitigation measures. **Addressed in IR13-19:** The VFPA's forthcoming response to IR13-19 will further discuss potential effects of shoaling on shoreline structures and sites of physical and cultural heritage importance.	**EIS** 9.4 Archaeological and Heritage Resources 9.4.5 Existing Conditions 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake **MSA** Appendix 5-B Aboriginal Issues and Interests **Information Requests** Sufficiency Information Request #21 (IR10-21) Sufficiency Information Request #19 (IR13-19)
LFN-3.2	Asked if there could be archaeological sites where the local assessment area (LAA) touches the shoreline.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Responded there are no recorded archaeological sites in the LAA. Identified the onshore and intertidal zones within the LAA along the north side of the Deltaport causeway and noted preliminary field reconnaissance was undertaken in the area. Identified the BC Ferries causeway, areas to the south and Point Roberts and explained that known archaeological sites are located there largely because the area was once an island. Explained that over the past couple thousand years sediment from Fraser River was deposited, filling in the area to the north and connecting the island to the mainland. Noted the shoreline has moved out over time as a result of this process.	**Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the LAA. The results of the archaeological and heritage resources assessment were considered in the assessment of EIS Section 32.0. The LAA included the physical footprint of the Project plus a 100 m buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area (RAA) considered a 4 km area around the Project area. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past use is directly linked to the type of physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 28.0 Archaeological and Heritage Resources 28.2 Selection of Archaeological and Heritage Resources VC 28.3 Assessment Boundaries 28.4 Information Sources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes **Information Requests** Sufficiency Information Request #21 (IR10-21) Sufficiency Information Request #23 (IR10-23) Sufficiency Information Request #13 (IR13-20)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The scope or methods of the Archaeological and Heritage Resources assessment are described in the EIS. **Addressed in IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples. **Addressed in IR10-23:** The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm. **Addressed in IR13-20:** The VFPA's forthcoming response to IR13-20 will further discuss Project-related changes to the wave environment and their potential effects on current use activities, access, and navigation.	
LFN-3.3	Commented that it would be helpful if the list of archaeological sites (slide 11) were arranged on a map as a visual aide.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Responded the sites are identified in the Archaeological Overview Assessment for the Project. (The draft Archaeological Overview Assessment for the Project was provided to Lyackson First Nation on 16-Dec-2013, and a revised draft was provided to Lyackson First Nation on 12-May-2014.)	**Addressed in EIS Appendix 28-A:** The archaeological sites are arranged on a map and included as Figure 1 – Study Area and Nearby Archaeological Sites in EIS Appendix 28-A.	**EIS** 28.0 Archaeological and Heritage Resources Appendix 28-A Roberts Bank Terminal 2 Technical Report, Archaeological Overview Assessment Figure 1 – Study Area and Nearby Archaeological Sties

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-4.1	Asked what effect(s) noise has on birds.	15-Apr-2014, Technical Working Group Meeting #2 08-Oct-2014, Preliminary EIS Results Workshop #2	**15-Apr-2014, Meeting:** Responded that bird experts can be available at future working groups to answer these and any other related questions. **08-Oct-2014, Workshop:** Stated that the potential effect of noise on birds has been considered, and will be included in the EIS. Noted that coastal birds will be discussed in detail at an upcoming workshop. **29-Oct-2014, Workshop #4:** Described the results of the preliminary assessment of potential Project effects and cumulative effects on coastal birds and proposed mitigation. Requested feedback on the draft findings and proposed mitigation. Explained that noise can affect how coastal birds use their habitat in the LAA, but that these effects can be mitigated through avoidance measures (project planning and design, timing windows) and mitigation measures to address disturbance of underwater noise (bubble curtains, construction ramp-up periods) and above ground noise (construction ramp-up periods).	**Addressed in EIS Appendix 7.2-B (#96):** Existing conditions and potential effects of Project-related changes in airborne noise and underwater noise on coastal birds are considered in EIS Section 15.0. The assessments of potential Project-related changes in noise and vibration and underwater noise are included in EIS Sections 9.3 and 9.8, respectively. **Addressed in EIS Section 15.7.2.2:** Noise and other disturbance from construction or operation activities (e.g., underwater or above-ground noise, vessel movement, and increased total suspended solids) is considered as a factor affecting bird productivity. The potential effects of noise and other anthropogenic disturbances on birds include avoidance of the affected area, fright-flight responses, and physical damage of tissues and death. The EIS concludes that visual disturbance and noise from Project construction are anticipated to be minor; however, mitigation measures to reduce the effects from loud, abrupt, impulsive noise will be employed. Disturbance from operational activities are anticipated to be similar to existing conditions and likely to be negligible, as the main areas of terminal activity are in the subtidal zone, away from the areas of intense shorebird usage. The EIS concludes that the productive potential in the LAA to support shorebirds will not be compromised as a result of the Project.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.3 Noise and Vibration 9.8 Underwater Noise 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect – Changes to Productivity
LFN-4.2	Asked about vehicle strikes to birds, and how sound the data on vehicle strikes is, if people do not report striking birds.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** A representative from B.C. Environmental Assessment Office (EAO) responded that there is a legal requirement in B.C. to report an incident where wildlife is killed to the Conservation Officer Service.	**Addressed in EIS Appendix 7.2-B (#99):** Vehicle collision-related mortalities are expected to be very low compared to population size and are not expected to affect the short- and long-term population viability of coastal birds, with the exception of barn owls. In the absence of mitigation, minor effects to the productive potential of the LAA to support barn owl are predicted. The VFPA will work with transportation authorities and the Canadian Wildlife Service to develop and implement measures to mitigate potential effects to barn owls from vehicle collisions.	**EIS** 4.0 Project Description 4.4.1 Project Activities, Construction-phase Activities Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.7.3 Future Conditions with the Project, Potential Effect – Changes in Productivity 15.8 Mitigation Measures Table 15-12 Summary of Mitigation Measures to Address Adverse Project-related Effects on Coastal Birds 33.0 Environmental Management Program 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan
LFN-4.3	Concerned about the potential effects of bird collisions with power lines as a result of the Project.	03-July-2014, Valued Components Workshop #2	**03-Jul-2014, Workshop:** Responded that there are non-buried power lines and the VFPA has done quite an extensive study to look at the effects of those power lines.	**Addressed in EIS Appendix 7.2-B (#98):** No new overhead transmission lines are required for the Project. All new electrical and communications cables required for the Project will be distributed through the site via underground ducts and conduits, as	**EIS** 4.0 Project Description

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
		08-Oct-2014, Preliminary EIS Results Workshop #2 29-Oct-2014, Preliminary EIS Results Workshop #4	Stated that the VFPA had biologists stationed along them doing flight behaviour surveys, so watching for birds crossing the power lines and noting their flight behaviours, what species, in what numbers, to get an idea of the types of birds that approach and try to hurdle over them. Stated that the VFPA also conducted weekly carcass surveys to identify the number, the species, and the chronology of bird fatalities along the causeway. Not every time was it caused by a power line, for example by predators and other things like that, so we were trying to look at sources of bird mortality and get an idea of the proportion caused by power lines. **08-Oct-2014, Workshop:** Recorded comment and noted that a presentation on coastal birds is planned for an upcoming workshop (29-Oct-2014). **29-Oct-2014, Workshop:** Responded that there are a couple of kinds of mitigation, one of them being the use of bird diverters along power lines, which makes the power lines more visible to birds, so they can be avoided. Noted that it is the VFPA's understanding that the mitigation measures (reflectors and bird diverters) are effective at minimising the effect of bird strikes. Stated that this may not eradicate the effect altogether; however, there are far fewer of them than without it.	described in the EIS. Consequently, effects on coastal birds related to collisions with power lines associated with the Project are not anticipated. The Tim Claremont bird strike study conducted at the Nanaimo Estuary by Cooper et al. (2004) and the study conducted by Hemmera (2014) to assess potential effects from overhead transmission lines and vehicles on birds followed similar methodologies, as they were both modelled after the same study conducted at the Deltaport Facility in 1994 (see Burger and Cassidy 1995). Hemmera biologists conducted studies from May 2012 to September 2013 to assess potential effects of overhead transmission wires and vehicle collisions on birds at the existing Roberts Bank terminals in Delta, B.C. The objective of the study was to determine existing effects of power lines on birds, noting that transmission lines for the Project will be buried, not installed overhead. The study report entitled Roberts Bank Terminal 2 Technical Data Report, Coastal Birds: Effects of Overhead Transmission Lines and Vehicle Traffic on Birds, is available at the following link: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/.	4.4.1 Project Activities, Construction-phase Activities Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.5 Existing Conditions
LFN-4.4	Referred to discussion about trees along the causeway as a mitigation for the visual resources effects assessment. Recalled discussion about whether or not trees would result in an increased likelihood of bird strikes, by attracting more birds.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Referred to the visual resources valued component (VC) presentation at Preliminary EIS Result Workshop #2 on 08-Oct-2014 and recalled there was discussion of the potential advantages and disadvantages of planting trees along the causeway as a visual buffer. It was discussed that planting along the causeway may attract wildlife and put them at increased risk for strikes. Responded if habitat like that is built, the probability of predator species such as raptors using the area increases, which prey upon shorebirds and other species. There are some trade-offs and linkages associated with that, and that would definitely be a consideration.	**Addressed in EIS Appendix 7.2-B (#124):** The use of a vegetation buffer along the causeway as a proposed mitigation measure for effects on daytime visual resources was excluded from further assessment after consideration of feedback received during consultation with Indigenous groups, as well as inter-disciplinary input on technical feasibility. It was concluded that a vegetation buffer would have limited, if any, effectiveness as mitigation for adverse effects on visual resources, and could result in a predation risk to shorebirds from raptors. Past experiences with a vegetation buffer on the causeway have been unsuccessful due to soil conditions.	**EIS** 4.0 Project Description 4.4.1 Project Activities, Construction-phase Activities Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.7.3 Future Conditions with the Project, Potential Effect – Changes in Productivity 15.8 Mitigation Measures Table 15-12 Summary of Mitigation Measures to Address Adverse Project-related Effects on Coastal Birds 33.0 Environmental Management Program 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-4.5	Concerned about the potential effects of lighting on birds. Concerned about the lighting at night from current development being a stressor for migratory birds. The Project is anticipated to magnify this already harmful effect. Concerned with the impact that the 24-hour lighting from the current Deltaport and Westshore Terminals has on migratory birds that rely on nesting areas along mud flats on Roberts Bank adjacent to the Project.	08-Oct-2014, Preliminary EIS Results Workshop #2 29-Oct-2014, Preliminary EIS Results Workshop #4 01-Nov-2016, Letter to Panel (CEAR Document #733)	**08-Oct-2014, Workshop:** Noted that the light assessment feeds into the effects assessments for marine fish, coastal birds, visual resources, and Current Use. Reviewed the light study purpose and approach, noting a technical study was carried out to measure current levels of light trespass and sky glow, and build a model to predict future levels. Presented slides on assessment methods and boundaries, noting points of reception (POR) locations, and classifications of measurement. Described existing conditions and expected conditions at Project commencement. **29-Oct-2014, Workshop #4:** Described the results of the preliminary assessment of potential Project effects and cumulative effects on coastal birds and proposed mitigation. Requested feedback on the draft findings and proposed mitigation. Explained that light can affect how coastal birds use their habitat in the LAA, but that these effects can be mitigated through avoidance measures (project planning and design, timing windows) and mitigation measures to address disturbance of artificial light, such as valances to minimise light trespass.	**Addressed in EIS Appendix 7.2-B: (#95):** It is recognised that nocturnal behaviour of birds varies in response to lighting conditions. A review of documented effects of both natural and artificial light on birds is provided in the EIS. The potential effects on coastal birds of changes in artificial light related to the Project are considered in the EIS. A Light Management Plan will be included in the Construction Environmental Management Plan (EMP) and the Operation EMP, to reduce artificial light-related effects on coastal birds. **Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on VCs and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources, and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected; • Project-related lighting is expected to result in a minimal increase in light trespass levels; and • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of EMPs, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. **Addressed in EIS Appendix 7.2-B (#99):** A review of documented effects of both natural and artificial light on birds is provided in the EIS. The EIS considers the potential effects of artificial light on coastal birds, including the potential for increased risk of predation on shorebirds by nocturnal raptors (i.e., owls).	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect- Changes in Productivity 15.8.3 Mitigation #2 – Measures to Address Productivity Loss due to Changes in Habitat Quality 33.0 Environmental Management Program 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan **MSA** 8.3 Marine Birds **Information Requests** Response to Sufficiency Information Request #2 (IR9-02)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				A Light Management Plan will be included in the Construction EMP and the Operation EMP, to reduce potential artificial light-related effects on coastal birds. **Addressed in MSA Section 8.3:** Potential effects of artificial light from shipping traffic in the marine shipping area. The MSA notes that nocturnal feeding marine birds can be attracted to artificial light sources, such as ship lighting, and that mortality is known to occur. For the LAA, no collisions with vessels have been recorded, which indicates that collisions with vessels are most likely infrequent and, if they do occur, do so on a small scale (in terms of the number of birds). **Addressed in IR9-02:** The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	
LFN-4.6	Noted the importance of biomat and biofilm for migratory birds, some of which are used for spiritual or cultural reasons.	30-Apr-2014, Meeting 08-Oct-2014, Preliminary EIS Results Workshop #2 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**30-Apr-2014, Meeting:** Committed to follow up with Lyackson regarding the widening of the causeway and the terminal's effect on biofilm and migratory birds. Responded that impacts to migratory birds are to be included in the EIS. **08-Oct-2014, Workshop:** Responded that the extent of the biofilm and biomat has been quantified for Roberts Bank. Stated that there is quite a bit of biofilm and biomat in the inter-causeway area. Both of them are basically a matrix of sediment particles; biomat is more of a cyanobacteria, a green algae, whereas biofilm is comprised of primary producers, smaller photosynthesising microscopic organisms that birds eat. Shared that the marine vegetation presentation will likely include a habitat map, showing the extent of biofilm and biomat, as well as present information about Project-related changes. Referred to a hyperspectral survey carried out for the marine vegetation assessment, to identify the areas where there is photosynthetic activity. **28-Oct-2014, Workshop:** Stated that biofilm productivity is not anticipated to change with RBT2. Stated that change in biofilm community is anticipated: short-term, reversible; temporary, seasonal transition of biofilm community during freshet. **29-Oct-2014, Workshop #4:** Biomat, biofilm, and migratory birds were discussed at Preliminary EIS Results Workshop #4.	**Addressed in EIS Appendix 7.2-B (#65):** The assessment addresses potential Project-related effects to biofilm and biomat, which are considered important to the Roberts Bank ecosystem. Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment, and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which, for the purposes of the marine vegetation effects assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. Biofilm, biomat, and intertidal marsh are considered in the effects assessment as sub-components of the marine vegetation VC. The existing conditions (including ecological function) for biomat and biofilm in the Project area and the potential effects of the Project on these marine vegetation sub-components, as well as on coastal birds, are described in the EIS. The assessment concludes that, overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of EMPs and the creation of habitat. During Project construction and operation, changes in the productivity of biofilm and biomat would be negligible (i.e., not measurable or detectable), while increases in the productivity of intertidal marsh are expected. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity. Biofilm community composition is expected to return to existing conditions outside of the annual freshet period. As described in the EIS, the temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet are not predicted to affect shorebirds.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6. Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			10-Dec-2014, Workshop: Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.		
LFN-4.7	Concerned about the impacts to birds as a result of the Project, including impacts to Lyackson's cultural practices that are linked to the cultural importance of birds.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in IR10-08:** The VFPA's response to IR10-08, as requested by the Review Panel, further discusses potential changes in quality of the current use experience resulting from the proposed project.	**Information Requests** Response to Sufficiency Information Request #08 (IR10-08)
LFN-4.8	Questioned the results of the assessment given that it was conducted based on inadequate baseline data, based on assumptions, and without involving First Nations in the significance decisions. Stated that it is not clear how Lyackson's input was considered in the assessment. Stated that proposed mitigation measures and plans have not been developed in consultation with First Nations.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information. **29-Oct-2014, Preliminary EIS Results Workshop #4:** The VFPA described the results of the preliminary assessment of potential Project effects and cumulative effects on coastal birds and the proposed mitigation measures. The VFPA also described the definition of significance regarding potential impacts to coastal birds and the rationale for conclusions regarding the significance determination. The VFPA asked to receive feedback on the draft findings and proposed mitigation. The VFPA reviewed the executive summary, the list of VC sub-components and indicators (noting representative species), assessment boundaries, the LAA, RAA, information sources, and the shorebird opportunity model, noting it was an outcome of the TAG process and conducted in collaboration with Simon Fraser University (SFU). **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-A:** EIS Appendix 7.2-A describes the consultation undertaken during the development of the EIS, including with respect to data collection, proposed mitigation measures, and significance determinations. **Addressed in response to IR-7.31.15-08:** The VFPA's response to IR-7.31.15-08 provides a description of where and how Indigenous traditional knowledge (ITK) has been used to support the selection of VCs, baseline descriptions, the assessment of effects, including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in response to MSA IR-02.24.16-4:** The VFPA's response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**EIS** Appendix 7.2-A Aboriginal Group Consultation **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-04 of CEAR Document #386) Response to Sufficiency Information Request #2 (IR10-02)

Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-5.1	Asked if the expanded tug boat basin, and the new crest protection in the area is expected to affect the coastal geomorphology in the Project area.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded the tug basin is within the inter-causeway zone, which has been looked at as part of the assessment. Changes to flow conditions are not anticipated in that area. It is thought that there is not enough room for tidal channels to form; earlier plans were modified to reduce the chances of tidal channels forming. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project. The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology TAG. The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration has been modified to reduce the potential for a number of adverse changes to geomorphology during Project construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur during construction only, and will be temporary and reversible. The VFPA will ensure the study and management of potential channel formation related to drainage of tidal waters through the causeway dyke during the construction phase. Changes will be incorporated in detail design, as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.5 Coastal Geomorphology 9.5.6 Existing Conditions 9.5.8 Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint
LFN-5.2	Concerned about the effects of vessel traffic, berthing activities, ship wakes, and propeller/thruster currents on Lyackson First Nation marine and foreshore environments (Valdes Island).	08-Oct-2014, Preliminary EIS Results Workshop #2 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**08-Oct-2014, Workshop:** Stated that any ship that goes through deep water will create wake, but calculation showed that it would take 300 ships to create the same amount of waves as a one hour of a storm. Stated that the number of waves caused by ship wake is comparatively low. Stated that wave action caused by ship wake is measurable, but negligible. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#51):** Changes to the physical environment, including currents, from transiting and berthing activities associated with the Project were considered. A detailed analysis of potential changes to geomorphology at Roberts Bank from ship wake was not conducted as the number and size of waves generated by the additional shipping in the area was anticipated to be very small relative to the overall wind-induced wave climate in the area. Analysis of potential changes to geomorphology on Le'eyqsun and surrounding islands was not conducted as these areas are outside of the scope of the assessment (Project-related changes are not anticipated in these areas). **Additional information provided by the VFPA:** As noted in MSA Section 7.2, an assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project on wake-generated waves. Ship wake that is less than 10 cm in height is considered to be well within the range of natural conditions and therefore defines the threshold for consideration in the assessment. In Segment A (southern Strait of Georgia, and closest studied area to Valdes Island), the estimated Project-associated vessel wave heights are predicted to be equal to or less than 0.03 m due to the slow vessel speed observed in this segment. Thus, the vessel wake from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators in the southern Strait of Georgia during calm conditions.	**EIS** 7.2 Wave Environment 9.5 Coastal Geomorphology 9.5.9 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-5.3	Concerned about potential effects of dredging and sediment movement on sites around Valdes Island, including dump sites off Valdes. The Project would further increase these adverse effects. Stated that project construction and operations dredging will result in changed currents and potential pollution of the marine environment and marine resource relied upon by Lyackson members, including resources such as sockeye salmon that are only harvestable within Lyackson territory in the vicinity of the Project, as well as other unique environmental features associated with sea mammals (whales and sea lions), and other resources.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Project Construction Update (CEAR # 1210),** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018 (CEAR #1210), providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the environmental impact statement (EIS), including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to TFN community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities. **Additional information provided by the VFPA:** There is no plan to utilise dump sites off Valdes Island.	**Information Requests** From the Vancouver Fraser Port Authority to the Review Panel re: Project Construction Update (See Reference Document #995) – CEAR #1210
LFN-5.4	Stated that the VFPA has not adequately assessed the Project's potential negative effects caused by silt on biofilm and biomat.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 11.0:** The VFPA has undertaken extensive studies to assess potential project changes to biofilm and biomat. As noted in EIS Section 11.6.2.2, changes in sedimentation patterns resulting from terminal placement are expected to have a negligible influence on macroalgae productivity and no effect on biomat productivity. There is a lack of spatial overlap between areas of predicted change and the distribution of biomat within the LAA; therefore, this mechanism is not expected to influence the productivity of biomat. As noted in EIS Section 11.6.3.5, biofilm biomass at Roberts Bank has been shown to be positively correlated with fine sediment grain size, a characteristic associated with low-energy environments. Reductions in wave height and tidal current velocity within the tidal flats may therefore lead to increased biofilm productivity. In addition, increased sedimentation of fine sediments may occur with decreased energy. These changes have the potential to increase productivity in areas of existing biofilm as well as potentially create new areas of biofilm-suitable habitat over the long-term.	**EIS** 11.0 Marine Vegetation 11.6.2.2 Changes in Sedimentation and Coastal Processes 11.6.3.5 Biofilm

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Table 6: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-6.1	Concerned that an increase in vessel traffic, including ferry traffic, Kinder Morgan traffic, and LNG related traffic, will negatively affect Lyackson's economic development opportunities on Valdes Island. Stated that all the Project impacts discussed in this report will further reduce the quality and quantity of the resources that Lyackson depend upon for socio-economic interests and continued practise of rights.	30-Apr-2014, Meeting 01-Nov-2016, Letter to Panel (CEAR Document #733)	**30-Apr-2014, Meeting:** Stated that impacts to marine traffic will be included in the EIS. **01-Nov-2016:** The VFPA has reviewed this letter and provides the following additional information.	**Addressed in IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**Information Requests** Response to Sufficiency Information Request #27 (IR10-27)
LFN-6.2	Given that Lyackson is looking at options to acquire land on both sides of the Fraser River, Lyackson is concerned with adverse impacts caused by project components such as powerlines and subsequent impacts due to electromagnetic fields. Stated that the Proponent has not adequately assessed this impact.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 4.2.1.5:** As per EIS s. 4.2.1.5, electrical power at 69 kv will be obtained from the existing BC Hydro transmission line on the Roberts Bank causeway. The line to the new terminal's main substation will transition to an underground cable at the existing Deltaport Terminal and Westshore Terminals distribution point. According to system studies conducted by BC Hydro, no new overhead transmission lines will be required.	**EIS** 4.2.1.5 Infrastructure, Ancillary Systems, and Support Facilities

Table 7: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-7.1	Stated that cumulative effects should include past, present, and future projects, including the BC Ferries causeway, Deltaport causeway, Westshore Terminal, Kinder Morgan, and Deltaport Terminal. Concerned that the baseline for the Proponent's cumulative effects assessment is starting at present time and consequently does not consider how the causeways already have changed the environment by existing projects.	15-Apr-2014, Technical Working Group Meeting #2 28-Oct-2014, Preliminary EIS Results Workshop #3 01-Nov-2016, Letter to Panel (CEAR Document #733)	**15-Apr-2014, Meeting:** Responded that Westshore Terminals is included in the assessment. Traffic increases and other assumptions have been incorporated into the model presented. If Kinder Morgan or another Project has conducted an air quality assessment, we will consider how their emissions combine with RBT2 emissions. **28-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#38):** The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including effects on local and Indigenous communities. A review of previous studies, effects assessments, and commitments from other projects was conducted and has informed the Project's environmental assessment, as discussed in the EIS. Projects and activities contributing to existing and expected conditions in the Project area are identified and described. Information sources considered in the characterisation and assessment of each intermediate component (IC) and VC are identified in the respective effects assessment section. **Additional information provided by the VFPA:** Vessel traffic from Kinder Morgan's Trans Mountain Pipeline Project is included as a reasonably foreseeable project in the cumulative effects assessment. Vessel traffic from Westshore Terminals, BC Ferries, Deltaport is reflected in existing conditions. **Addressed in EIS, responses to IR-7.31.15-13 and AIR-12.04.15-13:** In the EIS, the existing conditions (i.e., baseline) reflect the conditions of the environment as modified by past development. Further discussion of the cumulative effects methodology and how the effects of past, present, and future projects and activities in the context of cumulative effects were considered is provided in IR-7.31.15-13 and AIR-12.04.15-13.	**EIS** 3.0 Geographical Setting 3.4 Projects and Activities Contributing to Existing and Expected Conditions Appendix 7.2-B Aboriginal Issues and Interests **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
LFN-7.2	Criticised the process for cumulative effects assessment, which consistently results in a determination of no cumulative effect.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Responded that the intent of this environmental process is to be transparent about the effects based on the available information and the mitigation dealing with the effect. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#34, #36):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177) and to be consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012*, Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 8.1.3 Establishment of Assessment Boundaries 8.19 Cumulative Effects Assessment
LFN-7.3	Stated that Lyackson needs information on cumulative effects and what it will do to harvesting on water and lands.	15-Apr-2014, Technical Working Group Meeting #2	**15-Apr-2014, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#172):** The harvesting of plants, birds (including waterfowl), hunting and trapping of smaller animals, as well as other harvesting activities, are included in EIS Section 32.2. The Project is not predicted to have an effect on the Current Use related to harvest of plants or birds, or on hunting and trapping of waterfowl and smaller animals. **Addressed in EIS Appendix 7.2-B (#35):** Reasonably foreseeable projects and activities related to marine shipping, including incremental marine vessel traffic associated with RBT2, is considered in the cumulative effects assessment.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in EIS Appendix 7.2-B (#177): The potential cumulative effects of the Project in combination with other projects and activities that have been and will be carried out, including existing and future shipping, on Indigenous fisheries are discussed in EIS Sections 16.0, 21.0, and 32.2. In relation to ongoing productivity of commercial, recreational, and Aboriginal fisheries, the Project is not expected to contribute to cumulative effects on these fisheries. In relation to marine commercial use, the Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. In relation to Current Use, as the Project is not expected to result in measurable residual effects to Current Use, the Project is not expected to contribute incrementally to adverse cumulative effects.	Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.9 Cumulative Effects
LFN-7.4	Requested a diagram of representative species that shows which species are being represented, to share with Elders.	06-Jun-2014, Valued Components Workshop #1	**06-Jun-2014, Workshop:** Committed to provide this information prior to the 03-Jul-2014 meeting. **03-Jul-2014, Workshop:** Participants at the Valued Components Workshop #2 were provided with a handout showing ICs, VCs, and species represented by each VC. This information was also sent out electronically in advance of the meeting, and provided in poster form and displayed on the wall at the meeting. The concept of representative species was fully explained at this time. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0, which describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs, and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. (Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for their ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way.)	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process Appendix 8-A Valued Component Selection Rationale 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component
LFN-7.5	Asked about the distinction between VCs and ICs, and requested clarification around the difference between the effects assessment for VCs and ICs for residual and cumulative effects.	15-Apr-2014, Technical Working Group Meeting #2 07-Oct-2014, Preliminary EIS Results Workshop #1 28-Oct-2014, Preliminary EIS Results Workshop #3	**15-Apr-2014, Meeting:** Stated that air quality, noise, etc. are proposed as ICs. Changes to ICs from Project components and Project-related activities will be modelled and assessed in the EIS. How those changes could affect a number of aspects of the environment will also be assessed. The intermediate steps on the effect pathway will be described in the EIS. **07-Oct-2014, Workshop:** Stated that the VFPA has different naming conventions for parts of the IC assessment process, compared to the VC assessment process, but essentially they are the same steps. In the IC process, the effects assessment is essentially the step where	**Addressed in EIS Section 8.0:** The distinction between VCs and ICs is further explained in the EIS. VCs are the physical, biophysical, and human environment that may be affected by the Project that have been identified to be of concern by the proponent, government agencies, Indigenous peoples, and the public. The components along the pathway through which the effect is transmitted are referred to as ICs for the purposes of this assessment. **Addressed in EIS Appendix 7.2-B (#34):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *Updated EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act*, *2012*, Determining Whether a Project is Likely to Cause Significant Adverse Environmental	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process Figure 8-2 Example of Pathway of Effects Table 8-1 Intermediate Component and Valued Component Linkages 8.19 Cumulative Effects Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			future conditions with the Project are described, and cumulative change is assessed in the step where future conditions with the Project and other projects and activities are described. **28-Oct-2014, Workshop:** Stated that an IC is something that is produced by the Project; it is a mechanism to potentially cause an effect on a VC. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 8.0 Effects Assessment Methods.	Effects, the Cumulative Effects Assessment Practitioners' Guide, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. In most cases, the assessment of future cumulative effects was conducted within the boundaries of the RAA identified for the VC. For certain VCs, however, the cumulative effects assessment boundaries differed. In all cases, the rationale supporting the selection of spatial boundaries for the assessment of cumulative effects or changes on a VC or IC is provided in the corresponding section of the EIS. Where the Project was predicted to contribute to incremental cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures.	
LFN-7.6	Concerned with limiting the Project scope to the VFPA's jurisdiction. Commented that the effects of the Project are being felt in the southern Gulf Islands, outside the VFPA's jurisdiction.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Responded that the assessment does look at effects from activities occurring within the VFPA's jurisdiction. However, effects from underwater noise are also being assessed in an area that extends beyond VFPA jurisdiction. Canadian Environmental Assessment Agency (CEA Agency): This would be an effect from the Project as proposed, the designated Project. This is very much within the environmental assessment as defined, because the effect originates at the Project, but the effect goes well beyond the Project, and that is very much within the environmental assessment and the direction that we have provided. The CEA Agency has asked the VFPA to provide further information on their marine jurisdiction, which is understood to be forthcoming. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B summarising the comments from Indigenous groups and the responses provided by the VFPA.	**Addressed in *Updated EIS Guidelines*:** The scope of the environmental assessment and the Project is defined by the CEA Agency in the *Updated EIS Guidelines*. In April 2015, the *EIS Guidelines* were updated to include assessment of marine traffic associated with the Project occurring outside the VFPA's jurisdiction. The MSA was submitted to the CEA Agency on October 26, 2015 and a copy was provided to Lyackson First Nation for review. **Addressed in MSA Appendix 5-B (#13):** The MSA addresses potential effects of marine shipping associated with the Project outside of the VFPA's jurisdiction, to the 12 nautical mile limit of Canada's territorial sea.	**MSA** 1.0 Introduction Appendix 5-B Aboriginal Issues and Interests ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*, CEAR Document #177)**
LFN-7.7	Concerned that a cumulative effects assessment will only be undertaken if a residual effect is predicted. Stated that the VFPA has relied on the premise that only if there are Residual Effects will there be cumulative effects. Lyackson does not agree that this follows,	27-May-2014, Technical Working Group Meeting #3 15-Jun-2015, Letter to the CEA Agency (CEAR	**27-May-2014, Workshop:** Responded that if there is a measurable residual effect resulting from the Project, and there is interaction with other projects, then that component would be carried forward into the cumulative effects assessment.	**Addressed in EIS Appendix 7.2-B (#34):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *Updated EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act*, *2012*, Determining Whether a Project is Likely to Cause Significant Adverse Environmental	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	or that this logic follows in this order. Requested a comprehensive assessment of all accumulative effects associated with current and proposed new development collectively, to identify if all these effects together can be mitigated. This assessment must be conducted prior to assessing if the particular Project has residual effects. Concluded that the cumulative effects assessment has not been conducted appropriately by the Proponent, given that only residual effects were assessed.	Document #258) 01-Nov-2016, Letter to Panel (CEAR Document #733)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #308):** The CEA Agency replied to Lyackson First Nation stating *"The Agency did not request additional information regarding accidents and malfunctions since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *Additionally, the Agency has requested additional information on Cumulative Effects in its letter of July 31, 2015 to [the VFPA] (page 7, #13)."* The VFPA has reviewed this letter and provides the following additional information.	Effects, the Cumulative Effects Assessment Practitioners' Guide, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. **Addressed in EIS Section 8.0:** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *Updated EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act*, *2012*, Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others.	8.1.7 Characterisation of Residual effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment
LFN-7.8	Stated that Lyackson remains concerned that the Project assessment has not appropriately considered the cumulative impacts to climate change.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.2:** Percentage increases or decreases for greenhouse gas and black carbon emissions are provided in EIS Table 9.2-37 for expected conditions compared to existing conditions, and for future conditions with the Project compared to both existing and expected conditions, as CO_2e over 20-year and 100-year time scales. With respect to greenhouse gas emissions, total annual emissions are predicted to be 27% higher in 2025 than in 2010 for operations of the existing Roberts Bank terminals, due to higher cargo shipments. Emissions of greenhouse gas are expected to increase by 94% in 2025 with the Project compared to existing emission rates in 2010, and increase by 52% in 2025 over what they would be at that time if the Project were not to proceed. Total annual emissions of black carbon predicted for expected conditions in 2025 at Roberts Bank are expected to decrease by 57%, compared to emissions from existing conditions in 2010, primarily due to equipment fleet turnover to newer engines that meet more stringent emission standards. Even with the additional emissions predicted from the Project, total annual emissions of black carbon in 2025 are predicted to be 47% lower compared to existing conditions. Black carbon emissions in 2025 are, however, expected to be 24% higher with the Project than they would be if the Project was not to proceed. These predicted changes in greenhouse gas and black carbon emissions do not consider the potential benefits of shore power to reduce emissions from ships at berth at RBT2 and Deltaport Terminal. The estimated reductions in emissions from ships at berth due to shore power of up to 10% to 98% (depending on which contaminant is considered) for RBT2 and 3% to 33% for Deltaport Terminal third berth.	**EIS** 9.2 Air Quality 9.2.10.1 Predicted Changes in Total Annual Emissions for Greenhouse Gases and Black Carbon from 2010 to 2025
LFN-7.9	Stated that the Project would exacerbate existing impacts and would act together with other anticipated changes in the environment, including sea level rise and increased industrial developments and population density in the Lower Mainland. Stated the Project would contribute to further adverse effects in these areas, and in the	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The conclusion of the comprehensive environmental assessment conducted by the VFPA is that, after the implementation of mitigation, the Project is not expected to result in any significant adverse residual effects on any of the 16 VCs (described in the EIS). In addition, no significant adverse cumulative effects are anticipated, with the exception of a significant cumulative effect to southern resident killer whales (SRKWs). Due to their endangered status and a lack of recovery of the population, the VFPA has assumed that SRKWs have already been significantly adversely affected and therefore cumulative effects are expected to remain significant. More detail is provided in the summary of the assessment of marine mammals.	

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	area of Le'eyqsun and its surrounding foreshore and waters.			As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. A robust monitoring and follow-up program will be implemented to assess the effectiveness of mitigation measures.	
LFN-7.10	Suggested a regional marine use study and plan.	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The *Canadian Environmental Assessment Act* (*CEAA*)*, 2012* gives the Minister of Environment and Climate Change power to appoint a 'committee' (a body similar to a review panel) to conduct a regional study of activities, including existing and future projects, in a region. If deemed warranted, the Minister could initiate a regional marine use study and plan; however, such a study is outside the scope of the environmental assessment as defined by the *Updated EIS Guidelines* (the requirements of which have been met in EIS Section 21.0 and MSA Section 9.2).	**EIS** 21.0 Marine Commercial Use 21.5 Existing Conditions **MSA** 9.2 Marine Commercial Use ***Updated EIS Guidelines***

Table 8: Effects of the Environment on the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-8.1	Concerned about the Project being able to withstand environmental forces such as an earthquake, and waves and liquefaction that could occur as a result of such an event.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#214):** Effects of the environment on the Project related to extreme weather and weather-related events, and any subsequent effects on the environment, would be avoided or reduced through application of design criteria and implementation of standard management practices, work procedures, and mitigation measures during construction and operation. Effects of the environment on the Project related to low-probability events such as a large earthquake, a submarine landslide in the immediate vicinity of the Project, or a large tsunami, could result in irreparable damage to the Project. Effects of a catastrophic natural event or sea level rise would be widespread in the Fraser River delta and would not be unique to the Project. As noted in EIS Section 4.2.1 the wharf structure and terminal were not explicitly designed to withstand a tsunami event triggered by an earthquake or landslide, as stated in the Basis of Design (EIS Appendix 4-A) and described in more detail in EIS Section 31.2.3. **Additional information provided by the VFPA:** Original seismic criteria for RBT2 are discussed in EIS Section 4.2.1. As noted in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40, further geotechnical analysis has been completed using data obtained in 2016 from the in situ and laboratory testing of ground conditions within the terminal footprint. Native soil beneath the terminal footprint has been determined to have a more favourable seismic response than was initially inferred. In addition, seismic performance requirements from the American Society of Civil Engineers (Standards ASCE/COPRI 61-14, Seismic Design of Piers and Wharves) were adopted in 2016 for all non-public marine structures within the Port of Vancouver. This ASCE/COPRI 61-14 standard had previously been adopted for wharves not accessible to the general public by many U.S. west coast ports (e.g., US Navy, Port of Los Angeles, and Port of Long Beach). **Addressed in Project Construction Update (CEAR # 1210):** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018 (CEAR #1210), providing • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the environmental impact statement (EIS), including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to TFN community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities. **Addressed in response to IR2-19a:**	**EIS** 4.2.1 Marine Terminal Appendix 4-A Basis of Design Appendix 7.2-B Aboriginal Issues and Interests 9.1.3 Geotechnical Considerations 30.0 Potential Accidents or Malfunctions 31.0 Effects of the Environment on the Project 31.2.3 Effects of the Environment on the Project – Submarine Landslides. 31.4 Seismic Activity **MSA** 10.0 Accidents and Malfunctions **Information Requests** Response to Sufficiency Information Request #19a (IR2-19a of CEAR Document #1145) From the Vancouver Fraser Port Authority to the Review Panel re: Project Construction Update (See Reference Document #995) – CEAR #1210

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Table IR2-19a-1 in the VFPA's response to IR2-19a presents a summary of potential effects of tsunami-induced waves 1 m and 4 m in height on the Project and on marine shipping associated with the Project. **Addressed in EIS Section 30.0 and MSA Section 10.0:** In developing EIS Section 30.0 and MSA Section 10.0, the VFPA identified plausible worst-case scenarios to assess. The scenarios were selected based on the probability of events occurring (using ship incident data collected over several years) and the environmental consequences of those events. An event such as that which is described, while possible, did not warrant assessment.	
LFN-8.2	Concerned about how weather, waves, and storms will affect the new part of the port and disperse pollutants. Questioned the VFPA's predicted models of 25 versus 100-year storm events for assessment of appropriate catchments to keep deleterious substances from entering the environment.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR4-37:** The VFPA's response to IR4-37 discusses the potential effects from a pulse of increased surface runoff not captured by the stormwater system at the terminal or by the widened causeway area, including sources from the tug basin and the widened causeway area, including consideration of the effects from all contaminants from the Project site on human health, biophysical environment, and the proposed onsite habitat compensation features. A pulse rain event exceeding a 1 in 10-year event will typically be high intensity and short-lived, and changes in water quality, if any, will not be prolonged based on volume of the receiving environment. A pulse of increased surface runoff not captured by the stormwater collection systems or infrastructure installed at the terminal or widened causeway could include small amounts of petroleum hydrocarbons (oil and grease), polycyclic aromatic hydrocarbons (PAHs), or suspended sediment (from coal dust or dust). The effects from a pulse of increased surface runoff not captured by the stormwater collection infrastructure at the terminal and along the widened causeway are anticipated to be negligible for the following reasons: • Pulse events are not expected to contain high concentrations of these substances due to the types of activities that occur at a container terminal (i.e., as compared to a bulk terminal); • Environmental management and monitoring plans will be implemented during both the construction and operation phases to ensure that potential risks on the site are managed; and • Surface runoff will be collected and conditioned by the stormwater systems routinely during events that are more frequent (i.e., less than a 1 in 10-year event).	**Information Requests** Response to Sufficiency Information Request #37 (IR4-37 of CEAR Document #1051)

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Table 9: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-9.1	Stated that capacity funding provided is insufficient. Requested funding to enable QARS (Q'ul-Lhanumutsun Aquatic Resources Society) to assist Lyackson and Lake Cowichan in understanding marine resource issues and concerns. Requested further funding to participate in review of the Project. Concerned about limited funds and tight timelines that meant they only produced the preliminary Lyackson Knowledge and Use Study report to date. Stated that Lyackson was not provided with sufficient financial capacity or necessary resources required to conduct an adequate assessment of the environmental assessment results and this presents a huge gap in the assessment. Noted funding is needed for First Nations to do reviews as their representatives with equal knowledge to assess the findings as the VFPA consultants hired to do the work. Expressed concern that Lyackson First Nation has not had funding to hire its own scientists to review the assessment and related data.	30-Apr-2014, Meeting 29-Oct-2014, Preliminary EIS Results Workshop #4 18-Nov-2014, Email 26-Apr-2016, Meeting 01-Nov-2016, Letter to Panel (CEAR Document #733) 03-May-2017, Meeting 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation 04-Oct-2017, Meeting	**08-Apr-2014, Letter:** Offered funding for ongoing participation. **30-Apr-2014, Meeting:** Lyackson First Nation committed to follow-up with the VFPA with specific concerns regarding budget and funding. **18-Aug-2014, Letter:** Offered funding for a Traditional Use Study. **19-Aug-2014, Letter:** Accepted funding. **22-Aug-2014, Letter:** Offered funding for fall 2014 consultation activities. **31-Aug-2014, Letter:** Lyackson First Nation provided a Traditional Use Study to the VFPA. **03-Oct-2014, Letter:** Lyackson accepted the VFPA's funding offers of 08-Apr-2014 and Aug-22-2014. **29-Oct-2014, Workshop:** Recorded comment for follow-up. **26-Jan-2015, Email from the VFPA:** *"With respect to your request for funding for the involvement of QARS, the port authority understands that the CEA Agency has provided funding for your review of the EIS and that this type of funding could assist in the involvement of QARS as support to Lake Cowichan and Lyackson in the EIS review. The port authority is also considering the provision of additional funding to support Aboriginal groups in the EIS review and you may wish to consider the use of some of that funding as well."* **26-Apr-2016, Meeting:** Recorded comment for follow-up. **11-May-2015, Letter:** Offered for participation in Project-related consultation activities including marine shipping study. **26-Feb-2016, Letter:** Accepted funding. **26-Apr-2016, Meeting:** Offered funding to support ongoing involvement in consultation activities. **28-Apr-2016, Letter:** Accepted funding. **29-Aug-2017, Workshop:** Noted requests for resources and funding.	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding the Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Issues and Interests 21.0 Marine Commercial Use 21.7.1 Seafood harvesting - Mitigation Measure #1 - Changes in Area, Harvest and Revenue= 24.0 Outdoor Recreation 24.7.1 Recreational Seafood Harvesting Mitigation Measure #1 – Changes in Harvesting Area Use and Displacement 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			04-Oct-2017, Meeting: The VFPA and the CEA Agency committed to follow-up on additional funding for participation in the process. **24-Oct-2017, Letter:** Offered additional funding for participation in consultation activities for the Project. **06-Nov-2017, Letter:** Funding agreement was returned signed but undated. **01-Mar-2018, Letter:** Re-issued offer of additional funding for participation in consultation activities for the Project; null and void if not signed and returned by March 30, 2018. **13-Mar-2018, Letter:** Revised offer to Lyackson First Nation for funding to support the involvement of Lyackson First Nation in activities related to negotiating a mutual benefits agreement for the Project. **30-Mar-2018:** No signed agreement received. **24-Apr-2018, Letter:** Lyackson First Nation accepted the funding.		
LFN-9.2	Commented that consultation with the VFPA has been inadequate and consultation will not be fulfilled in the review panel process, Aboriginal Groups Workshops, or the meeting with the federal government planned for November. Stated that Indigenous consultation needs to address the things that matter to Indigenous groups in a way that is clear and understandable for Elders. Requested more discussion and time to comment. Commented that workshops include too much information for meaningful consultation. Commented that the format of the presentation does not provide adequate time for questions or discussion. Requested that future presentations include less academic terminology and include pictures to enable better understanding of materials (including for Elders). Requested that the VFPA lay out a schedule for upcoming sessions.	15-Apr-2014, Technical Working Group Meeting #2 06-Jun-2014, Valued Components Workshop #1 07-Oct-2014, Preliminary EIS Results Workshop #1 08-Oct-2014, Preliminary EIS Results Workshop #2 28-Oct-2014, Preliminary EIS Results Workshop #3	**15-Apr-2014, Meeting:** Agreed that there is an Indigenous consultation process that has to be followed. Stated that the VFPA can discuss with Lyackson and others how best to proceed. Stated that the VFPA understands that a lot of technical information needs to be presented to people who are not technical experts. The VFPA will hold discussions on how best to make this happen. The *EIS Guidelines* require that information needs to be shared in a form that is understandable. **07-Oct-2014, Workshop:** Responded that the VFPA understands the frustration, acknowledges there is a lot of material being presented, and apologises that the format is not working for everyone. Explained that the workshop has been set up in this format so as to get information on the table, and provide participants ways (email, comment form, subsequent individual community meetings) to follow up with additional questions and comments, once there has been time to absorb the material. Stated that the VFPA will have a follow up discussion about whether or not to change the format for subsequent meetings, and requested that the meeting progress in the format planned. The CEA Agency responded that they can explore options, and it would be helpful if in advance of their next meeting Lyackson First Nation would provide a prioritised list of questions so that as many as possible can be addressed. **08-Oct-2014, Workshop:** Expressed the VFPA's understanding that the information provided is not being shared with an expectation that participants would understand to the same depths as the scientists. Rather, it	**Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in (EIS Appendix 7.2-B). Some questions, comments, and requests were addressed at the workshops or through follow up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. The VFPA continues to be open to hear concerns and will notify Indigenous groups when the EIS is submitted.	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that it is essential that First Nations gain an understanding of the material in order to consult meaningfully. Suggested that that the number of presentations be evened out between days.		is to provide an overview and understanding of all of the different studies undertaken as part of the assessment. Stated that it is helpful to think of the information being presented as a preview, and notes the meeting participants are the first people to see these results. It is hoped that this will enable better understanding of the full information which will be made available when the EIS is submitted in early 2015, and hopefully make it more digestible. **28-Oct-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Additional information provided by the VFPA:** Participants of the Working Groups and fall Indigenous groups workshops were asked to provide feedback on the format, pace, and content of the meetings during and after each session. Feedback was used to plan and improve subsequent sessions. As a response to this comment, the VFPA incorporated additional visuals into subsequent workshop materials. Since the submission of the EIS in March of 2015 and the MSA in October 2015, the CEA Agency and subsequently the Review Panel have provided multiple opportunities for public comment on the Project, the EIS, and the MSA. All comments provided are posted publicly on the registry, maintained by the CEA Agency: http://www.ceaa-acee.gc.ca/050/evaluations/proj/80054?culture=en-CA	
LFN-9.3	Concerned that consultation has taken place with the VFPA but not with the Crown and expressed the importance of maintaining a direct line of communication between Indigenous groups and the Crown.	07-Oct-2014, Preliminary EIS Results Workshop #1 28-Oct-2014, Preliminary EIS Results Workshop #3	**07-Oct-2014, Workshop:** The CEA Agency responded that the proponent will have Lyackson First Nation's comments in the EIS and Lyackson First Nation will have the opportunity to speak directly to the Crown, and it is also encouraged that you share your concerns with the panel. Stated that the panel has a mandate to look at all of the changes that the Project could cause in the environment, as well as to collect information about impacts to rights. There are many different entry points, in terms of information being shared. **28-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B:** The CEA Agency is responsible for Crown consultation under the CEA Agency process, including identification of Indigenous groups for inclusion in the *EIS Guidelines.*	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
LFN-9.4	Requested that the comments and feedback shared during meetings be incorporated into the EIS.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Responded that what is said at today's meeting will be included. Stated that this summary is what was heard up to and through July 2014. Comments shared at the Fall workshops have not yet been incorporated, but will be seen reflected in the documents sent to Lake Cowichan First Nation and Lyackson First Nation the previous day (EIS draft Section 32.0). **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B:** Comments from Indigenous groups are included and addressed in EIS Appendix 7.2-B and throughout the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
LFN-9.5	Noted that all Lyackson's comments are preliminary, including the Traditional Use Study, and more information is being gathered as the assessment moves forward.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided the EIS to Lyackson Fist Nation. Stated that the EIS will now become the subject of an environmental assessment, which will include an independent review panel and multiple		

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that Lyackson First Nation will need to see the whole body of work (EIS) to comment.		opportunities for comment from Indigenous groups and the broader public.		
LFN-9.6	Asked why Indigenous groups were not invited to participate in the TAGs.	28-Oct-2014, Preliminary EIS Results Workshop #3	Responded that a list of TAG members can be provided. **Post meeting note:** The list of TAG members was included in each of the summary reports (Productive Capacity, SRKWs, Coastal Geomorphology, and Biofilm & Shorebirds) shared November 27, 2013.	**Addressed in EIS Appendix 7.2-B (#23):** The VFPA established the TAG process in 2012 to engage and consult with leaders in the technical and scientific community to provide guidance on four key topic areas: SRKWs, biofilm and shorebirds, coastal geomorphology, and productive capacity. The TAG Terms of Reference and Summary Reports are available on the Project website: http://www.robertsbankterminal2.com/information-centre/project-documents/. The following Indigenous groups were invited to contribute to the TAG process: • Tsawwassen First Nation; • Musqueam First Nation; • Semiahmoo First Nation • Tsleil-Waututh Nation; • Stó:lō Nation; and • Stó:lō Tribal Council. The TAG process was also discussed in meetings with Indigenous groups, and summary reports on the TAG process were provided to all Indigenous groups for review and comment.	**EIS** 7.0 Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table 7.4 Technical Advisory Group Process (2012 to 2013)
LFN-9.7	Interested in the views of other First Nations regarding the Project, and whether Lyackson First Nation's concerns are shared with others. Asked if there is a list of who opposes the Project.	03-May-2017, Meeting	**03-May-2017, Meeting:** Responded that the VFPA cannot say if anyone opposes the Project or not, but there are appendices in the EIS and MSA that list all the concerns and issues raised by Indigenous groups. (Note: Copies of the EIS and MSA were provided to Lyackson First Nation on 01-Apr-2015 and 09-Nov-2015, respectively). Undertook to provide the notes from previously held workshops with Indigenous groups. **18-Jul-2017, Email from the VFPA:** The VFPA sent the following sets of workshop notes to Lyackson First Nation (all of which had been previously provided): • Valued Components Workshop #1 (06-Jun-2014); • Valued Components Workshop #2 (03-Jul-2014); • Preliminary EIS Results Workshop #1 (07-Oct-2014); • Preliminary EIS Results Workshop #2 (08-Oct-2014); • Preliminary EIS Results Workshop #3 (28-Oct-2014); • Preliminary EIS Results Workshop #4 (29-Oct-2014); • Health & Aboriginal Rights Workshop – Lake Cowichan First Nation / Lyackson First Nation (10-Dec-2014); and • Issues Workshop – Island Nations (28-Jul-2016).		
LFN-9.8	Commented on Hemmera referring to the Project as "theirs" and a media campaign talking about the benefits of these projects for B.C.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 1.4:** During Project planning, preliminary design, and preparation of the EIS, the VFPA gathered and integrated information from a wide range of sources, including the following: • Academic experts;	**EIS** 1.4 Use of Information

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Noted the importance of Hemmera remaining independent. Troubled by the fact that the consultant commissioned for the Project assessment, Hemmera, is obviously biased and non-objective, given that Hemmera is known for having promoted the Project through media advertising.	01-Nov-2016, Letter to Panel (CEAR Document #733)		• Federal authorities with specialist or expert scientific information, advice, and knowledge relating to projects of this nature; • Other levels of government with expert and specialist knowledge; • Indigenous groups; • Communities; • Existing information relevant to the Project, including ITK; and • Professional practitioners (e.g., registered professional biologists, air quality specialists, geomorphologists). **Additional information provided by the VFPA:** The Project is undergoing a federal environmental assessment by an independent review panel, under *CEAA, 2012*.	

Table 10: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-10.1	Commented that it is not appropriate for the proponent to determine significance.	27-May-2014, Technical Working Group Meeting #3 28-Oct-2014, Preliminary EIS Results Workshop #3	**27-May-2014, Meeting:** The CEA Agency responded the person to determine the likelihood of a significant adverse effect is the Minister of Environment. The proponent can suggest what the significant environmental effect would be. Significance will be determined for Project effects as well as for the cumulative effect. **28-Oct-2014, Workshop:** Responded that the *EIS Guidelines* require the proponent to define significance and to assess the significance of the effect. The panel will be required to review the EIS and give their opinion on significance. They will seek input from Indigenous groups and various federal departments and other experts. The panel will make their determination and write a report. The final determination of significance is made by the Minster of the Environment based on recommendations from the panel. Only the Minister of the Environment can make a determination of significance. The CEA Agency responded that the VFPA is developing the EIS based on the guidelines. This includes reviewing potential different factors in determining significance. For each of the VCs, there could be a different determination based on that particular VC and all of the different factors affecting it. There are no standard criteria for determining significance. Significance is project-dependent and dependent on the VC. The CEA Agency has guidelines on significance determination, magnitude, frequency, duration, and context. The proponent has been asked why they came to their conclusions. The CEA Agency seeks input through the review panel from other stakeholders for their comments and rationale. Typically, this is an iterative process where the input of the Indigenous group is sought throughout.		
LFN-10.2	Concerned that B.C. EAO will require an assessment, and this will impose a significant additional consultation burden on Indigenous groups.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** B.C. EAO responded that there are a number of options under provincial legislation in terms of approaches, so it may not take a typical provincial assessment process. B.C. EAO can confidently say that it does not intend to set up another process that is redundant. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#8):** On November 5, 2014, the B.C. EAO confirmed the Project is reviewable under Part 8 of the Reviewable Projects Regulation, *B.C. Environmental Assessment Act*. On December 19, 2014, the B.C. Minister of Environment issued an order under s. 14 of the Act establishing the Province's procedures and methods for conducting the environmental assessment for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister and potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the EAO will principally rely on the environmental assessment to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and the EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister.	**EIS** 6.0 Environmental Assessment and Permitting Process 6.2 Provincial Involvement and Process Appendix 7.2-B Aboriginal Groups Interests and Issues Table

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements. More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial environmental assessment for the Project can be found on the B.C. EAO's Project Information Centre (e-PIC) website at http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html.	
LFN-10.3	Asked about changes to the *Fisheries Act* and *CEAA, 2012* and roles of the agencies. Asked whether or not the CEA Agency is now the responsible authority where it used to be Fisheries and Oceans Canada (DFO).	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** The CEA Agency responded that this is the key change. The CEA Agency will rely very heavily on DFO's comments in the review panel process and their professional opinion on the EIS. The Minister of the Environment will seek the advice and expertise of DFO. DFO deferred to the CEA Agency to explain the intricacies of the procedural aspects of it, but answered that information will be sought from DFO to be able to round out the opinions on the various components, and the effects that are anticipated to occur to those components.		

Table 11: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-11.1	Requested more information on adaptive management used for the Deltaport Third Berth Project (DP3), including information on the effectiveness of this approach. Stated that the VFPA's Follow-up Program is hypothetical and has no details.	06-Jun-2014, Valued Components Workshop #1 08-Oct-2014, Preliminary EIS Results Workshop #2 04-Oct-2017, Meeting	**06-Jun-2014, Workshop:** Explained that DP3 was constructed and the adaptive management strategy was implemented to measure if what was speculated was in fact an outcome. Added that in the context of RBT2, it has not been brought up yet because the Project is still in an early phase where discussions are ongoing about what monitoring measures would be useful to have. Responded that the team has fully drawn upon information and data from DP3's adaptive management, and in many ways this assessment is growing from that strategy. **08-Oct-2014, Workshop:** Stated that the adaptive management strategy monitoring of the environment in this zone included a coastal geomorphology monitoring component that was related to the construction of DP3, so the VFPA has taken information that has been collected through DP3 and used it to help inform these other studies. **29-Aug-2017, Meeting with Lyackson First Nation, Cowichan Nation Alliance, and Malahat First Nation on the Follow-up Program:** The VFPA presented information on DP3's Environmental Management Program and lessons learned. The VFPA presented information on how the lessons learned would be incorporated into the RBT2 Follow-up Program. **04-Oct-2017, Meeting:** Explained that the VFPA will be coming to back to Lyackson to further discuss the Follow-up Program and get feedback from Lyackson before the Follow-up Program is finalised.	**Addressed in EIS Appendix 7.2-B (#32):** Onsite habitat selection considered lessons learned from previous habitat creation programs (e.g., DP3). The effectiveness monitoring reports for DP3 increased the understanding of the successes and challenges of previous habitat projects. The VFPA publishes annual reports on the Adaptive Management Strategy for DP3, which are available on the VFPA website (https://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/). An adaptive management approach will be taken as indicated in EIS Section 33.5. **Addressed in EIS Section 33.5:** The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Addressed in response to IR7-29:** The VFPA's response to IR7-29, as requested by the Review Panel, provides commentary on past eelgrass transplant initiatives.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **Information Requests** Response to Sufficiency Information Request #29 (IR7-29)
LFN-11.2	Requested that that adaptive management practices based on the precautionary principle be applied prior to Project approval.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects;	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program **Information Requests** Response to Sufficiency Information Request #11 (IR10-11)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Additional information provided by the VFPA:** *CEAA, 2012* states: *"The Government of Canada, the Minister [of Environment and Climate Change], the [CEA] Agency, federal authorities and responsible authorities, in the administration of CEAA, 2012, must exercise their powers in a manner that protects the environment and human health and applies the precautionary principle."* **Addressed in IR10-11:** The VFPA's response to Information Requirements #IR10-11 as requested by the Review Panel describes how Indigenous groups will be involved in the development, implementation and management of the RBT2 follow-up program.	
LFN-11.3	Noted the Scientific Advisory Committee (SAC) would be a good opportunity to have Indigenous Traditional Knowledge included and to have First Nations' input on the selection of committee members. Stated that the VFPA and their consultants should not be handling the monitoring.	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** Noted input on governance for the Follow-up Program and will incorporate into planning for the RBT2 Follow-up Program governance structure for further discussion in future Follow-up Program meetings.	**Addressed in IR10-11:** The VFPA's response to Information Requirements #IR10-11 as requested by the Review Panel describes how Indigenous groups will be involved in the development, implementation and management of the RBT2 follow-up program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)

Table 12: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-12.1	Concerned with impacts from construction activities to air quality, causing health effects to fishers in boats in the Project area. Asked whether construction activities could be suspended during fisheries windows.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Responded that the VFPA does not yet know what the construction schedule will be or whether construction activities would be suspended during a fisheries window.	**Additional information provided by the VFPA:** As noted in EIS Section 4.3.1, the construction schedule is aligned with the following environmental constraints: • Juvenile salmon closure – applies to work activities within the water column above –5.0 m CD (March 01 through to August 15 annually); and • Crab closure – applies to work activities on and in the seabed below –5.0 m CD (October 15 through to March 30 annually). There are no plans to suspend construction activities during commercial fisheries openings. **Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Project. The results of the air quality assessment were used in the assessments of human health and Current Use. The assessment modelled Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial, and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Coal dust is also included in the assessment of air quality in existing conditions, in the future with the Project, and in the cumulative effects assessment. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth ultimately improving air quality. The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation.	**EIS** 4.3.1 Construction Phase Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.2.5 Air Quality, Methods 27.0 Human Health
LFN-12.2	Asked about the potential effect of contaminants on wildlife, birds, marine species, and the	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that this question will be answered by the presenters of those topics (birds, mammals, fish, etc.).	**Addressed in EIS Section 27.0:** As outlined in EIS Section 27.0, new contaminant input as a result of Project construction or operation is not anticipated; consequently, the human health assessment predicts a negligible potential for direct human health effects from Project construction or operation based on toxicological risks associated with marine	**EIS** 27.0 Human Health 32.2.7.3 Mitigation Measure #3: Changes in Quality of

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	potential for a residual effect on Indigenous people who eat these foods. Concerned about impacts to traditional resources as a result of reduced quality of traditional food resources due to industrial development. Lyackson is specifically concerned about impacts to human health as a result of contamination from the Project going up the food chain to fish, birds and people. This concern has not been adequately addressed by the Proponent.	01-Nov-2016, Letter to Panel (CEAR Document #733)	Responded that there are estimates of deposition of carcinogens such as benzo(a)pyrene, to the surface, for example in the crops that people eat. Stated that there would be ingestion that way, but in terms of wildlife, the answer is there is not enough dose response information available on wildlife. **10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation:** Potential impacts to human health were discussed. The presentation covered exposure to shellfish contamination and food security: There are no potential direct adverse health effects predicted to result from exposure to contaminants in shellfish. Future changes with project, either during construction or operations, have no potential to increase the tissue concentrations of contaminants studied (i.e., polycyclic aromatic hydrocarbons or various trace elements that occur in coal dust).	shellfish consumption, and specifically of edible bivalve tissue and Dungeness crab muscle. No mitigation measures are therefore identified. EIS Section 27.0 also examines potential changes to stress and annoyance levels within the human health LAA as a result of perceived contamination of traditional food sources. Residual effects are anticipated to be negligible and are therefore not assessed further in the human health assessment. For all Indigenous groups, effects to the quality of Current Use resources are not anticipated as a result of Project construction or operation. The mitigation measures identified for other potential effects on Current Use and those proposed in the human health assessment related to perceived contamination will serve to alleviate concerns regarding perceived contamination risk; see EIS Section 32.2.7.3. **Addressed in IR13-22:** The VFPA's forthcoming response to IR13-22 will further discuss potential Project effects on the quality and availability of preferred resources.	Preferred Current Use Resources **Information Requests** Response to Sufficiency Information Request #22 (IR13-22)
LFN-12.3	Concerned that the shore power component of the terminal design will result in adverse effects on other First Nations in the province, through the increased demand of hydroelectric power.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#7):** The implementation of shore power at RBT2 would be done in consultation with BC Hydro, such that adequate electrical capacity will be available so as not to affect power supply. Consideration of Project-related demand on municipal power supply is not included in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
LFN-12.4	Commented on the difference in nutrition between grocery store and harvested foods and concern that the project will exacerbate existing issues with access to traditional foods.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#150):** The human health assessment of potential Project-related effects on food security considered the difference in nutritional value between traditional foods and store-bought foods in that a reduction in consumption of traditional foods, as compared to store bought alternatives, would be considered an adverse health effect, due to the high nutritional value of traditional foods. **Addressed in EIS Section 32.2:** EIS Section 32.2 examines potential Project-related and cumulative effects that are relevant to traditional food consumption and nutritional health. These potential effects are related to access to preferred locations for harvesting preferred food resources, availability of preferred food resources, and quality of preferred food resources. Based on information considered in EIS Section 32.2, there are no anticipated residual effects to most traditional food sources, including marine vegetation, marine fish, coastal birds, marine mammals, and most marine invertebrates, including bivalve shellfish and Dungeness crab.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health 27.5.7 Food Security Section 32.2 Current Use of Lands and Resources for Traditional Purposes

Table 13: Land and Water Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-13.1	Concerned about effects related to the growth of Delta, a largely agricultural community, being filled in by other types of economic activity.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Responded that there are nine VCs that make up of the socio-economic assessment. They are population; labour market; economic development; local government finances; marine commercial use; outdoor recreation; services and infrastructure; land use; and health. Not all of these will be shared as a presentation of the program. They are all linked. Stated that agricultural land reserve (ALR) land and Delta is covered in EIS Section 26.0 and discusses how the Project fits into the community planning of the surrounding area and land use designations. The labour assessment and economic assessment relate to the health impact assessment to review potential impacts on health, economic development, and labour. They are separate studies woven together in the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#114):** An overview of the multiple components that make up the larger socio-economic assessment is provided in EIS Section 18.0. The assessment of potential Project-related effects on the economic development VC concluded that the Project will be consistent with the economic development objectives of the Corporation of Delta.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 18.0 Social and Economic Setting 21.0 Marine Commercial Use 26.0 Land and Water Use 26.7.2 Potential Effect #1 – Consistency with Land Use Planning Designations 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

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Table 14: Light – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-14.1	Commented that sky glow testing occurred on a clear night, but the lights from the VFPA are most visible when it is cloudy.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Responded that what sky glow measures is the visibility of the stars as affected by light, which is why the assessment had to be done on a clear night. Unfortunately, the methodology does not assess the brightness of the sky when there is cloud cover and the clouds are reflecting light. It is an emerging science, and it is something that is been discussed, but it is not part of this assessment. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#47):** Measurements of sky glow depend on the visibility of the stars, and were taken on nights with no or low cloud cover, where possible. The rationale for the assessment methods is included in the EIS and technical report.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.4.2 Light, Assessment Purpose and Approach 9.4.5 Methods Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study, Study Methods
LFN-14.2	Concerned with impacts from skyglow to cultural practices (i.e., a bathing ritual, mourning sites, cultural retreats on the east side of Valdes Island). Stated that specific Lyackson First Nation and Coast Salish oral traditions and sacred practices are reliant on stars and unimpaired visibility of the night sky. Stated that light pollution caused by the Project would reduce the sense of place and cultural practices related to sacred oral traditions and practices that are reliant on stars and unimpaired visibility of the night sky.	27-May-2014, Technical Working Group Meeting #3 31-Aug-2014, Lyackson First Nation Traditional Use Study 08-Oct-2014, Preliminary EIS Results Workshop #2 01-Nov-2016, Letter to Panel (CEAR Document #733)	**27-May-2014, Meeting:** Responded that some of this information will be in the proposed physical and cultural heritage VC and the EIS chapter on Aboriginal rights. Stated that the VFPA is working to develop Indigenous groups' community profiles for those groups close to the Project. There will also be a broader assessment of Current Use. Some of the intangible cultural uses will also be included in the EIS. Stated that the meeting on June 6, 2014 is intended to have a more detailed discussion on the proposed biophysical VCs. If desired, we could have a similar process on socio-economic VCs after the June 17, 2014 meeting. **31-Aug-2014:** Recorded comment for consideration by the Project team. **08-Oct-2014, Workshop:** Explained that the current brightness at POR1 (Galiano Island) is close to the next classification. Because the existing conditions are already so close to the threshold, the Project-related change bumps it up into the next category, from G2 to G3. However, the change is not expected to result in a noticeable difference in the visibility of the stars, and would not be perceptible to the naked eye. Reviewed the summary of light effects assessment, noting measurable changes in light trespass and sky glow are expected, though those changes are not expected to change the overall light conditions except for at POR1 on Galiano Island, for sky glow. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#179):** Cultural considerations, including culturally and/or spiritually important sites are included in the assessment of asserted or established Aboriginal or treaty rights, including EIS Section 32.0, where information relating to these sites was provided by Indigenous groups, in accordance with CEA Agency technical guidance (May 2014). **Addressed in EIS Sections 32.2.4.7 and 32.2.6.4:** Lyackson's concern regarding light pollution on the eastern side of Le'eyqsun at night is reported in EIS Section 32.2.4.7, which also details Lyackson's use of the east side of Le'eyqsun (S'utl'qulus) for cultural purposes, including for the newly constructed youth camp. EIS Section 32.2.6.4 includes "sensory disturbance from light, noise and vibration" and "reduced opportunities to transmit [ITK] (e.g., that may be associated with sensory disturbance while pursuing Current Use or avoidance of Current Use activities)". Light trespass is expected to change at one location immediately south of the Project area, near the existing Westshore Terminals, and sky glow is expected to change at one location on Galiano Island. No change is predicted at the east side of Le'eyqsun. **Addressed in EIS Section 9.4:** In addition, an effort is underway to gradually phase out the current outdoor lighting fixtures at the Deltaport Terminal in favour of light-emitting diodes (LEDs), which are expected to reduce light trespass and sky glow from the existing Deltaport Terminal in the coming years.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.4 Light 32.2.4.7 Lyackson First Nation 32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-14.3	Concerned with adverse economic impacts from skyglow to a Lyackson First Nation commercial campsite on Le'eyqsun. Stated that light pollution from the Project will reduce visibility of the night sky and consequently cause adverse economic impacts on Lyackson commercial tourism interests, including the plans for a campground on Le'eyqsun. Stated that the 24-hour lighting and is reportedly interfering with the visibility of the night sky and stars ("little people") for whom cultural activities and ceremonies are conducted. Further light pollution will further interference with Lyackson's socio economic interests such as establishment of camp sites for tourism on the East side of Le'eyqsun.	27-May-2014, Technical Working Group Meeting #3 31-Aug-2014, Lyackson First Nation Traditional Use Study 01-Nov-2016, Letter to Panel (CEAR Document #733)	**27-May-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#122):** The assessment of changes to light (light trespass and sky glow) includes the area of the commercial campground on Le-eyqsun. Economic effects associated with changes in light are not assessed in the EIS; however, changes in light are not anticipated to result in a change in zone classification (describing general light conditions) for sky glow or light trespass at the location of interest. **Addressed in EIS Sections 32.2.4.7 and 32.2.6.4:** Lyackson's concern regarding light pollution on the eastern side of Le'eyqsun at night is reported in EIS Section 32.2.4.7, which also details Lyackson's use of the east side of Le'eyqsun (S'utl'qulus) for cultural purposes, including for the newly constructed youth camp. EIS Section 32.2.6.4 assesses changes in quality of Current Use experience, which includes "sensory disturbance from light, noise and vibration" and "reduced opportunities to transmit [ITK] (e.g., that may be associated with sensory disturbance while pursuing Current Use or avoidance of Current Use activities)". Light trespass is expected to change at one location immediately south of the Project area, near the existing Westshore Terminals, and sky glow is expected to change at one location on Galiano Island. No change is predicted at the east side of Le'eyqsun. **Addressed in EIS Section 9.4:** In addition, an effort is underway to gradually phase out the current outdoor lighting fixtures at the Deltaport Terminal in favour of LEDs, which are expected to reduce light trespass and sky glow from the existing Deltaport Terminal in the coming years. **Addressed in IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.4 Light 9.4.8 Light, Future Conditions with the Project 24.0 Outdoor Recreation 24.6.4 Other Land-based Outdoor Recreation – Rationale for Negligible Effect 25.0 Visual Resources 25.5.2 Project Setting and Prominent Visual Features 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2.4.7 Lyackson First Nation 32.2.6.4 Potential Effect #4: Changes in Quality of Current Use Experience **Information Requests** Response to Sufficiency Information Request #27 (IR10-27)
LFN-14.4	Requested to know what measures have already been undertaken at Roberts Bank to address light pollution, noting it seems to have improved in the past year. Asked what light mitigation measures have been incorporated into the Project's design. Asked if in addition to down lighting, whether switching from pink to white light would result in a further detectable difference in brightness.	30-Apr-2014, Meeting 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**30-Apr-2014, Meeting:** Described technical light mitigation for Deltaport and Westshore. Responded that the VFPA is aware of ongoing upgrades at Deltaport, noting there may be additional improvements prior to start of the Project. Committed to follow up with an answer in regard to what light mitigation measures have been incorporated into the Project design so far. Stated that mitigation measures for light will be identified in the EIS. **08-Oct-2014:** Presented on the light effects assessment. Noted that the existing Deltaport terminal is considering switching from incandescent light bulbs to LED light bulbs, which have a different wavelength that is more blue-white in colour as opposed to pink. It is speculated that over the next five or so years a change could be observed with regard to the colour of light at Deltaport.	**Addressed in EIS Section 9.4:** As noted in EIS Section 9.4.7, a process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to LEDs. LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. Suggested mitigations for the Project were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of EMPs, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds;	**EIS** 9.4 Light 9.4.4 Light, Relevant Guidelines 9.4.7 Expected Conditions 9.4.8 Light, Future Conditions with the Project 15.7.2 Future Conditions with the Project - Potential Effect - Changes in Productivity – Artificial Lighting 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan 35.0 Effects Assessment Summaries Table 35-2 Proposed

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Referred to a question posed by another Indigenous group at the last workshop (07-Oct-2014) about the effect of light on birds, and stated that there is a lot of existing research about how birds are more or less attracted to different wavelengths (colours) of light. As a result, in conversations about mitigation for birds, a recommendation has been made to use the type of light bulb that birds are least attracted to. **10-Dec-2014, Workshop:** Responded that the VFPA is aware of ongoing upgrades at Deltaport, noting there may be additional improvements prior to start of the Project. Responded that mitigation measures for light will be identified in the EIS. Committed to following up on the question of whether switching from pink to white light would result in a further detectable difference in brightness. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 9.4 Light.	• During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. To ensure their alignment with all required project permits, any conditions of approvals, final designs, finalised construction or operation approaches and site-specific considerations, the Project's EMPs are necessarily developed and finalised nearer to the start of the construction and operation phases. **Further information provided by the VFPA:** LEDs are available in a variety of colours, but are generally whiter in colour compared to the more yellow High Pressure Sodium (HPS) lights. While there may be an observable difference in the light colour, with proper lighting design and mitigation (e.g., fully cut-off fixtures) the light at the receiver is expected be lower or worst-case the same as with HPS lighting.	Mitigation Measures and Commitments
LFN-14.5	Expressed a general concern about increased vessel traffic increasing light pollution.	04-Apr-2017, Meeting with Administrative Staff	**04-Apr-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Section 7.5:** An assessment was conducted to determine the potential changes to the light environment related to vessel transit activities for representative points of reception along the shipping lanes throughout the marine shipping area. Existing light conditions vary within the study area, depending on surrounding sources of light. Existing light trespass characteristics at assessed points of reception in the study area are similar to those in residential rural areas, whereas sky glow characteristics range from areas of low district brightness to areas of high district brightness. The incremental light from vessel transit activities is not expected to result in a change in light trespass classifications. Sky glow classifications are expected to temporarily change during the nighttime at two points of reception: Saturna Island and Stuart Island. However, these predicted changes are overestimated, based on the conservative assumption of two ships passing at the same time. The anticipated changes in light conditions related to Project-associated vessel transit activities are representative of a cumulative case (two ships passing at the same time). Although there would be more marine shipping activity in the future, it is highly unlikely that there would ever be more than two vessels passing in the shipping lanes at any given time.	**MSA** 7.5 Light
LFN-14.6	Stated that the light pollution caused by the Project would further reduce visibility of the night sky with potential adverse effects to fish and birds that rely on the night sky for navigation.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#95):** It is recognised that nocturnal behaviour of birds varies in response to lighting conditions. A review of documented effects of both natural and artificial light on birds is provided in the EIS. The potential effects on coastal birds of changes in artificial light related to the Project are considered in the EIS. A Light Management Plan will be included in the Construction EMP and the Operation EMP to reduce artificial light-related effects on coastal birds. **Addressed in IR9-02:**	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect-Changes in Productivity 15.8.3 Mitigation #2 – Measures to Address

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species. **Addressed in response to IR5-25:** In summary, the assessment of potential effects of the Project predicted a minor decrease in juvenile salmon and herring productivity pre-mitigation that could result from lighting and shading associated with Project marine infrastructure. With mitigation, including implementation of a light management plan, effects on fish productivity from Project-related changes in the light environment will be negligible, with no residual effect. Additional information is provided in the response to IR5-25. **Addressed in response to IR5-39:** The interaction between overpass lighting and rail switch lighting and the marine mammals VC indicated in EIS Appendix 8-B was in error. There is no anticipated interaction. Light from the Project is not anticipated to extend into the water, and known marine mammal haulouts in the LAA for the Project are located at Sand Heads, approximately 16 km from overpass lighting and rail switch lighting, where light will not reach (MSA Figure 8.2-3). **Addressed in response to IR7-42:** The VFPA's response to IR7-42 discusses the potential effects of the increased nighttime light from the proposed Project on recreational astronomy in the LAA and RAA in terms of changes to areas used and quality of environmental setting. Based on the above modelling results, no visible alteration to nighttime viewing conditions at Boundary Bay with the Project are anticipated. Based on the predicted change in light trespass and sky glow associated with the Project at Boundary Bay, and no anticipated change in nighttime viewing conditions at Boundary Bay, Project effects on quality of the nighttime visual environmental setting and on outdoor recreational experience at the Boundary Bay recreational astronomy viewing site are anticipated to be negligible. Based on current understanding that the Boundary Bay viewing site is the only recreational astronomy viewing area within the LAA or RAA, Project effects on recreational astronomy viewing in other parts of the LAA or RAA are not identified. There is no change to the land-based outdoor recreation assessment results as described in EIS Section 24.6.4.	Productivity Loss due to Changes in Habitat Quality 33.0 Environmental Management Program 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan **Information Requests** Response to Sufficiency Information Request #25 (IR5-25 of CEAR Document #1153) Response to Sufficiency Information Request #39 (IR5-39 of CEAR Document #1138) Response to Sufficiency Information Request #42 (IR7-42 of CEAR Document #1049) Response to Sufficiency Information Request #02 (IR9-02)
LFN-14.7	Stated that 24-hour lighting is further a concern to fish, such as herring, which may come to the surface at night, becoming more susceptible to artificial prey opportunities and less available to traditional fishing practices that use light as an attractant. Concerned about light impacts on juvenile salmon and eelgrass habitat.	01-Nov-2016, Letter to Panel (CEAR Document #733) 04-Oct-2017, Meeting	**04-Oct-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in response to IR5-25:** In summary, the assessment of potential effects of the Project predicted a minor decrease in juvenile salmon and herring productivity pre-mitigation that could result from lighting and shading associated with Project marine infrastructure. With mitigation, including implementation of a light management plan, effects on fish productivity from Project-related changes in the light environment will be negligible, with no residual effect. Additional information is provided in the response to IR5-25.	**Information Requests** Response to Sufficiency Information Request #25 (IR5-25 of CEAR Document #1153)
LFN-14.8	Commented that light can have an effect on fish as well, and that they can increase predator/prey	06-Jun-2014, Valued	**06-Jun-2014, Workshop:** Responded that the VFPA will bring forward this issue for discussion at future sessions.	**Addressed in EIS Appendix 7.2-B (#85):** The effects of the Project on marine fish from aspects such as artificial lighting, including on herring, are considered in the EIS.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	opportunities including human access to fish due to increased light.	Components Workshop #1 08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **28-Oct-2014, Preliminary EIS Workshop #3:** The VFPA held a workshop and the marine fish VC was further discussed. The presentation covered changes in productivity due to light disturbance and also provided an overview of the Light Management Plan. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	Changes in light conditions, in the form of shading during the day, or artificial lighting at night from overwater structures (e.g., the marine terminal) and associated activities (e.g., moored vessels), may affect individual marine fish performance. Project-related increases in illuminance are anticipated to raise the ambient brightness from low to medium. Exposure to periods of high or intermediate light (such as those brought about by artificial lighting at night) may cause temporary blindness as juvenile salmon may take up to 30 minutes to adjust their vision, with similar implications on foraging success and predator avoidance. Potential effects of the Project on fish related to light are described in more detail in the EIS. The potential effects to current Indigenous use of this resource are also assessed.	13.0 Marine Fish 13.6.3 Potential Effect - Changes in Productivity 13.7.5 Mitigation #4 for Changes in the Light Environment 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes
LFN-14.9	Concluded that the Proponent has not adequately assessed likely Project related sensory disturbances (noise, light, and vibration) on Le'eyqsun and surrounding foreshore and waters.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Sections 9.3 and 9.4:** EIS Sections 9.3 and 9.4 provide assessments of noise and light, respectively. IR7-06 presents an update of the ongoing discussion with Lyackson First Nation regarding the source of the noise referred to in EIS Section 32.2.4.7.	**EIS** 9.3 Noise and Vibration 9.4 Light **Information Requests** Response to Sufficiency Information Request #6 (IR7-06 of CEAR Document #1049)

Table 15: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-15.1	Stated that Lake Cowichan, Lyackson, Halalt, Penelakut, and Stz'uminus First Nation have five Area E gillnet licenses (and other licenses) and are very concerned about potential economic impacts to salmon fisheries. Stated that this section (Marine Commercial Use) is important to Indigenous groups and needs to be more detailed. Concerned with the determination that Indigenous fishers will not be affected by the commercial fishery closure. Commented that First Nations in the province have fought hard to get into the commercial fishing industry.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **29-Oct-2014, Preliminary EIS Results Workshop #4:** Described results of the preliminary assessment of potential Project effects and cumulative effects on economic development and any proposed mitigation. Sought feedback on the draft findings and proposed mitigation. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures, and will implement construction and operation EMPs related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-Related Effects
LFN-15.2	Requested information on how the Project will affect access to fishing areas.	03-Jul-2014, Valued Components Workshop #2	**03-Jul-2014, Workshop:** Responded that because a lot of the focus is on fisheries, the VFPA thought it made sense to use the DFO management framework that they use to record data to help spatially. Stated that the VFPA will be focusing primarily on DFO Fisheries Management Areas 29-7 and 29-6 for the LAA, but regionally the VFPA will look much more broadly in the entire area 29. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation EMPs related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	32.2.6 Future Conditions With the Project - Potential Project-Related Effects
LFN-15.3	Disagreed with the determination that impacts to crabbing will not be significant. Stated that moving crab fishermen to another area has socioeconomic impacts to the fisher or harvester as well as to other crab management areas.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Appendix 7.2-B (#119):** The EIS describes potential effects on fishing activity (EIS Sections 21.0 and 24.0) and effects in other areas (e.g., Boundary Bay) that are not otherwise directly affected by the Project but that may be affected by displacement are considered in EIS Section 32.2. Mitigation measures to reduce effects on outdoor recreation include: • Working with DFO to engage with recreational crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction EMPs related to construction phase communication and crab salvages. Mitigation measures to reduce effects on marine commercial use include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction and operation EMPs related to construction phase communication, construction monitoring, and crab salvages. **Addressed in EIS Appendix 7.2-B (#120):** In the marine commercial use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine based activity or potential; • The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. This residual effect is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible (EIS Section 32.2.8).	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.6 Current Use of Land and Resources for Traditional Purposes, Future Conditions with the Project – Potential Project-related Effects 32.2.7 Current Use of Land and Resources for Traditional Purposes, Mitigation Measures Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context

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Table 16: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-16.1	Asked why sockeye are not being included in the presentations or EIS, stressing the importance of sockeye to Lyackson First Nation and Lyackson First Nation elders specifically. Reiterated concerns regarding sockeye. Stated that there needs to be monitoring of sockeye.	03-Jul-2014, Valued Components Workshop #2 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**03-Jul-2014, Workshop:** Responded that the use of the focal species to present information is not to suggest that one species is more important than another. Explained that the VFPA is working on an environmental assessment, and we are trying to find a way that people can read and digest a lot of information. Added that the VFPA is not saying that Chinook is more important than sockeye or otherwise, we are just saying that for the sake of presenting this information and understanding potential effects and how we can mitigate those effects. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **28-Jul-2016, Issues Workshop - Island Nations:** Explained that the rationale behind this approach that juvenile Chinook and chum are the most estuarine dependent species. Juvenile Chinook and chum spend the most time in the estuary relative to other species of salmon, and therefore are most likely to interact with the Project. Therefore, any predicted Project effects to Chinook or chum will conservatively predict effects to other species. Stated that the use of representative species is a fairly common EIS approach. The rationale is based on habitat use predominately, but taking a deeper dive into sockeye habitat use and history – the information includes past studies from DFO, academia, field data collected as part of the RBT2 base line studies and past environmental assessments indicate that juvenile sockeye do not use Roberts Bank in abundance. They tend to use lakes for rearing and smoltification and migrate out the river immediately. So, the spatial overlap of the Project with sockeye is considered fairly limited. The information that we have on adult sockeye habitat use indicates they do not spend much time in the Roberts Bank area either. They typically enter the Fraser River with little or no delay, so again, there is limited spatial and temporal overlap with the Project. So, to sum that up, the environmental assessment is about capturing Project interactions and pathways of effects and we definitely recognise and understand the importance of sockeye – and took the approach that we believe represents the most conservative assessment by assessing the species that spend the most time in the estuary. **29-Aug-2017, Workshop:**	**Addressed in EIS Appendix 7.2-B (#107):** In EIS Section 13.0, sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. **Addressed in response to IR5-15:** In the response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The response also further assesses potential effects of the Project on sockeye directly.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 13.0 Marine Fish 13.2.1 Sub-components 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2.1 Sub-components 21.0 Marine Commercial Use 21.5.2 Existing Conditions, Aboriginal Commercial Fishing and Seafood Harvesting **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Noted concerns regarding fish, and will include this as ongoing topic for further discussion on representative species and ways to address concerns raised.		
LFN-16.2	Referred to the roughening up of caissons, and asks if it is being considered. Referred to caissons not working well for salmonids, and asked what is being proposed for salmonids.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Stated that the VFPA is looking at some potential treatments along the caisson berth face, to roughen the surface, to enable better attachment of micro-algae and invertebrates, and then along the berth face will potentially be a migration route for salmonids. Stated that engineering is investigating what could possibly be done to allow for the free passage of fry along the front of the caissons, but it was started only a week ago, so it is too early to be certain of its feasibility. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 17.0 regarding mitigation measures.	**Addressed in EIS Section 17.0:** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. Habitat types proposed as part of the Offsetting Framework that are particularly useful for salmonids include: • Intertidal marsh: Important for shoreline stabilisation, gas and nutrient regulation, contaminant filtering, and nutrient supply, as well as providing structural habitat used for shelter and food by organisms. Some of the species that use intertidal marsh habitat at Roberts Bank include bivalve shellfish, Dungeness crabs, juvenile Chinook salmon, shiner perch, sand lance, and waterfowl. Approximately 15 hectares of intertidal marsh is proposed along the widened causeway and in the S-bend of the new terminal. • Eelgrass: Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area.	**EIS** 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework
LFN-16.3	Asked if the breaching of the causeway might improve fish migration that is interfered with by the causeways. Concerned about the Project's impacts on near-shore fish habitat and questioned the Port's rationale for not wanting to breach the causeway.	07-Oct-2014, Preliminary EIS Results Workshop #1 01-Nov-2016, Letter to Panel (CEAR Document #733)	**07-Oct-2014, Workshop:** Responded that the breaching would not improve fish migration because the turbulent nature of the flows would result in fish being killed. Stated that because the VFPA is softening the shoreline as well, it is thought that both will provide a more suitable and conducive habitat for young salmonids. Noted salmonids prefer a mix of soft and hard substrates in order to migrate, at a mix of elevations. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#3):** The extent of widening along the causeway is determined by road and rail infrastructure requirements for the Project. To minimise the marine footprint, widening will vary from 0 m to approximately 140 m. Past experience at Roberts Bank has indicated that the tidal flats are sensitive to disturbance. In particular, past development has resulted in localised development and expansion of tidal channels and associated changes in the degree of influence of the Fraser River outflow plume on the inter-causeway area. During Project design, the addition of a flow passage channel (i.e., an opening) between the existing Westshore Terminals and the Project was evaluated to determine if the volume of water that would otherwise flow around the northwest corner could be reduced. It was determined that a 100-m-wide flow passage would slightly reduce flow velocities at the northwest corner, but it would generate additional local scour in the passage itself and adjacent areas unless other mitigation measures were installed. An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the VFPA in 2005 to clarify issues related to physical processes and hydraulic behaviour in the causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway. **Addressed in response to IR1-13:**	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 13.6.3.1 Changes in Productivity of Pacific Salmon **Project Website** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. **Information Requests** Response to Sufficiency Information Request #13 (IR1-13 of CEAR Document #897) Response to Sufficiency Information Request #18 (IR5-18 of CEAR Document #1153) Response to Sufficiency Information Request #22 (IR5-22 of CEAR Document #1153)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The potential effects of opening the causeway were further discussed in the VFPA's response to IR1-13. During DP3, the VFPA, regulators, and Indigenous groups discussed the potential for opening the causeway by installing a culvert. Such a breach in the causeway was considered to allow flow exchange (i.e., to measurably change the salinity or delivery of sediment) to the inter-causeway area. Results of calculations and analyses are summarised in the technical memo noted above. The results showed that a culvert would not pass sufficient Fraser River flow to measurably change the salinity or delivery of sediment to the inter-causeway area. **Addressed in EIS Section 13.6.3.1:** The potential effect on the migration behaviour of juvenile salmon from terminal placement and causeway widening was assessed qualitatively. Two effects mechanisms—changes in the light environment and changes in habitat availability—were considered to have the potential to influence migration behaviour of juvenile salmon and result in a minor decrease of juvenile salmon productivity pre-mitigation. With implementation of mitigation measures, including adherence to juvenile salmon fisheries-sensitive window, implementation of a light management plan, as well as offsetting in the form of onsite native eelgrass transplants and reconstructed tidal marsh habitats north of the widened causeway, migration-related changes in juvenile salmon productivity were assessed as negligible. **Addressed in responses to IR5-18 and IR5-22:** Further discussions about terminal placement's potential effects on the migratory behaviour of juvenile salmon is available in the VFPA's responses to IR5-18 and IR5-22.	
LFN-16.4	Requested that resident herring stocks at Roberts Bank be studied, and potential Project impacts on resident herring stock be assessed. Recommended that QARS (Q'ul-Lhanumutsun Aquatic Resources Society) may be suitable to assist in collecting data and informing research. Concerned that resident cannot be assessed the same way as migratory species, and there could be key components missing. Stated that herring is species of importance to Lyackson First Nation, and access to herring is increasingly reduced. Stated that herring are extremely sensitive to noise.	31-Aug-2014, Lyackson First Nation Traditional Use Study 28-Oct-2014, Preliminary EIS Results Workshop #3 18-Nov-2014, Email 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**28-Oct-2014, Workshop:** Explained that field studies were conducted on herring and information is available on their use of the area; the effect to herring was evaluated. Stated that the Project is anticipated to be beneficial to herring, in general, largely because eelgrass beds are increasing and also some predator-prey relationships may change. For example, there may be less species feeding on herring. A negative residual effect on herring is not anticipated. **10-Dec-2014, Workshop:** Responded that there are underwater noise specialists involved in RBT2 to assess effects on marine creatures. A separate underwater noise study is underway. Field studies were conducted on herring and information is available on their use of the area; the effect to herring was evaluated. The Project is anticipated to be beneficial to herring, in general, largely because eelgrass beds are increasing and also some predator-prey relationships may change. For example, there may be less species feeding herring. A negative residual effect on herring is not anticipated. Effects on herring are negligible. The EIS provides a description of key effects of the Project on herring such as noise. Committed to follow-up with experts and get back to Lyackson First Nation with additional information.	**Addressed in EIS Appendix 7.2-B (#81):** Pacific herring is considered as a representative species in the forage fish sub-component of the marine fish assessment, as presented in the EIS. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. Pacific herring are expected to experience a short-term decrease in productive potential (i.e., -2%) due to direct mortality from construction activities (i.e., entrainment) and minor acoustic effects (if either vibratory or impact pile driving is used), and long-term minor decreases due to reduction in the availability and quality of subtidal and intertidal sand habitat. **Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.3 Existing Conditions, Forage Fish 13.5.3.3 Pacific Herring 13.6 Future Conditions with the Project

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		12-Nov-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **26-Jan-2015, Email from the VFPA:** The concern about resident herring stocks has been addressed in the EIS and the required studies have been undertaken on this species. Given that this work has been undertaken, the port authority will not require additional studies to be done or data to be collected by QARS. In terms of sharing the information collected to date on herring, the port authority will be providing Lyackson and Lake Cowichan with the EIS upon its submission and, upon your review, should you wish to meet specifically on this, the port authority would be happy to do so. **23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided the MSA to Chief and Council, which included MSA Appendix 5-B. **18-Apr-2017, Email from the VFPA:** Provided an update on the herring survey. The dive team surveyed the large native eelgrass bed on the north side of the causeway, starting where herring spawn were reported to have been observed a week ago. No spawn or spawn residue was observed. Two more transects were completed and again, no spawn or residue was observed. We are confident that whatever spawn might have been there a week or two ago is no longer present. The boots-on-the-ground team surveying the inter-causeway area at low tide found evidence of spawn in the intertidal eelgrass bed adjacent to the tug basin (see attached photos); two small patches with eggs were found (~2m x 0.5 m; and 5m x 2m long) but there appears to be egg residue over a larger area. The eggs are very patchy, about 1-2 layers thick, and do not appear to be fresh.	some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed. **Addressed in MSA Appendix 5-B (#40):** The assessment of potential effects of marine shipping associated with the Project on resident and migratory herring is included in MSA Section 8.1. Potential effects on the food chain as a result of effects on herring are considered in MSA Section 8.2, in terms of the 'availability of prey' indicator. **Addressed in response to IR4-18:** As noted in the VFPA's response to IR4-18, as requested by the Review Panel, in response to anecdotal reports by a member of the public of herring spawn on eelgrass on the north side of the Roberts Bank causeway in early April 2017, the VFPA conducted a survey to document presence and distribution of herring spawning activity at Roberts Bank. Survey results are in agreement with existing conditions described in EIS Section 13.5.3.3, and confirm that while the LAA does support some spawn, it does not appear to be an important herring spawning area. Adherence to EMPs (see EIS Section 33.3) will reduce the potential that herring will be affected by changes to water quality and sediment, or underwater noise during Project construction activities that will occur outside the fisheries-sensitive window. Notwithstanding the above, a potential for interaction with the Project has been identified and a residual effect has been assessed as not significant (see EIS Section 13.8.1).	Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity Table 13-12 Marine Fish Productivity Summary (Prior to Mitigation) Based on Weight of Evidence 13.8.1 Residual Effect – Characterisation of Productivity Loss 33.3 Construction Environmental Management Plans **MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 8.2 Marine Mammals **Information Requests** Response to Sufficiency Information Request #18 (IR4-18 of CEAR Document #1051)
LFN-16.5	Concerned with impacts to herring, and subsequent impacts to the SRKW who use herring as a food source. Commented that herring are very important to SRKW at different times of the year based on first-hand knowledge. Requested completeness information on 'resident	15-Jun-2015, Letter to the CEA Agency (CEAR Document #258) 23-Jul-2015, Meeting with Lyackson First Nation and Lake	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **13-Oct-2015, Letter from the CEA Agency:** *"The Agency has requested additional information on some of these items in its letter of July 31, 2015 to Port Metro Vancouver [the VFPA] (pages 2-5, #6, 10 and 11).* *The Agency did not request additional information regarding herring since there is already information provided in the EIS.*	**Addressed in IR#6:** A detailed description of predator-prey interactions for fish populations in the area, with particular consideration for spawning and/or rearing stages can be found within the Existing Conditions subsections within each respective VC assessment (EIS Sections 12.5, 13.5, and 14.5). Additionally, with respect to the ecosystem model described in EIS Section 10.3, a detailed description of predator-prey interactions for fish populations, with particular consideration for spawning and/or rearing stages can be found specifically within the following: 1) how the ecosystem model was structured and the choice of functional groups (e.g., adult and juvenile stages for Chinook, chum, and salmon); 2) the diet matrix (i.e., proportion of a species diet consumption);	**EIS** 10.3 Overview of Assessing Ecosystem Productivity 12.0 Marine Invertebrates 12.5 Existing Conditions 13.0 Marine Fish 13.5 Existing Conditions 14.- Marine Mammals 14.5 Existing Conditions

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	herring stock analysis and impacts of the project on predator prey scope.' Stated that although the EIS discusses herring in a general sense, it does not capture or assess it specifically to effects relative to Species at Risk – SRKW – or predator-prey interactions in that specific fish-based food chain.	Cowichan First Nation 12-Nov-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation 04-Oct-2017, Meeting	*The Panel will determine whether it requires additional information or clarification with respect to herring to inform its sufficiency review."* **12-Nov-2015, Meeting:** Stated that it is understood that Chinook feed on herring and that link is considered in the EIS ecosystem modelling. In the VFPA's response to IR-7.31.15-06, there are 8 or 9 sub-questions and an overview of the model. Information in the EIS is considered complete. Stated that results show herring will not be affected by the Project. Stated that observation based on a number of areas, marine mammal experts, empirical modelling, and professional judgement. SRKW feed primarily on salmon. Herring may form a small part of their diet, but effects are negligible.	and 3) mixed trophic impacts (MTI) analyses (i.e., a measure of the direct and indirect impact of any group in an ecosystem on all other groups), described in EIS Appendices 10-B and 10-C. **Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKWs (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKWs for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKWs. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKWs. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKWs. **Addressed in EIS Section 14.5.1:** As noted in EIS Section 14.5.1, recent science suggests Chinook salmon comprise over 70% of the SRKW's annual diet and 80% to 90% of their summer (July to August) diet. Annual consumption of Chinook salmon is supplemented 15% by other salmonids (i.e., 10% chum, 5% coho), and 15% by groundfish (i.e., 3% halibut, 3% sablefish, 3% lingcod, 3% dover sole, 3% gonatid squid).	14.9 Determination of Significance of Residual Adverse Effects Appendix 10-B Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run **Information Requests** Response to Information Request #6 (IR-7.31.15-06 of CEAR Document #314)
LFN-16.6	Stated that white sturgeon is a concern as it is a primary species for Lyackson in the Lower Mainland and is *SARA* listed. Concerned with how sturgeon will be assessed in the EIS.	12-Aug-2012, Meeting 28-Oct-2014, Preliminary EIS Results Workshop #3 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**12-Aug-2012, Meeting:** Recorded comment for consideration by the Project team. **28-Oct-2014, Workshop:** Answered that the TAG looked at sturgeon. However, records show that sturgeon does not occur around the terminal at Roberts Bank, and therefore is not a good candidate as a focal species. Responded that the conclusion that sturgeon was not in the area was an outcome of the TAG process. TAG member knowledge was used to identify species occurring at Roberts Bank and primary species considered to be important drivers from an ecosystem perspective. The TAG summary contains more information. Stated that there are other species that occur that are being assessed, for which the effects of the Project would be expected to affect similarly to sturgeon. In that sense, they will be assessed, but sturgeon are not an explicit VC or sub-component. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **23-Jul-2015, Meeting:**	**Addressed in response to IR5-15:** In the response to IR5-15, issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to sturgeon and describes the status and management practices associated with the species. Rationale as to how sturgeon were assessed through the use of Chinook and chum salmon as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sturgeon, as well as effectiveness of mitigation, are presented in the VFPA's response to AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in the VFPA's response to IR5-15. The response to IR5-15 demonstrates that sturgeon species were adequately represented in the assessment of effects of the Project. The assessment findings presented in the response do not change the assessment effects laid out in the EIS. Appendix IR3-A provides the Productive Capacity Technical Advisory Group Summary Report.	**EIS** 13.0 Marine Fish **Information Requests** Response to Additional Information Request #9 (AIR 12.04.15-09 of CEAR Document #388) Sufficiency Information Request Package 3 Preamble to IR3-01 to IR3-24 (CEAR Document #984) Appendix IR3-A Productive Capacity Technical Advisory Group Summary Report (CEAR Document #984) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

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			Recorded comment for consideration by the Project team.		
LFN-16.7	Concerned about the impacts of vessel traffic on local fishery, biofilm.	04-Apr-2017, Meeting with Administrative Staff	**04-Apr-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 16.0:** As noted in EIS Section 16.0, all Project construction and operation activities are expected to interact at an undetectable level with the ongoing productivity of commercial, recreational, and Aboriginal fisheries. While decreases in productive potential are anticipated for some species that support commercial, recreational, and Aboriginal fisheries based on ecosystem modelling, these decreases represent only a small percentage of average species returns, and are not expected to be measurable compared to natural variability at the population level for species relevant to these fisheries. Project-related effects, therefore, are not anticipated to compromise the ongoing productivity of commercial, recreational, or Aboriginal fisheries, and are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects on these fisheries. **Addressed in EIS Section 11.0:** During Project construction and operation, changes in productivity of eelgrass, biofilm, and biomat are predicted to be negligible (i.e., not measurable or detectable).	**EIS** 11.0 Marine Vegetation 16.0 Ongoing Productivity of Commercial, Recreational and Aboriginal Fisheries
LFN-16.8	Concerned with the impacts of shipping traffic on salmon. Stated that no projects should be approved until the salmon recover. Stated that Lyackson cannot exercise their cultural practices associated with salmon.	04-Oct-2017, Meeting	**04-Oct-2017, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 13.0:** Overall, marine fish are expected to experience a minor decrease in productivity in the future with the Project. Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of EMPs and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. **Addressed in MSA Section 8.1:** An assessment was undertaken to evaluate the potential effects of Project-associated marine shipping on marine fish and fish habitat (including marine vegetation and marine invertebrates) within the marine shipping area and located within the Salish Sea. Intertidal habitat (including shorelines and marine vegetation), shellfish (including bivalves and Dungeness crab), Pacific herring, and Pacific salmon were selected as sub-components. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity	**EIS** 13.0 Marine Fish **MSA** 8.1 Marine Fish and Fish Habitat

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	
LFN-16.9	Questioned the assessment results based on ambiguous assumptions, inadequate baseline data, and lack of First Nations' involvement in the significance decisions. Stated that it is not clear how First Nation input was considered in the assessment. Stated that proposed mitigation measures and plans have not been developed in consultation with Lyackson. Requested that prior to any Project approval, a commitment is made that adequate funding is provided for Lyackson and other concerned and potentially impacted First Nations to be involved in developing and reviewing the proposed avoidance and mitigation measures that effectively incorporate community input to address outstanding concerns.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 7.2:** EIS Section 7.2 describes the VFPA's consultation efforts related to EIS development. **Further information provided in response to IR-7.31.15-08:** The VFPA's response to IR-7.31.15-08 provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA. **Addressed in IR10-12:** The VFPA's response to Additional Information Requirements #12 (IR10-12) as requested by the Review Panel, further discusses the VFPA's proposed approach to engagement and consultation with Indigenous peoples during and after the environmental review.	**EIS** 7.2 Aboriginal Groups Engagement and Consultation **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #388) Response to Sufficiency Information Request #02 (IR10-02) Response to Sufficiency Information Request #12 (IR10-12)

Table 17: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-17.1	Asked what depths gravid female Dungeness Crabs are located.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Estimated that it would extend from the subtidal (0 m) to −40 m depth. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 12.0 Marine Invertebrates.	**Addressed in EIS Section 12.5.3.4:** Brooding habitats for gravid female crabs are characterised by homogeneous sandy substrate that is highly permeable and well oxygenated, and are used for many years (O'Clair et al. 1996, Scheding et al. 2001, Stone and O'Clair 2002). In Alaska, brooding aggregations have been identified at depths ranging from approximately −10 m CD (O'Clair et al. 1996) to approximately −26 m CD (Stone and O'Clair 2002). Very little data exist for gravid female habitat distribution or preference in B.C. in general, and the Fraser River estuary in particular.	**EIS** 12.0 Marine Invertebrates 12.5.3.4 Key Habitat Features
LFN-17.2	Requested more information about sea pens, information on Project effects to sea pens, and transplanting plans.	06-Jun-2014, Valued Components Workshop #1 28-Oct-2014, Preliminary EIS Results Workshop #3	**06-Jun-2014, Workshop:** Provided information about orange sea pens, and the studies being carried out around them. Responded that sea pens are a poorly understood species, and there have not been many studies on it to-date. Shared that the VFPA's thinking so far is that they act as a biological habitat for other species, and that their burrowing action oxygenates the sediment, allowing for more worms to be present. Noted the studies are preliminary work at this time, a part of which is speculation, though it is safe to say that they provide habitat for a variety of other species. **28-Oct-2014, Workshop:** Stated that the VFPA is finishing a pilot study, and preliminary results indicate sea pens are doing well. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **07-Feb-2018, Letter from the VFPA:** Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled Orange Sea Pen Transplant Pilot and Monitoring Program. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05.	**Addressed in EIS Appendix 7.2-B (#73):** Orange sea pens are a soft coral species that depend on habitat with strong tidal outflows and oceanic currents for food delivery. Sea pen beds provide habitat for many benthic (bottom dwelling) species and likely play a role in maintaining productive near-shore communities for clams, sea stars, marine worms, Dungeness crabs, and several fish species. Orange sea pens were assessed as a sub-component of the marine invertebrate VC. The assessment concludes that a decrease in the productivity of orange sea pens due to direct mortality and changes in habitat availability is expected as a result of permanent loss of subtidal sand habitat associated within the terminal footprint. This decrease can be partially mitigated through the implementation of EMPs, including the collection and transplantation of orange sea pens to nearby undisturbed sites identified as suitable through habitat modelling. While the Project is predicted to cause losses of productivity of orange sea pens, the scale of change is minor in the context of natural variability and will not compromise the population integrity or ecological function. The residual effect was determined to be not significant. **Addressed in response to IR5-05:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in orange sea pen productivity, and that the level of confidence in this assessment was considered to be moderate. The VFPA's response to IR5-06 discusses the confidence in the rating. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity Table 12-8 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Invertebrates Table 12-10 Habitat Suitability (ha) for Orange Sea Pens in the Local Assessment Area in Future Cases With and Without Roberts Bank Terminal 2 12.7.2 Mitigation #1 for Direct Mortality 12.8.1 Residual Effect – Characterisation of Productivity Losses 12.9.2 Significance Determination Table 12-15 Summary of Determination of Significance of Residual Effects for Marine Invertebrates **Information Requests** Response to Sufficiency Information Requirements #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Requirements #06 (IR5-06 of CEAR Document #1145)
LFN-17.3	Concerned with black crabs and concerned that the Project will	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness	**EIS** Appendix 7.2-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	exacerbate existing conditions.		**09-Jul-2015, Email from the VFPA:** *"In response to reports from Aboriginal groups regarding blackening of Dungeness crab and concerns related to potential contamination, [the VFPA] arranged for Hemmera to undertake testing of Dungeness crab tissue. [The VFPA] also provided Aboriginal groups with crab sampling kits in an effort to obtain sample crab for testing… A summary of key information contained in the memorandum is provided on the following page."* The memo provided the conclusions of the studies: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements; • Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary • IR4-34 - Black Crab Additional Studies Summary Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the cause of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available. **Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In response to IR4-33, issued by the Review Panel on March 31, 2017, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crabs total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of polychlorinated biphenyls (PCBs), coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and intermediate transfer pit sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Requirements #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Requirements #34 (IR4-34 of CEAR Document #1051) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**
LFN-17.4	Asked whether the shellfish closure is a result of effects from the two causeways, or a result of other upland effects. Concerned about shellfish closures in relation to the Project, including: • Interested in when a study was last conducted on the conditions of shellfish.	29-Oct-2014, Preliminary EIS Results Workshop #4 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**29-Oct-2014, Workshop:** Responded that it is a sanitary closure in relation to potential effluent in that area. Stated that follow-up is needed with Environment Canada since they are responsible for sanitary closures. **10-Dec-2014, Workshop:** Committed to looking into Lyackson's inquiry about depuration. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **01-May-2017, Email from the VFPA:**	**Addressed in EIS Appendix 7.2-B (#75):** No bivalve harvesting is currently allowed within the LAA or RAA of marine invertebrates, due to both Sanitary and Biotoxin Shellfish Closures imposed by DFO over concerns regarding discharges from sanitary, stormwater, or industrial sources. DFO is the proper authority to determine the validity of shellfish closures. Assessment of the effectiveness of shellfish depuration is outside of the scope of this environmental assessment. **Addressed in EIS Appendix 7.2-B (#134):** The focus of the Shellfish Harvesting Potential and Contaminant Related Consumption Risks study was port-related contaminants at Roberts Bank, and the information gathered on contaminants in crab muscle and edible bivalve tissues for the areas sampled at Roberts Bank were specifically intended to capture worst-case conditions based on historical and current port activities. Bivalve shellfish samples	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.5.2 Existing Conditions, Bivalve Shellfish **Information Requests** Response to Sufficiency Information Requirements #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Requirements #34

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	• Concerned about permanent closure of the area, because the studies indicate the conditions at Roberts Bank are not improving. • Interested if shellfish depuration would successfully remove all contaminants from shellfish in the Project area.		Shellfish – Shellfish Sampling and Analysis Study Hemmera, on behalf of the VFPA, plans on conducting a study in May or June 2017 to measure contaminant levels in shellfish collected at Roberts Bank. The study will consist of collection of Dungeness crab and Macoma clams from three locations at Roberts Bank, and laboratory analysis for a suite of contaminants including PCBs, PAHs, and trace elements. This study, in conjunction with past shellfish studies, will further strengthen the existing understanding of shellfish contaminant levels at Roberts Bank. Following this email, the VFPA also sent a Field Studies Notification.	were collected in intertidal areas at Roberts Bank, from the BC Ferries Terminal in the south to Canoe Passage in the north, and included Boundary Bay as a reference site. The Dungeness crab study area encompassed shallow subtidal areas at Roberts Bank, from the BC Ferries Terminal in the south towards Canoe Passage in the north, including a reference site near Canoe Passage. For both bivalve shellfish and crab, areas closer to the Westshore Terminals were the focus of sampling. The study focused on determining whether historical and current port activities on Roberts Bank are resulting in contaminant uptake to safe or unsafe levels. **Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In response to IR4-33, issued by the Review Panel on March 31, 2017, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and intermediate transfer pit sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	(IR4-34 of CEAR Document #1051)
LFN-17.5	Concerned that the displacement of 19 crab licence holders to other areas, could cause significant effect on the resource in other areas; in particular areas the Lyackson have a one-fifth interest in the Hul'q'umi'num Fisheries Limited Partnership, Commercial Aboriginal Fisheries Enterprise created under the Pacific Integrated	29-Oct-2014, Email	**29-Oct-2014:** Recorded comments for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Commercial Fisheries Initiative. Concerned that displacement of 19 licences could reduce access to crab for food, social, or ceremonial purposes. Concerned that there is a socio-economic effect on the fishers. Concerned that there is no limit placed on the fishery; it is a year-round fishery and the price for the product has doubled, increasing potential interest and action to harvest at greater rates and volumes.		Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS, and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures, and will implement construction and operation EMPs related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	
LFN-17.6	Stated that the Project is anticipated to further impact Tsawwassen First Nation's access to shellfish within the Roberts Bank area, and so Lyackson is concerned that members of this community will be pushed to the Southern Gulf islands for their harvest, with the potential of conflicts between families within the shared territory.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#119):** The EIS describes potential effects on fishing activity (EIS Sections 21.0 and 24.0) and effects in other areas (e.g., Boundary Bay) that are not otherwise directly affected by the Project but that may be affected by displacement are considered in EIS Section 32.2. Mitigation measures to reduce effects on outdoor recreation include: • Working with DFO to engage with recreational crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction EMPs related to construction phase communication and crab salvages. Mitigation measures to reduce effects on marine commercial use include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction and operation EMPs related to construction phase communication, construction monitoring and crab salvages. **Addressed in IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 21.0 Marine Commercial Use 21.7.1 Seafood harvesting - Mitigation Measure #1 - Changes in Area, Harvest and Revenue 24.0 Outdoor Recreation 24.7.1 Recreational Seafood Harvesting Mitigation Measure #1 – Changes in Harvesting Area Use and Displacement 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #07 (IR10-07)
LFN-17.7	Stated that Lyackson is working to repair clam gardens for use by the community.	23-Jul-2015, Meeting with Lyackson First Nation and Lake	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:**	**Addressed in MSA Appendix 5-B (#35):** The assessment of marine fish and fish habitat (MSA Section 8.1) includes consideration of potential effects on marine invertebrates, including bivalve shellfish.	**MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Concerned that marine shipping activities will harm this effort.	Cowichan First Nation	Provided a copy of the MSA, which included MSA Appendix 5-B summarising the comments from Indigenous groups and the responses provided by the VFPA.	As noted in MSA Section 8.1.6.1, available data suggest that predicted wake wave heights arriving at shorelines within the LAA are well within the range of natural wave conditions, and are not distinguishable from the spectrum of wind-generated waves, except in non-calm conditions. Therefore, regardless of increased frequency of wake-related waves, any disturbance to marine fish and fish habitat (inclusive of marine vegetation and marine invertebrates) will not be distinguishable from existing conditions and, consequently, is considered to be negligible.	8.1.1 Component Overview 8.1.5.4 Marine Invertebrates 8.1.6.1 Negligible Effects
LFN-17.8	Stated that Lyackson's preliminary impact assessment has concluded that dredging and pollution from Project construction and operations in the Tl'uqtinus area is considered likely to increase adverse effects on shellfish.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#184 & #185):** As presented in the EIS, the Project is not expected to result in adverse residual effects on Tl'uqtinus and the mouth of the Fraser River. The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.5.2 Existing Conditions, Bivalve Shellfish
LFN-17.9	Stated that Lyackson questions the VFPA's conclusion that potential decreases in crab productivity as a result of the Project is not expected to measurably affect the Lyackson First Nations' current use of crabs in the area.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	**Information Requests** Response to Sufficiency Information Request #07 (IR10-07)
LFN-17.10	Questioned the assessment results based on ambiguous assumptions, inadequate baseline data, and lack of First Nations' involvement in the significance decisions. Stated that it is not clear how First Nation input was considered in the assessment. Stated that proposed mitigation measures and plans have not been developed in consultation with Lyackson.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 8.1.8:** To determine the significance of residual adverse effects, the assessment considered the nature of each residual effect and the context within which it is expected to occur. The existing (or expected) condition of each VC was compared with the future conditions predicted to result from the Project. The anticipated future condition of each VC with the Project was compared to a threshold of significance defined for that specific VC. The threshold of significance is the point beyond which the integrity of the VC may be compromised and the residual effect is considered to be significant. If the future condition of the VC with the Project does not exceed the defined threshold, the effect is considered to be not significant. If the future condition of the VC with the Project does exceed the defined threshold, the effect is considered to be significant. When defining the threshold of significance, the assessment included consideration of existing standards, guidelines, or objectives that have been established by government through regulation or applicable regional land and resource use management plans or other mechanisms, where available and suitable for determining significance. If no appropriate government-established threshold was available, the significance threshold was defined using the professional judgement of the Project team and current scientific knowledge about the VC. The rationale for the significance threshold used in the assessment and for the determination of significance is provided for each VC. Each assessment also considered the likelihood that each predicted residual effect would occur.	**EIS** 8.1.8 Determination of Significance of Residual Adverse Effects **Information Requests** Response to Information Request #7 (IR-7.31.15-07 of CEAR Document #314) Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #388) Response to Sufficiency Information Request #2 (IR10-02)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The level of confidence in each residual effect prediction considers the level of uncertainty associated with both the significance and likelihood determinations. Each assessment section presents the nature and source of any uncertainty that lowers the level of confidence in the residual effect prediction. **Addressed in response to IR-7.31.15-07:** The VFPA's response to IR-7.31.15-07 further discusses significance criteria, specifically in the context of the approach described in the EIS using multiple lines of evidence. **Addressed in response to IR-7.31.15-08:** The VFPA's response to IR-7.31.15-08 Provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects, including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in response to MSA IR-02.24.16-4:** The VFPA's response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	

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Table 18: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-18.1	Concerned with cumulative effects of increased marine shipping from multiple projects and potential impacts to Steller sea lions	23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#89):** The assessment considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable or measurable residual adverse effects from vessel strikes are predicted for marine mammals. The marine mammal assessment considers the potential for cumulative effects with respect to the potential residual effect (i.e., increased underwater noise produced by container ships and support tugs during Project operation), in combination with other projects and activities within the RAA, including underwater noise from incremental marine vessel traffic outside VFPA jurisdiction. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. **Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales, other than SRKWs. The VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKWs. As such, Project-associated vessel activity, in combination with existing and future vessel activity, is expected to continue to result in a significant cumulative effect to SRKWs.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals 14.10 Cumulative Effects Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 8.2 Marine Mammals 8.2.9.1 Cumulative Effect #1 – Behavioural Effects Due to Underwater Noise 8.2.9.2 Mitigation Measures for Cumulative Effects 8.2.9.3 Assessment of Residual Cumulative Effects and Significance Determination
LFN-18.2	Asked whether vessel strikes to whales will be addressed in the EIS. Concerned that vessels could strike marine mammals, particularly at night when visibility is low.	27-May-2014, Technical Working Group Meeting #3 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**27-May-2014, Meeting:** Responded that vessel strikes are generally not an issue with container ships and the types of whales in the area. However, this will be considered and addressed in more detail in the EIS. **23-Jul-2014, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#89):** The assessment considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable or measurable residual adverse effects from vessel strikes are predicted for marine mammals. **Addressed in MSA Section 8.2:** MSA Section 8.2 presents an assessment of potential effects to marine mammals. Potential effects on marine mammals related to Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment and physical disturbance from vessel strikes. These effects are expected to be not significant for marine mammals. **Addressed in response to IR5-41:** The VFPA's response to IR5-41, as requested by the Review Panel, discusses the combination of lines of evidence used to support conclusions regarding the frequency and effects of vessel strikes on marine mammals in the marine shipping area. In summary, it was concluded that incremental effects of vessel strikes from RBT2-associated vessel traffic would be moderate in magnitude and occur infrequently above and beyond strikes occurring during existing conditions, and were determined to be not significant. These predictions were based on the multiple lines of evidence as described in the response.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.3 Potential Effects of the Project on North Pacific Humpback Whale 14.6.4 Potential Effects of the Project on Steller Sea Lions Table 14-19 Injury and Disturbance Radii for Steller Sea Lions during Impulsive Construction Noise 14.10 Cumulative Effects Assessment **MSA** 8.2 Marine Mammals **Information Requests** Response to Sufficiency Information Request #41 (IR5-41 of CEAR Document #1159)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-18.3	Requested that EIS include potential impacts from other vessels such as whale watching.	03-Jul-2014, Valued Components Workshop #2	**03-Jul-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 8.2 on marine mammals.	**Addressed in EIS Section 14.0 and MSA Section 8.2:** As noted in EIS Section 8.1.4, descriptions of existing pre-Project conditions relevant to each VC and IC were developed based on existing information, field studies, data analysis, and modelling. The description of existing conditions considered how ICs and VCs have been already affected by other projects and activities that have been carried out. The assessment of potential effects on marine mammals (both in EIS Section 14.0 and MSA Section 8.2) includes an assessment of cumulative effects. This assessment includes consideration of the cumulative effects of additional vessel traffic on marine mammals.	**EIS** 8.1.4 Description of Existing Conditions 14.0 Marine Mammals **MSA** 8.2 Marine Mammals 8.2.9 Cumulative Effects Assessment
LFN-18.4	Asked about the VFPA's ECHO (Enhancing Cetacean Habitat and Observation) Program.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Noted that the Port is initiating a regional program called ECHO, and inviting a number of stakeholders, shippers, and vessel traffic operators to take part, to try to address potential cumulative effects of underwater noise on marine mammals. (Post meeting note: More information about the ECHO Program may be found here: http://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/) **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **10-May-2017, Email from the VFPA:** Provided the ECHO Program annual report for 2016.	**Addressed in EIS Appendix 7.2-B (#88):** The methods used to study underwater noise and the results of the assessment of potential underwater noise-related effects on marine mammals are described in the EIS. The ECHO Program has been established by the VFPA, in collaboration with government agencies, Indigenous groups, marine industry users, non-government organisations, and scientific experts, to better understand and manage the potential impacts to cetaceans (whales, porpoises, and dolphins) from commercial vessel activities throughout the southern coast of B.C. Further information about ECHO can be found at: http://www.portmetrovancouver.com/en/environment/initiatives/marine-mammals **Addressed in IR4-10:** As noted in the VFPA's response to IR4-10, in 2014, the VFPA-led ECHO Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous groups, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.8 Underwater Noise 9.8.2 Assessment Purpose and Approach Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study 14.0 Marine Mammals 14.4.4 Information Sources, Critical Habitat Feature - Acoustic Environment Table 14-7 Marine Mammal Modelling Studies Contributing to Project-related Predictions 14.6 Future Conditions with the Project 14.10 Cumulative Effects Assessment **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)
LFN-18.5	Concerned that the SRKW data does not accurately describe where whales are observed. Stated that SRKW are seen regularly in the area traversed by the ferries to/from Nanaimo, which is not reflected on the density map.	28-Oct-2014, Preliminary EIS Results Workshop #3 29-Oct-2014, Email 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First	**28-Oct-2014, Workshop:** Stated that the VFPA takes into account a lot of sightings, whale watching, from ferries; basically, anyone who is a citizen of B.C. can call in a sighting. During the TAG process, the TAG concluded that this is the best/biggest data set available on killer whales. Stated that using this type of information is not going to be perfect, because there are more people in certain areas compared to others, but	**Addressed in EIS Section 14.4:** Numerous literature and data sources were consulted for information on marine mammals, including the following: • Publicly available ITK (LGL Limited and Tsawwassen Fisheries 2012, 2013), workshops with Indigenous groups, and ITK obtained from Project-specific studies related to Current Use (described in EIS Section 32.0); • Marine mammals in the Roberts Bank area have been studied for over three decades. Previous studies that are considered relevant in this assessment include books, academic journals, consultant technical reports, government technical reports, and other scientific literature, which reflect this growing body of knowledge; • Previous environmental assessments and monitoring reports (e.g., DP3 and ambient noise measurements (Stantec 2010): underwater noise predictive modelling study to determine the	**EIS** 14.0 Marine Mammals 14.4 Information Sources **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Suggested that the VFPA refer to a new technology that has been developed for finding whales to avoid and reduce vessel strikes, particularly at night. Suggested that the VFPA consider PLOS (Camera Thermal detection) One whale monitoring technology in the assessment, for mitigation from underwater noise impacts, as referenced in the following article: http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0071217 Asked how the information provided to the VFPA related to new underwater noise technology was considered in the assessment.	Nation and Lake Cowichan First Nation	this is the best available current data source with thousands of data points to understand how animals are using a broad area. This is a really good data set, but it does have limitations. Stated that studying marine mammals is very challenging. They are underwater most of the time. Figuring out where they is not always easy. Using hydrophones can be a challenge, and one needs to understand the distribution over a very large area. Stated that using the technologies that Lyackson First Nation is referring to is actually pretty tricky because they can only hear so far. Once the whale is so far away from the microphone, it cannot be picked up. Detecting marine mammals is always a challenge and the VFPA decided to go with the input of our experts. They felt that this was the biggest, most robust dataset that was available, and, based on their recommendation, this what we used; it is inclusive of a lot of information over quite a large area. **29-Oct-2014:** Recorded comment for consideration by the Project team. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 14.0 on marine mammals. **05-Jun-2017:** Committed to follow-up with a response. [See Additional Information column].	extent of the area of disturbance for SRKWs in the vicinity of the vibro-densification and dredging activities (Jacques Whitford AXYS and JASCO Research Ltd. 2007a, 2007b, Jacques Whitford AXYS et al. 2007); and surveys for marine mammals conducted before and during construction from 2003 to 2008 (Triton Environmental Consultants Ltd. 2004, Stantec 2010); and • Databases (e.g., B.C. Conservation Data Centre, Committee on the Status of Endangered Wildlife in Canada (COSEWIC) Wildlife Species Database, Species at Risk Public Registry, BC Cetacean Sightings Network, and OM Sighting Network). The VFPA also initiated a TAG process in 2011 to gather input from experts on SRKWs to address known data gaps. **Additional information provided by the VFPA:** The TAG, including DFO, advised that the BC Cetacean Sighting Network Data was the best large long-term dataset to determine the occurrence of SRKW in the Salish Sea. During the development of EIS, the VFPA also deployed a hydrophone at the proposed terminal site to detect SRKW when they were present in the Project area, 24 hours a day, in order to supplement the sighting network data. The VFPA has committed to implementing mitigation measures during the construction period to protect SRKW from acoustic disturbance, including trained marine mammal observers, underwater noise monitoring, and detection of SRKW with hydrophones. Technologies, such as thermal imaging described above, are being explored by the VFPA as a potential mitigation measure during periods of darkness and low visibility; however, the ability of these technologies to detect killer whales is not well understood. The VFPA is committed to continue to explore new technologies to mitigate potential underwater noise disturbance during the construction period. **Further information provided in response to IR4-10:** In 2016, the ECHO Program conducted a desktop study identifying three quiet ship classifications and three propeller technologies shown to reduce underwater noise in support of new criteria for the EcoAction Program. Effective January 1, 2017, the EcoAction Program includes new incentive criteria to provide harbour due rate discounts for quieter ships (i.e., ship classification society quiet vessel notations, cavitation/wake flow reduction technologies), making Canada the first country in the world, and Port of Vancouver the first port, with a marine underwater noise reduction incentive. Since the VFPA launched its new EcoAction underwater noise reduction criteria in 2017, 12 vessels took actions to reduce their underwater noise levels and received a bronze level incentive resulting in reduced harbour due rates. As it relates to RBT2, container ships calling on RBT2 that qualify under the EcoAction Program by meeting incentive criteria for reducing underwater noise levels, informed by ECHO initiatives, will reduce potential effects to at-risk whales. These reductions in underwater noise would occur in the southern coast of B.C. due to both marine shipping associated with the Project along shipping lanes, and when container ships are calling at RBT2.	
LFN-18.6	Stated that a basking shark and grey whale have been sighted off the eastern shore of Valdes Island, and should be included in the assessment.	27-May-2014, Technical Working Group Meeting #3 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**27-May-2014, Meeting:** Responded that with respect to the potential basking shark sighting, we understand this to be a rare sighting and based on this input are looking at available information on basking sharks. Though the VFPA is not currently considering shark species as a VC or focal species in the environmental assessment, we are considering the potential for an interaction and potential effect to sharks.	**Addressed in MSA Section 8.2:** An assessment of the potential environmental effects from marine shipping associated with the proposed Project on basking sharks and grey whales was completed, using humpback whales as a representative species (refer to MSA Section 8.2.6.3). Potential effects on marine mammals from Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment and physical disturbance from vessel strikes. These effects are expected to be not significant for marine mammals.	**EIS** Appendix 8-A Valued Component Selection Rationale **MSA** 8.1 Marine Fish and Fish Habitat 8.1.5 Existing Conditions 8.2 Marine Mammals 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			23-Jul-2015, Meeting: Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 8.2 Marine Mammals.		
LFN-18.7	Questioned the assessment results based on ambiguous assumptions, inadequate baseline data, and lack of First Nations' involvement in the significance decisions. Stated that it is not clear how First Nation input was considered in the assessment. Stated that proposed mitigation measures and plans have not been developed in consultation with Lyackson.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 8.1.8:** To determine the significance of residual adverse effects, the assessment considered the nature of each residual effect and the context within which it is expected to occur. The existing (or expected) condition of each VC was compared with the future conditions predicted to result from the Project. The anticipated future condition of each VC with the Project was compared to a threshold of significance defined for that specific VC. The threshold of significance is the point beyond which the integrity of the VC may be compromised and the residual effect is considered to be significant. If the future condition of the VC with the Project does not exceed the defined threshold, the effect is considered to be not significant. If the future condition of the VC with the Project does exceed the defined threshold, the effect is considered to be significant. When defining the threshold of significance, the assessment included consideration of existing standards, guidelines, or objectives that have been established by government through regulation or applicable regional land and resource use management plans or other mechanisms, where available and suitable for determining significance. If no appropriate government-established threshold was available, the significance threshold was defined using the professional judgement of the Project team and current scientific knowledge about the VC. The rationale for the significance threshold used in the assessment and for the determination of significance is provided for each VC. Each assessment also considered the likelihood that each predicted residual effect would occur. The level of confidence in each residual effect prediction considers the level of uncertainty associated with both the significance and likelihood determinations. Each assessment section presents the nature and source of any uncertainty that lowers the level of confidence in the residual effect prediction. **Addressed in response to IR-7.31.15-07:** The VFPA's response to IR-7-31.15-07 further discusses significance criteria, specifically in the context of the approach taken in the EIS using multiple lines of evidence. **Addressed in response to IR-7.31.15-08:** The VFPA's response to IR-7.31.15-08 provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects, including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in response to MSA IR-02.24.16-4:** The VFPA's response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**EIS** 8.0 Effects Assessment Methods 8.1.8 Determination of Significance of Residual Adverse Effects **Information Requests** Response to Information Request #7 (IR-7.31.15-07 of CEAR Document #314) Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #388) Response to Sufficiency Information Request #2 (IR10-02)
LFN-18.8	Referred to the Eastern Pacific Humpback Whale being representative of other species, and expressed particular	30-Apr-2014, Meeting 27-May-2014, Technical Working Group Meeting	**30-Apr-2014, Meeting:** Committed to follow up with Lyackson regarding effects on marine mammals. **27-May-2014, Meeting:**	**Addressed in EIS Appendix 7.2-B (#87):** The EIS describes the models used to support the assessment of potential effects on marine mammals, and discusses uncertainty, and level of confidence in the effect predictions. The marine mammal sub-component, baleen whales, including grey whale, are represented by humpback whales in the marine mammal's assessment.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	concern about the grey whale. Stated that grey whales have been noted in Boundary Bay and on the east side of Valdes Island.	#3 Meeting 12-Aug-2014, Meeting 28-Oct-2014, Preliminary EIS Results Workshop #3 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	Stated that that is good information for us to have. We know that grey whales are in the area and are very similar to humpback whales. By assessing the potential effect of the Project on humpback whales, we will also be able to understand the potential effect on grey whales. **12-Aug-2014, Meeting:** The VFPA noted that Lyackson had mentioned the grey whale at Lyackson Bay. Lyackson stated that they were just mentioning it for the VFPA. **28-Oct-2014, Workshop:** Responded the potential for vessel strikes is being assessed when the vessels enter VFPA jurisdiction. When vessels are in VFPA jurisdiction they are travelling much slower and are escorted by a pilot. Additionally, baleen whales are only very rarely observed in the area, and that is why it can be said with a high level of confidence that the risk for potential vessel strikes is very low. Stated that no baleen whales were observed from the Port. All the baleen whales occur sporadically in the inside waters. They do occur, but it is not fairly common, and that includes the grey whale. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 14.0 Marine Mammals. **23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team.	While the scope of the Project, as set out in the *EIS Guidelines*, includes vessel traffic within VFPA jurisdiction, the scope of assessment is not limited to VFPA jurisdiction. The EIS provides an assessment of potential Project-related effects to the maximum spatial extent of where they are expected to occur. The LAA encompasses the area in which Project-related effects (direct or indirect) to marine mammals could potentially occur. This boundary was established based on the zone of audibility for all representative species from modelled underwater noise from Project construction and operation. **Addressed in response to IR5-34:** Further information provided in the VFPA's response to IR5-34, as requested by the Review Panel, specifically in terms of the adequacy of the representativeness of humpbacks for grey whales.	Table 14-7 Marine Mammal Modelling Studies Contributing to Project-related Predictions 14.1 Component Overview and Regulatory Setting 14.2 Selection of Marine Mammals Valued Component 14.3 Assessment Boundaries 14.5 Existing Conditions Figure 14-1 Local and Regional Assessment Areas for Southern Resident Killer Whale Figure 14-2 Local and Regional Assessment Areas for Humpback Whales and Steller Sea Lions **Information Requests** Response to Sufficiency Information Request #34 (IR5-34 of CEAR Document #1078)
LFN-18.9	Stated that Lyackson and Lake Cowichan are hoping to hunt seals in the future, and are interested in protecting the ability to undertake this activity.	23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B summarising the comments from Indigenous groups and the responses provided by the VFPA.	**Addressed in MSA Appendix 5-B (#81):** Concern is noted. The VFPA acknowledges that reported Current Use in a given area does not necessarily reflect past levels of use or desired future use by Indigenous groups, and this is reflected in the assessment wherever relevant as indicated by an Indigenous group. The assessment of potential adverse effects on Aboriginal and treaty rights is primarily based on the results of the Current Use analysis and effects assessment, as well as the results of the Indigenous group consultation undertaken for the Project. The assessment of Current Use does not limit the assessment of Aboriginal and treaty rights. The assessment of rights includes all Aboriginal and treaty rights, regardless of whether they are being currently exercised. **Addressed in EIS Section 32.2.6.2:** The Project is not expected to affect the Current Use of marine mammals for harvesting purposes, which, based on information reviewed, is not presently occurring. The Project is also not expected to affect existing ceremonial uses related to this resource. **Addressed in Response to IR10-26:**	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights 14.0 Marine Mammals

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	32.2.6.2 Potential Effect 2: Changes in Availability of Preferred Current Use Resources **Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
LFN-18.10	Concerned about impacts to marine mammals due to pollution, disposal of dredgeate, increased noise, vibration, sensory disturbance, and vessel strikes.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 14.0:** Interactions between Project components and activities and marine mammals were considered and the following potential adverse effects were identified: • Changes in acoustic environment as a result of underwater noise from dredging, pile-driving, vibro-densification, and tug and vessel movements during construction, and container ship and tug movements during operation, resulting in potential acoustic injury, behavioural disturbance, or acoustic masking; • Changes to the availability of prey from changes to fish habitat; and • Vessel strikes. Changes in water or sediment quality are not anticipated to have an adverse effect on marine mammals. Project-related adverse residual effects to marine mammals are expected to be not significant, based on the following: • Future underwater noise levels with the Project are comparable to levels currently measured at Roberts Bank and mitigation would be implemented to reduce construction-related effects; population modelling predicted no statistical difference in the effects of underwater noise on SRKW life functions and subsequent population-level effects, between existing conditions and future conditions with the Project, and future conditions with the Project in combination with future certain and foreseeable projects; • The availability or productivity of Pacific salmon prey (i.e., Chinook salmon) is not anticipated to decrease from Project-related reductions in habitat availability; and • The likelihood of a Project-related container ship, tug, or support vessel strike resulting in marine mammal injury or mortality is very low. Potential effects can be avoided or reduced during construction through the implementation of mitigation measures outlined in EMPs. Potential effects from increases in underwater noise during operation are expected to be infrequent compared to existing conditions, and of short-term duration, reversible, and low-to-moderate magnitude. In addition, the Project is not anticipated to have an adverse effect on SRKW critical habitat features when needed for SRKW life functions. The Project would not limit the survival or population recovery of SRKWs. However, due to their Endangered status and lack of recovery of the SRKW population, the VFPA has assumed past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKWs. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, would result in a continued significant cumulative effect to SRKWs. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant.	**EIS** 14.0 Marine Mammals 14.9 Determination of Significance of Residual Adverse Effects 14.10.4 Significance Determination for Residual Adverse Cumulative Effects
LFN-18.11	Asked about the VFPA's conclusions related to marine mammals.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKWs (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKWs for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKWs.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 14.0 Marine Mammals 14.9 Determination of Significance of Residual Adverse Effects

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKWs. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKWs. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant.	14.10.4 Significance Determination for Residual Adverse Cumulative Effects

Lyackson First Nation

Table 19: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-19.1	Asked whether container ships pick up pilots in Victoria and if there will be sufficient pilots available to facilitate additional traffic due to the Project.	15-Apr-2014, Technical Working Group Meeting #2	**15-Apr-2014, Workshop:** Responded that every foreign vessel picks up a pilot in Victoria, until they berth. Ships are under the direction of a B.C. coast pilot while in B.C. waters.	**Addressed in EIS Section 4.0:** As noted in EIS Section 4.4.2.1, all container ships destined for RBT2 will arrive from either ocean transit, or from the Puget Sound area, pick up a Coastal Marine Pilot at the Victoria pilot boarding station, and will travel toward the Project in the international shipping lanes leading to the Greater Vancouver area. For departures from RBT2, the vessel will drop an on-board pilot off at Victoria, and continue on to ocean transit, or to the Puget Sound area.	**EIS** 4.4.2.1 Container Ship Manoeuvres
LFN-19.2	Requested clarification on the scope and intent of consultation related to marine shipping. Requested more information about the big picture effects of marine shipping in their territory. Sought clarification on jurisdiction in the marine shipping area. Sought clarification on whether the Project's approval considers marine shipping. Concerned with the way marine shipping is being proposed.	26-Apr-2016, Meeting 04-Apr-2017, Meeting 03-May-2017, Meeting	**26-Apr-2016, Meeting:** Responded that the VFPA is gathering information on marine shipping and this information will be passed to the federal government, to those with jurisdiction (such as Transport Canada and the Coast Guard). **04-Apr-2017, Meeting:** Explains how marine shipping is outside of the Project scope and the port authority's jurisdiction. **03-May-2017, Meeting:** Clarified that the marine shipping area is Transport Canada's jurisdiction, with some other federal agencies such as Environment Canada and DFO having certain responsibilities. Responded that the Panel will be assessing both the Project and marine shipping, but the decision by the Minister to approve or reject the Project will consider the Project only; the Project is what the proponent (the port authority) can actually control.	**Addressed in the *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. The VFPA understands that marine shipping associated with the Project outside of Port of Vancouver's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction.	***Updated EIS Guidelines***
LFN-19.3	Concerned that the scientists who undertook the air quality assessment for the MSA were not objective and questioned results that say there are no impacts. Asked whether the scientists hired to undertake the air quality assessment were independent and expressed interest in a third-party review of the assessment. Asked if the person undertaking the current use assessment is a First Nation person and expressed suspicion with its conclusions.	03-May-2017, Meeting	**03-May-2017, Meeting:** Responded that the air quality assessment was completed by an independent expert with over 40 years of experience. Clarified that the EIS does not say there are no changes, effects, or impacts; the scientists compared current and predicted future conditions with and without the Project to see if changes would be significant to a species or element of the environment. For example, in regards to SRKW, the EIS acknowledged they are already significantly affected and will continue to be significantly affected. Stated thresholds for air quality are set at the federal, provincial, Fraser River regional, and Metro Vancouver regional level. The assessment compiled all of the criteria and applied the most stringent of them. Responded the person who undertook the Current Use assessment is not an Indigenous person.	**Addressed in EIS Section 1.4:** During Project planning, preliminary design, and preparation of the EIS, the VFPA gathered and integrated information from a wide range of sources, including the following: • Academic experts; • Federal authorities with specialist or expert scientific information, advice, and knowledge relating to projects of this nature; • Other levels of government with expert and specialist knowledge; • Indigenous groups; • Communities; • Existing information relevant to the Project, including ITK; and • Professional practitioners (e.g., registered professional biologists, air quality specialists, geomorphologists). **Additional information provided by the VFPA:** While the environmental assessment of the Project will inform the decisions made by the Federal and Provincial governments, the EIS itself comprises a science-based rigorous assessment. Further, the Project is undergoing a federal environmental assessment by an independent review panel, under *CEAA 2012*. The entire EIS, including the air quality and Current Use assessments, will be subject to an independent review.	**EIS** 1.4 Use of Information

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-19.4	Asked who determines thresholds and significance levels for: • Air Quality; • Atmospheric Noise; • Underwater Noise; • Light; • Human Health (i.e., shellfish contamination); • Marine Fish (salmon); and • Current Use. Expressed concern that the port authority has assessed impacts against a threshold that a First Nation may not agree with. Disagreed with assessment conclusions saying there are no significant effects and noted having observed effects.	03-May-2017, Meeting	**03-May-2017, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The *Updated EIS Guidelines* as issued by the CEA Agency directs the proponent (the VFPA) to provide sufficient data and analysis on any potential changes to the environment to permit a thorough evaluation of the environmental effects of the Project by a Review Panel. The Review Panel is currently undertaking an assessment of the environmental effects of the Project in a manner consistent with the requirements of *CEAA 2012* and the Final Terms of Reference (CEAR Document #176). The Review Panel will prepare and submit a report to the federal environment Minister, who will in turn make a determination of the significance of potential environmental effects. If the Minister decides that the Project is likely to cause significant adverse environmental effects, the Minister must refer to the Governor-in-Council the matter of whether those effects are justified in the circumstances and the decision of whether the Project should be approved. Since the beginning of the environmental assessment process for RBT2, Indigenous groups have, and will continue to have, opportunities to participate in, review, and comment on the potential effects of the Project, with records of comments being hosted publicly on the CEA Agency Registry.	***Updated EIS Guidelines*** **FINAL Roberts Bank Terminal 2 Project Review Panel Terms of Reference (CEAR Document #176)**
LFN-19.5	Expressed concern with the ability of the relevant authorities such as Transport Canada and the Canadian Coast Guard to enforce regulations related to water quality. Referenced meeting with Transport Canada and the Canadian Coast Guard and that the concern related to enforcement of regulations persists.	03-May-2017, Meeting	**03-May-2017, Meeting:** Referred to regulations such as the Ballast Water Exchange and noted ships are required to provide their report 96 hours before entering a Canadian port. Noted the port authority cannot speak to compliance records.	**Addressed in TC IR-02 to TC IR-06:** Additional information regarding enforcement and compliance related to marine water quality was provided by Transport Canada in their responses to Review Panel information requests TC IR-02 to TC IR-06. Available on the CEA Agency Registry at: https://www.ceaa-acee.gc.ca/050/documents/p80054/119300E.pdf.	**Review Panel Information Request to Transport Canada** TC IR-02 – Marine Water Quality – Chronic Oiling TC IR-03 – Marine Water Quality – Anti-Fouling Agents TC IR-04 – Marine Water Quality – Ballast Water TC IR-05 – Marine Water Quality – Bilge Water TC IR-06 – Marine Water Quality - Sewage
LFN-19.6	Concerned about temporal scale of existing conditions, that it should include data from before development of Roberts Bank and the causeway. Disagreed with the use of an assessment baseline starting at present and said it should be 50, if not 100 years ago; stated it is not good enough.	03-Jul-2014, Valued Components Workshop #2 03-May-2017, Meeting 04-Oct-2017, Meeting	**03-Jul-2014, Workshop:** Stated that the historical context is important. Trying to look at this assessment not in isolation of the actual availability of historical trends around resources and fish, and crab, and invertebrates, the trends over time of availability, and abundance, and location. It is a critical piece that obviously links to the assessment not only around commercial, but as you say around other aspects of Indigenous marine use. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **03-May-2017, Meeting:** Clarified that this is Lyackson First Nation's view for all sections of the assessment.	**Addressed in AIR-12.04.15-13:** In the EIS, the existing conditions (at around the time of EIS writing) (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in AIR-12.04.15-13, including in that responses' schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			04-Oct-2017, Meeting: Recorded comment for consideration by the Project team.		
LFN-19.7	Stated all of Lyackson First Nation's concerns regarding marine shipping are outstanding to date. Expressed opposition to the Project until shipping is resolved; noted not wanting there to be any additional ships. Suggested not proceeding with the project until Lyackson First Nation's concerns are mitigated satisfactorily and until the government figures out how to deal with outstanding and existing issues.	03-May-2017, Meeting	**03-May-2017, Meeting:** Stated it is a methodology issue and referred to commitment to follow-up with additional information on topics raised today. Referred to Lyackson First Nation's previous letter to the Review Panel and commented it is the appropriate avenue to take regarding steps the government can take to address outstanding concerns.		
LFN-19.8	Concerned with cumulative effects from marine shipping and criticised the approach to assessing cumulative effects.	23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B summarising the comments from Indigenous groups and the responses provided by the VFPA.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out.	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
LFN-19.9	Concerned about increased vessel traffic. Stated that Elders have said they do not tend to frequent the Project area anymore, to avoid traffic. Stated First Nation people do not feel comfortable going out in the marine shipping area because they are afraid of collisions with vessels.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation 03-May-2017, Meeting	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **03-May-2017, Meeting:** Responded the Current Use section of the MSA addresses the concern related to vessel collisions.	**Addressed in EIS Appendix 7.2-B (#206) and (#219):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0 and EIS Appendix 30-A. The EIS considers the effects of Project-related traffic on Current Use and Aboriginal rights, and the cumulative effects of the Project in combination with other projects OR activities, including existing and incremental marine vessel traffic. According to EIS Section 32.2.6.4, while container ship traffic at Roberts Bank is expected to increase, the risk of an incident is very low or negligible. Consequently, the Project is not expected to impact the ability of Lyackson to exercise the right to the use of travelways to preferred harvesting areas. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers the Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment 32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience **MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use Access to Preferred Current Use Locations Quality of Current Use experience 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.6 Suggested Mitigation Measures 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
LFN-19.10	Expressed concern about current impacts of large vessel traffic and anchorages within Lyackson's territory. Requested notification of anchored vessels in its traditional territory. Requested information about vessels transiting in its traditional territory. Requested copies of inspection reports for all large vessels. Requested meaningful consultation on vessel anchorages. Demanded contact information of agencies responsible for anchorages. Demanded government to sign UNDRIP and institute free, informed and prior consent with respect to vessel traffic. Requested accommodation for anchorages in its territory. Demanded that government address impacts of noise, light, and water pollution. Requested that government collaborate with Lyackson to develop regulations regarding noise, light, and water pollution.	15-Mar-2017, Letter to Panel (CEAR Document #948)	The VFPA understands that this comment is directed to the Panel. The VFPA has reviewed this letter and has no additional information to provide.		

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Requested a comprehensive sea floor survey to assess impacts caused by large vessel anchorages. Requested a cumulative impacts study prior to any new projects being approved. Requested a funded and effective emergency response plan be developed in collaboration with First Nations.				

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Table 20: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-20.1	Interested in whether eelgrass transplants undertaken as mitigation will displace other types of vegetation already found to be in the transplant location.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#70):** Following terminal construction, there is an opportunity to transplant up to three hectares of native eelgrass within the Roberts Bank study area as a mitigation measure. The proposed transplant site overlaps with an existing stand of sparse eelgrass (i.e., less than 30% cover). The existing presence of eelgrass at this location is an indication of suitable conditions for establishment and growth of eelgrass.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.6 Existing Conditions 11.0 Marine Vegetation 11.2.1 Sub-components Figure 11-2 Roberts Bank Marine Vegetation Habitat Map (2012) 11.6 Future Conditions with the Project 17.0 Mitigation for Marine Biophysical Valued Components 17.3. 2 Offsetting Potential Effects, Offsetting Framework Figure 17-1 Overview of Proposed Onsite Habitat Concept Locations
LFN-20.2	Concerned with the disruption of nearshore habitat, including within the tug basin. Asked about the distribution of current eelgrass beds, and where potential proposed beds would go. Asked if crest protection will create an opportunity for flow in the area to re-establish itself.	07-Oct-2014, Preliminary EIS Results Workshop #1 and #3 28-Oct-2014, Preliminary EIS Results Workshop #3	**07-Oct-2014, Workshop:** Responded that potential beds are proposed along the edges of the existing eelgrass bed (motions to area on slide 21), in order to expand it further. Stated that regarding the potential habitat restoration, the VFPA does not know at this time. At present, it has not been looked at as an engineering solution, to put some habitat in there, but it is certainly something that can be considered. Noted that the engineering regarding all of the various habitat mitigation concepts began only one week earlier. Stated that regarding flow and crest protection, the crest protection is made of rock riprap and its purpose is to keep sediment from flowing into the deeper, dredged area of the tug basin, avoiding the need for continual dredging. The location/design of the existing tug basin has resulted in an area of stagnant water, due to the inability of water to get around the corner of the existing crest protection, to flow out. As a result, it is essentially a dead-zone. An early option for the expanded tug basin (refers to slide 13 of the Alternative Means presentation) saw the proposed expansion encroaching into a productive area, so the hydrologists suggested the tug basin instead be expanded into the area of already stagnant water, along the backside of DP3.	**Addressed in EIS Appendix 7.2-B (#67):** Eelgrass and biofilm are both considered in the effects assessment as sub-components of the marine vegetation VC. The existing conditions for eelgrass and biofilm (including ecological function) in the Roberts Bank area and the potential effects of the Project on these marine vegetation sub-components are described in the EIS. Eelgrass and biofilm have specific habitat preferences and occur where these conditions exist. Native eelgrass at Roberts Bank occurs in areas containing finer sediments in the higher intertidal zone. Biofilm is found on mudflats within the upper intertidal zone. Expansion of the tug basin is not expected to affect the distribution of eelgrass in the inter-causeway area. **Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 11.0 Marine Vegetation 11.5.1 Existing Conditions, Eelgrass 11.5.5 Existing Conditions, Biofilm 11.6 Future Conditions with the Project 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Explained that the crest protection built before DP3 is at a different elevation, which has resulted in water being blocked, and the construction of new crest protection at the proper elevation will enable water to flow around. **28-Oct-2014, Workshop:** Responded that information on historic eelgrass distribution is limited, but information on eelgrass expansion near development shows that eelgrass has expanded. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.		
LFN-20.3	Stated that beautifying the causeway as part of RBT2 is important to Lyackson First Nation. Requested planting along the causeway to compensate for the loss in marine habitat. Requested retaining walls along the causeway with natural plants growing, like a green wall. The plants would face the ocean side and have beach soil to encourage natural plant growth.	08-Oct-2014, Preliminary EIS Results Workshop #2 24-Feb-2016, Phone call	**08-Oct-2014, Workshop:** Responded that it is currently a proposed mitigation measure. Stated that this was done for DP3 with limited success. There is very shallow soil in that area. The plants that they planted did not take. Recognised that if it was important to Lyackson First Nation, the VFPA will consider it and see if anything can be done to make it work this time. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **24-Feb-2016, Phone call:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#124):** Noted that a vegetation buffer is no longer being considered: The use of a vegetation buffer along the causeway as a proposed mitigation measure for effects on daytime visual resources was excluded from further assessment after consideration of feedback received during consultation with Indigenous groups, as well as inter-disciplinary input on technical feasibility. It was concluded that a vegetation buffer would have limited, if any, effectiveness as mitigation for adverse effects on visual resources, and could result in a predation risk to shorebirds from raptors. Past experience with a vegetation buffer on the causeway have been unsuccessful due to soil conditions.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 25.0 Visual Resources 25.7 Mitigation Measures
LFN-20.4	Asked about the implications of the anticipated increase in non-native eelgrass. Asked if an undesired increase in productivity would be mitigated.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Responded that the VFPA is currently trying to understand what is going to happen, so that those conversations can be had. It is noted that non-native eelgrass can also be beneficial, and supports a wide variety of species. An increase in non-native eelgrass is anticipated, which will be good for fish. A slight decrease in native eelgrass is anticipated, for which we would apply mitigation, which would also be good for fish. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#70):** The EIS provides a description of the marine vegetation sub-components, including eelgrass, intertidal marsh, macroalgae (seaweed), biomat, and biofilm, and the importance of each to maintaining the physical form and function of the Roberts Bank ecosystem. Non-native eelgrass and English cordgrass (*Spartina anglica*) are considered to be a less desirable species. Following terminal construction, there is an opportunity to transplant up to three hectares of native eelgrass within the Roberts Bank study area as a mitigation measure. The proposed transplant site overlaps with an existing stand of sparse eelgrass (i.e., less than 30% cover). The existing presence of eelgrass at this location is an indication of suitable conditions for establishment and growth of eelgrass.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.6 Existing Conditions 11.0 Marine Vegetation 11.2.1 Sub-components Figure 11-2 Roberts Bank Marine Vegetation Habitat Map (2012) 11.6 Future Conditions with the Project 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
					Figure 17-1 Overview of Proposed Onsite Habitat Concept Locations
LFN-20.5	Commented that it would be helpful to have someone speak to the success of eelgrass transplants more fulsomely, and provide a more detailed response.	28-Oct-2014, Preliminary EIS Results Workshop #3	**28-Oct-2014, Workshop:** Stated that the VFPA is working with an eelgrass expert who has been involved in all of the eelgrass transplants in this area over the past 20 years. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#201):** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating three hectares. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met. **Additional information provided by VFPA:** Lyackson First Nation was invited to a Knowledge Sharing Workshop on 30-Apr-2015, where eelgrass transplanting was discussed. This included a presentation of successful eelgrass transplants from an eelgrass expert. The workshop was conducted as part of the VFPA's Habitat Enhancement Program. A representative of Q'ul-lhanumutsun Aquatic Resources Society attended the meeting on behalf of Lyackson First Nation.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting
LFN-20.6	Concerned about whether or not biomat and biofilm should be considered as a Species at Risk, given their rarity, and the lack of knowledge about them. Concerned about effects on biofilm and marsh. Interested in the relationship between biomat and biofilm and the existing causeway.	30-Apr-2014, Meeting 08-Oct-2014, Preliminary EIS Results Workshop #2 28-Oct-2014, Preliminary EIS Results Workshop #3 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**30-Apr-2014, Meeting:** Committed to follow up with Lyackson regarding the widening of the causeway and the terminal's effect on biofilm and migratory birds, and the effects of RBT2 operations on fisheries. **08-Oct-2014, Workshop:** Responded that the extent of the biofilm and biomat has been quantified for Roberts Bank. There is quite a bit of biofilm and biomat in the inter-causeway area. Both of them are basically a matrix of sediment particles; biomat is more of a cyanobacteria, a green algae, whereas biofilm is comprised of primary producers, smaller photosynthesising microscopic organisms, which birds eat. Shared that the marine vegetation presentation will likely include a habitat map, showing the extent of biofilm and biomat, as well as present information about Project-related changes. Referred to a hyperspectral survey carried out for the marine vegetation assessment, to identify the areas where there's photosynthetic activity. **28-Oct-2014, Workshop:** Responded that in some cases, there is a residual effect to biofilm. If there is a residual effect, then the VFPA will need to understand: 'is there another project or activity that would also have a similar residual effect that would occur at the same time and same place?' We have gone through the project and activity list that the VFPA understands are planned in the future, and that is not the case; there are no	**Addressed in EIS Appendix 7.2-B (#65):** Designation of species at risk is conducted by provincial and federal governments according to established processes. The assessment addresses potential Project-related effects to currently designated species at risk, as well as other environmental attributes, such as biofilm and biomat, considered important to the Roberts Bank ecosystem. Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment, and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which for the purposes of the marine vegetation effects assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. Biofilm, biomat, and intertidal marsh are considered in the effects assessment as sub-components of the marine vegetation VC. The existing conditions (including ecological function) for biomat and biofilm in the Project area and the potential effects of the Project on these marine vegetation sub-components, as well as on coastal birds, are described in the EIS. The assessment concludes that, overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of EMPs and the creation of habitat. During Project construction and operation, changes in the productivity of biofilm and biomat would be negligible (i.e., not measurable or detectable), while increases in the productivity of intertidal marsh are expected. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity. Biofilm community composition is expected to return to existing conditions outside of the annual freshet period. As described in the EIS, the temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet are not predicted to affect shorebirds.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6. Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			other projects or activities that would cause a similar effect that would occur at the same time, at same place as RBT2. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.		

Table 21: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-21.1	Concerned that the causeway will cause a change in the hydrological environment, leading to a silt plume. Concerned that silt plume will mix with a potential spill, and affect Lyackson on Valdes Island or Lulu Island.	12-Nov-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**12-Nov-2015, Meeting:** Responded that the cumulative effects assessment related to sediment can be found in EIS Section 9.6 and accidents and malfunctions would assess interactions (EIS Section 33.0).	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project. The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology TAG. The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration has been modified to reduce the potential for a number of adverse changes to geomorphology during Project construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur during construction only, and will be temporary and reversible. The VFPA will ensure the study and management of potential channel formation related to drainage of tidal waters through the causeway dyke during the construction phase. Changes will be incorporated in detailed design, as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities. **Addressed in EIS Section 9.6:** As noted in EIS Section 9.6, changes to surficial geology and marine sediment during Project construction activities are expected to be minimal or undetectable relative to natural variability. Changes in sediment contaminant levels are not expected. The terminal footprint is predicted to alter tidal currents and interactions with Fraser River waters. Initially, it is predicted to cause seabed erosion and sediment deposition near the terminal. Subsequently, it is predicted to increase fine sediment deposition on portions of the tidal flat within the range of existing natural variability. No incremental cumulative changes in surficial geology and marine sediment quality are anticipated to result from the Project in combination with other projects and activities.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.5 Coastal Geomorphology 9.5.6 Existing Conditions 9.5.8 Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint 9.6 Surficial Geology and Marine Sediment 33.0 Potential Accidents and Malfunctions

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-21.2	Concerned that the pollution caused by the existing and proposed industrial development is creating a dead zone for marine life in the inter causeway area. Concerned with increased risk of accidents and malfunctions such as spills and leaks from ships, as well as planned discharge of treated sewage and stormwater effluent will further result in impacts to marine resources.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Sections 11.5, 12.5, 13.5, and 15.5:** As noted in EIS Sections 11.5, 12.5, 13.5, and 15.5, the inter-causeway area has considerable ecological value and is used by a diversity of organisms for various life functions, including spawning, rearing, and foraging. **Addressed in EIS Section 30.0:** EIS Section 30.0 presents an assessment of potential accidents and malfunctions, including a ship impact and spill scenario. The Project does not involve the shipment of fuel and therefore the assessment considered the potential spill of fuel required for container ship operation. The assessment concluded that a spill from the fuel tanks of a container ship in the berth area could result in adverse residual effects to marine vegetation, marine invertebrates, marine fish, and marine mammals, as well as marine commercial use, outdoor recreation, and land and water use. With the exceptions of SRKWs, coastal birds, and Current Use, these residual effects were considered not significant. However, due to the extremely low probability of such a ship impact and spill scenario, all residual effects were considered unlikely. **Addressed in EIS Section 9.7:** As noted in EIS Section 9.7, stormwater and treated wastewater effluent and discharge during Project operation would be managed according to standard management practices and regulations. Operation activities are not expected to adversely affect marine water quality.	**EIS** 9.7 Marine Water Quality 11.0 Marine Vegetation 11.5 Existing Conditions 12.0 Marine Invertebrates 12.5 Existing Conditions 13.0 Marine Fish 13.5 Existing Conditions 15.0 Coastal Birds 15.5 Existing Conditions 30.0 Potential Accidents and Malfunctions
LFN-21.3	Stated that with marsh close to highway, they are concerned with water quality and with changes to depth due to the existing terminals.	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** Committed to providing more information regarding any studies on bathymetry or depth changes in on the north versus south sides of the BC Ferries Terminal. **20-Feb-2018, Email from the VFPA:** Provided the notes from the Follow-up meeting, which included a post-meeting note to address this question: *"VFPA is not aware of any studies on the quality of fresh water run-off from the foreshore of the BC Ferries causeway specifically. However, water properties at Roberts Bank including the inter-causeway area have been the focus of many scientific investigations, including studies led by VPFA to characterise baseline conditions for the DP3 Project, and as follow-up monitoring conducted as part of the DP3 Adaptive Management Strategy. A summary of these studies, along with results from the Roberts Bank Terminal 2 (RBT2) Project baseline studies can be found in Appendix 9.6-A (Sediment and Water Quality Characterisation Studies) of the EIS.* *While the primary focus of past studies has been on marine and estuarine intertidal waters, water quality sampling was completed in a tidally influenced*		

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			freshwater ditch that drains into the inter-causeway area at the north end of the BC Ferries Causeway (sampling location DP01). Results for sampling location DP01 can be found in the DP3 water quality baseline conditions report (EVS 2004) and the DP3 Adaptive Management Strategy 2014 Annual Report (Hemmera et al. 2015).”		

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Table 22: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-22.1	Requested more information on proposed mitigation measures, particularly those impacting the food fishery season.	15-Apr-2014, Technical Working Group Meeting #2 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**15-Apr-2014, Meeting:** Responded that the VFPA is still in the early stages of examining effects and does not have this information. **10-Dec-2014, Workshop:** Stated that mitigation measures will be listed in the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 32.2 regarding Current Use of Lands and Resources for Traditional Purposes and mitigation measures. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS, and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Section 32.2.7:** Mitigation measures pertaining to Current Use by Indigenous groups are presented in the EIS. Specifically related to food fish, mitigation measures include, but are not limited to: • Work with DFO to ensure necessary consultations with Indigenous crabbers (for domestic or food, social, or ceremonial purposes) concerning the proposed expansion of the area closed to commercial and recreational crabbing; • Support Indigenous crabbing for domestic or food, social, or ceremonial purposes within the area closed to commercial and recreational crabbing; • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect Current Use access; and • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during construction and initial operation phases.	**EIS** 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.7 Mitigation Measures

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Table 23: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-23.1	Stated that Lyackson members can feel a vibration on Valdes Island at irregular intervals and hours. Suggested that it would be helpful to know who to call when the noise is heard, so as to identify the cause. The impact of underwater noise and vibration should also be examined in the context of human health. Stated that Lyackson is impacted by noise and vibration from current vessel traffic, which is audible and cause vibrations to be felt in the sandstone of Le'eyqsun. Stated that Lyackson members have reported that the "wedge" shape of Le'eyqsun appears to make it particularly vulnerable to the transmission of noise and vibration, with reports that the sandstone captures noises from ship at berth (sounds like screws of a ship). Stated that the existing terminal is currently causing a low frequency sound that can be heard and felt for hours on the east coast of Valdes, particularly in the bay where the Lyackson camp is located but also 100 feet from shoreline. Stated that this sound would be amplified with the proposed Project, given that it is further north from the existing terminal.	15-Apr-2014, Technical Working Group Meeting #2 30-Apr-2014, Meeting 28-Oct-2014, Preliminary EIS Results Workshop #3 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation 01-Nov-2016, Letter to Panel (CEAR Document #733)	**15-Apr-2014, Meeting:** Stated that there are underwater noise specialists involved in RBT2. Presented goals of the noise and vibration studies; a residential survey intended to help identify concerns; the purpose, components, and methodology of a study that helped identify issues related to noise and vibrations; background vibration levels recorded below the threshold of human perception; and effects of meteorology on sound propagation. **30-Apr-2014, Meeting:** Committed to follow up with Lyackson regarding what can be done about the mysterious noise heard, and vibrations felt, at irregular intervals and hours of the day on Valdes Island **08-Oct-2014, Preliminary EIS Results Workshop #2:** The VFPA described the existing conditions related to noise and vibration and anticipated future changes resulting from the Project components and activities. **28-Oct-2014, Workshop:** Stated that vibration will be discussed in greater detail in the EIS. Responded that an assessment of underwater noise from the Project will be included in the EIS. Also, potential effects from in-air noise and vibration as they relate to human health will also be included in the EIS. Stated that the VFPA is aware that different vessels make different sounds; some of them are not maintained as well as others, which can result in them being noisier. **10-Dec-2014, Workshop:** Committed to following up on who to call when noise is heard. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **05-Aug-2015, Email from the VFPA:** Provided Lyackson with Information Sheets related to the Project. The information sheet on noise and vibration included the contact information for the Community Feedback Line. **06-Dec-2017, Email from the VFPA:** Provided information on the VFPA's Community Feedback Line: *"Enquiries can be directed by email to community.feedback@portvancouver.com, or by phone at 604-665-9004. VFPA asks that callers be as specific as possible, including the date and time, location or address block, the vessel name if visible, the location or area the vessel is anchored in, and the callers contact information."*	**Addressed in EIS Appendix 7.2-B (#43):** The noise and vibration assessment considers the noise anticipated to result from the Project in combination with other existing sources of noise, as well as the total future noise, including noise from the Project in combination with noise from existing sources and from other certain and reasonably foreseeable projects and activities. The human health assessment considers the potential health effects experienced by community members as a result of cumulative noise as well. The conclusion of the health assessment as it relates to noise is that a minority of households would experience small increases in noise during construction or operation. The increase would generally be below the range of human perception, and adverse health effects related to noise are considered not significant, as predicted exposure levels do not exceed health thresholds. Confidence in the assessment is high because models used conservative assumptions and have been validated against studies or monitoring data. **Addressed in IR7-06:** IR7-06 presents an update of the ongoing discussion with Lyackson First Nation regarding the source of the noise referred to in EIS Section 32.2.4.7. The VFPA will continue to support efforts led by Transport Canada and others to better understand the current effects of vessels along the marine shipping route, and to determine the most likely cause of the noise experienced by Lyackson, and potential steps to address it. **Additional information provided by the VFPA:** As noted in the EIS Table of Commitments, the VFPA will continue to update and make available media information material, as part of its public information commitment. As part of this commitment, the VFPA will implement a mechanism for two-way dialogue and communications about port-related issues in Delta and continue to maintain the VFPA Community Feedback Line to register and respond to feedback and complaints (604.665.9004).	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.3 Noise and Vibration 9.3.7 Existing Conditions 9.3.9 Future Conditions with the Project; 9.3.6 Methods 9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities 9.8 Underwater Noise 13.0 Marine Fish 13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity 27.0 Human Health 27.6 Future Conditions With the Project - Potential Project-Related Effects 27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise 27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance 27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity 27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects Table 35-2 Proposed Mitigation Measures and Commitments **Information Requests** Response to Sufficiency Information Request #06 (IR7-06 of CEAR Document #1125)

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Table 24: Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-24.1	Expressed mistrust of data sources (DFO) for recreational fishing and requested a study on recreational fishing by the VFPA.	03-Jul-2014, Valued Components Workshop #2	**03-Jul-2014, Workshop:** Stated that if there are additional sources of information that would help improve that confidence in the data, the VFPA would like to see it and take it into consideration. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#103):** Numerous literature and data sources, in addition to DFO, were consulted for information on commercial, recreational, and Aboriginal fisheries, as described in the EIS, in addition to consultation with Indigenous groups and publicly available Indigenous traditional marine use or harvest data reports. Further detail on the rationale for the scope, methods, and information sources used in the assessment of ongoing productivity of commercial, recreational, and Aboriginal fisheries is provided in the EIS.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2 Selection of Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries Valued Component 16.4 Information Sources 16.5.2 Existing Conditions, Recreational Fisheries

Table 25: Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-25.1	Asked about the VFPA's jurisdiction and what control the VFPA has for movements over land.	15-Apr-2014, Technical Working Group Meeting #2	**15-Apr-2014, Workshop:** Responded that the VFPA has a responsibility to ensure the unimpeded access of vessels up and down the Fraser River, and in and out of VFPA terminals at Roberts Bank and Burrard Inlet. The VFPA has responsibilities for navigational hardware and anchorages, and ensures the vessels flow freely and follow regulations. Further, both the lands and waters encompassed by the solid red lines in the slide presentation, belong to the federal Crown. Stated that the VFPA exists as a port authority under the *Canada Marine Act* with intent to further Canada's trade objectives. The VFPA is the interface between water and land transportation networks. Port regulations cover a narrow range of issues.	**Addressed in EIS Section 1.0:** The VFPA's territorial jurisdiction includes the federal and other lands that it manages, together with the navigable waters over which it has navigable jurisdiction. The VFPA's jurisdiction covers hundreds of kilometres of shoreline and extends from Point Roberts at the Canada-U.S.A. border through Burrard Inlet to Port Moody and Indian Arm, and from the mouth of the Fraser River, eastward to the Fraser Valley, north along the Pitt River to Pitt Lake, and includes the north and middle arms of the Fraser River. A map of the VFPA's jurisdiction can be found at the following link: http://www.portmetrovancouver.com/port-dashboard/jurisdictional-map/. The effects of truck and train traffic beyond the Roberts Bank causeway is outside the VFPA's jurisdiction and not within the scope of the Project environmental assessment as defined by the *EIS Guidelines*, and the VFPA does not have any control over traffic outside the VFPA's jurisdictional limits. **Addressed in EIS Appendix 7.2-B (#218):** The VFPA will ensure the Infrastructure Developer and Terminal Operator will work with federal and provincial regulatory authorities and local governments, including B.C. Ministry of Transportation and Infrastructure, City of Delta, BC Ferries, and Tsawwassen First Nation to develop the land-based portion of the Land and Marine Traffic Management Plan. The plan will provide for public and worker safety and the timely exchange of information regarding traffic management during Project construction, including traffic control measures, short-term traffic interruptions, and temporary road restrictions and re-routing with Tsawwassen First Nation, City of Delta, Delta Police Department, Delta Fire and Emergencies Services, and B.C. Ambulance Services. The Gateway Transportation Collaboration Forum (GTCF) was established in 2014 to identify and prioritise development of transportation and related infrastructure necessary for supporting continued gateway growth and to provide overall net benefits to host communities. It brings together Transport Canada, the B.C. Ministry of Transportation and Infrastructure, TransLink, the Greater Vancouver Gateway Council, and the VFPA to collaboratively pursue infrastructure solutions and funding opportunities under the New Building Canada Plan. The GTCF builds on the success of past initiatives, including the Roberts Bank Rail Corridor Program, South Fraser Perimeter Road, North Shore and South Shore Trade Area projects, Ashcroft Terminal's Expansion Project, and the Regional Transportation Management Centre. It was not created in relation to, nor is it in any way solely focused on, the Project. The GTCF consists of four trade areas, including the Roberts Bank Trade Area.	**EIS** 1.3.2.2 Mandate and Jurisdiction 2.0 Project Overview 2.2.7 Project Context, Roberts Bank as a Terminal Location Appendix 7.2-B Aboriginal Issues and Interests 9.2 Air Quality 9.3 Noise and Vibration 23.0 Services and Infrastructure 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3.7 Environmental Management Program, Land and Marine Traffic Management Plan 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments ***Updated EIS Guidelines***
LFN-25.2	Asked what happens if vessels arrive early. Concerned with vessels anchoring around the Gulf Islands, on which Lyackson First Nation said they have not been consulted. Lyackson First Nation understood from Transport Canada that it is an overflow parking lot when there is not space at the Port of Vancouver. Asked if RBT2 would result in	15-Apr-2014, Technical Working Group Meeting #2 21-Nov-2016, Email 03-May-2017, Meeting	**15-Apr-2014, Meeting:** Stated that container ships operate on a schedule, much like an airline. It is very rare for a container ship to have to anchor. There are scheduled berth windows. Ships come from across the Pacific, and can adjust their speed to meet their commitments to avoid having to wait for a berth. Ships arriving from Asia typically go to Seattle, Tacoma, and Vancouver. We often see the same ship every 5 or 6 weeks.	**Addressed in EIS Section 4.0:** Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. The assessment of marine shipping associated with the Project is based on a routine vessel transit scenario. Because anchorage only occurs in rare circumstances, anchorage is not assessed as an activity related to marine shipping associated with the Project.	**EIS** 4.0 Activity Description 4.2.2.1 Container Ship Manoeuvres **MSA** 4.2.2.2 Anchorage **Information Requests** Response to Sufficiency Information Request #01 (IR5-01 of CEAR Document #1078) **CEAR Document #982 From Transport Canada to the Review Panel re: Response to**

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	increased or decreased anchorage use. Stated that Lyackson has experienced an increase in offshore freighters parked within a nautical mile off the west shore of Valdes island, within whale migration and herring spawning habitat. Noted that they have noticed these freighters pumping out waste water.		**23-Nov-2016, Email from the VFPA:** Stated that island anchorages are outside the VFPA's jurisdiction, and the correct authority for these comments is the Pacific Pilotage Authority. Provided the contact information of the chief executive officer at the Pacific Pilotage Authority. **03-May-2017, Meeting:** Responded that much of the anchorage use in the recent past is related to the bulk shipping of grain. The port authority referred to the difficulties associated with the bulk shipping of grain in the supply chain and bumper crops. Stated that RBT2 would not result in a reduction of anchorage use. Referenced the MSA which referred to anchorage data from Deltaport in 2012/13, which showed 270 ship calls a year, and anchorage use 2-3 times. Container vessels operate on a berth window schedule so anchoring rarely occurs, except in instances of weather, medical or mechanical issues. (Correction: The anchorage use was incorrectly stated as 2-3 times per year. It is actually 3-4 times per year).	**Addressed in MSA Section 4.2.2.2:** As described in EIS Section 4.4.2.1, there are no plans, or foreseen terminal operating requirements, for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Container ships operate on a scheduled service, usually between Asia and the west coast, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in a refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. Container ship anchorages for Deltaport Terminal in 2012 and 2013 have been rare, with a frequency range of three to four per year out of an approximate annual total of 270 ship calls to Deltaport Terminal in each of those years. The same frequency can be assumed for RBT2, resulting in approximately one non-routine container ship anchorage every three to four months for RBT2. These vessels would use existing anchorages in English Bay, or in the Gulf Islands as determined by the pilot and the port authority having jurisdiction (e.g., Nanaimo Port Authority). Further information concerning containership anchoring is available in CEAR Document #982 from Transport Canada and IR5-01.	**Information Requests issued by the Review Panel on May 10, 2017 (CEAR Document #962)**
LFN-25.3	Asked about the CBSA process for screening containers and specifically addressing the issue of invasive species.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Stated that the Canada Border Services Agency (CBSA) would be the agency best able to respond to that question, and the VFPA will share your question or concern with them to get a more fulsome response. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. The CBSA inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary.	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Issues and Interests 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project

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Table 26: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-26.1	Asked whether the accidents and malfunctions section includes rail incidents.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Stated that information on the response for rail-related incidents would be included in the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 30.0 Potential Accidents or Malfunctions.	**Addressed in EIS Section 30.0:** The assessment of potential accidents or malfunctions considered a wide variety of potential incidents that incorporate both marine- and land-based Project components, as well as construction and operation activities. Examples of the land-based accidents or malfunctions considered include motor vehicle accidents, train derailments and collisions, fires and explosions, on-land spills, and container handling incidents. Two operational worst-case plausible road and rail scenarios were identified and assessed: a fuel truck accident on Roberts Bank Way North involving a diesel spill, and a yard locomotive derailment on the widened causeway, also involving a diesel spill. In both cases, due to Project-specific conditions and existing and anticipated practices and procedures, the probability of such an incident is considered very low. As the spill associated with each of the land-based scenarios would occur at a distance away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure, and human health. For more information, please see EIS Section 30.0.	**EIS** 30.0 Potential Accidents or Malfunctions 30.4 Potential Marine-based Accidents and Malfunctions 30.5 Potential Land-based Accidents and Malfunctions
LFN-26.2	Concerned that the 'polluter pays' scenario is not always effective. Asked who is responsible if a ship sinks and how the pollution will be cleaned up.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the Western Canada Marine Response Corporation. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on liability on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: https://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions 30.3.3 VFPA Practices and Procedures
LFN-26.3	Concerned with a potential container ship interaction with a Kinder Morgan Tanker (or Westpac LNG, Malahat LNG, Woodfibre LNG, coal shipping from Texada).	12-Nov-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**12-Nov-2015, Meeting:** Responded that each intermediate VC is in a cumulative effects table. Cumulative effects were assessed based on construction or operations, and a cumulative effects assessment was not conducted for a potential spill, as it was determined that a potential spill is not likely to occur. The likelihood of two spills occurring at the same time is very low.	**Addressed in MSA Section 10.3.2.2:** As noted in MSA Section 10.3.2.2, EIS Appendix 30-A and MSA Appendix 10-A provide the evaluation of the potential for a collision between a container vessel and each of four types of marine vessels in the marine shipping area: crude tankers, other tankers (product and chemical), bulk carriers, and other container ships. After considering a series of variables, including the outcome that a spill is associated with the collision, the analysis found the following: • Minimum return period (at 95% confidence level) for collisions of RBT2-bound container ships with other traffic in the marine shipping area of 133 years; • Container ship-tanker collision return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil; and • Minimum return period for a container ship collision with another container ship is approximately 250 years. A collision does not necessarily lead to a spill. Worldwide data indicate collisions resulting in spills are less likely. The analysis in EIS Appendix 30-A (Tables 3-14 and 3-15, at full RBT2 traffic plus other foreseeable marine facilities) found the following:	**MSA** 10.3.2.2 Collisions In-transit Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment: Marine Shipping Supplemental Report **EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and other container ships that results in a spill (of fuel oil) are approximately 10,000 years; and • Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and laden crude oil tankers that result in a crude oil spill are over 800,000 years.	
LFN-26.4	Concerned with accidents or spills associated with machinery and equipment failure, particularly when there are construction and industrial activities going on in the same area.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Stated that the probabilities for the marine incidents are determined by the quantitative risk assessment, and the way that study arrived at probabilities was by looking at local, regional, national, and international incident data. The VFPA combed through all the available records to see what has happened, and where, and under what circumstances. That helped the VFPA to define potential incident rates, and there was also consultation with local container ship pilots, tug operators and fishing vessel operators. Additional detail will be available in that appendix to the EIS. For the terminal and causeway incidents, the VFPA looked at local data, and compared that to national averages, to see whether it is safe to assume that what has happened at this site before is similar to what is likely to occur for RBT2, to assess whether just because a particular incident has not happened at Roberts Bank before, does not mean it is never going to happen. On the longer list of potential incidents that were considered, there were some things that could happen three times a year, but they did not make this list of plausible worst-case scenarios because they did not have the worst-case factor, in terms of consequence. The full list will be included in EIS Sections 30.4 and 30.5, so Lyackson First Nation will be able to see every little gas tank refuelling incident that the VFPA looked at. There just will not be an assessment of the environmental effects of those incidents, but they will be acknowledged and discussed.	**Addressed in EIS Section 30.0:** EIS Section 30.0 considers the potential for marine- and land-based incidents involving malfunctions (i.e., machinery and equipment failure) during the Project's construction and operation phases. Two operational worst-case plausible road and rail scenarios were identified and assessed: a fuel truck accident on Roberts Bank Way North involving a diesel spill, and a yard locomotive derailment on the widened causeway, also involving a diesel spill. In both cases, due to Project-specific conditions and existing and anticipated practices and procedures, the probability of such an incident is considered very low. As the spill associated with each of the land-based scenarios would occur at a distance away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure, and human health.	**EIS** 30.0 Potential Accidents or Malfunctions 30.4 Potential Marine-based Accidents and Malfunctions 30.5 Potential Land-based Accidents and Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
LFN-26.5	Commented that First Nations have valid questions outside of the scope of the assessment, and Lyackson First Nation will hold the Crown accountable for these (i.e., tanker traffic and container traffic outside of the VFPA's jurisdiction)	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** CEA Agency response: Responded that the CEA Agency has asked the VFPA to provide additional clarity around its jurisdiction, given all the comments received, particularly from First Nations, on the terms of reference. Stated that once the CEA Agency has clarity from the VFPA about care and control, then the CEA Agency will look at options in terms of questions that have come up around marine impacts from shipping.	**Addressed in *Updated EIS Guidelines*:** As described in the *Updated EIS Guidelines*, an assessment of the potential effects of marine shipping associated with the Project outside of VFPA jurisdiction was requested by the CEA Agency. The MSA assessed the potential effects on physical, biophysical, and human environments resulting from marine shipping associated with the Project, including the potential for accidents and malfunctions. Lyackson First Nation was provided a copy of this report, which is also available on the CEA Agency website. **Addressed in EIS Appendix 7.2-B (#212):** The VFPA maintains routine situational awareness through its Operations Centre, which is on task 24 hours per day, 7 days per week. Port activities are monitored via camera	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions ***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				feeds and a fleet of dedicated patrol vessels. Through its port surveillance activities and vessel inspections, the Operations Centre safeguards the Port environment, enforces safety practices and procedures, and in the event of a marine incident, assumes a coordinating role in port-related emergency response situations, working closely with first responders, the community, and stakeholders. Federal legislation provides a regulatory framework for the prevention and management of marine related accidents and malfunctions. The *Canada Shipping Act, 2001*, for example, incorporates international shipping conventions developed by the IMO and implemented by Canada, such as the International Regulations for Preventing Collisions at Sea 1972 and the International Convention for the Prevention of Pollution from Ships (MARPOL) standards for the prevention of pollution from ships. Provisions of the Act that are particularly relevant to the prevention of accidents and malfunctions include the management and control of oil or oily water mixtures and marine pollutants in packaged form, and the requirement for shipboard oil pollution emergency plans and environmental response arrangements. The EIS includes an assessment of potential effects of accidents and malfunctions related to the Project. EIS Section 30.0 includes a summary of the responsibilities of various parties, including the VFPA, in the event of an accident or malfunction.	
LFN-26.6	Stated that Roberts Bank is a sensitive area, and spills and accidents are a concern.	03-Jul-2014, Valued Components Workshop #2 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**03-Jul-2014, Workshop:** Stated that the topic of accidents and malfunctions will be covered in Aboriginal Group Fall 2014 Consultation. **07-Oct-2014, Preliminary EIS Results Workshop #1:** Presented and sought feedback on the approach to assessing effects of accidents and malfunctions. Solicited input on plausible worst-case scenarios. **10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on SRKWs, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B - Tables

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-26.7	Concerned about the potential detrimental effects in the event of a potential tsunami, where silt and pollutants from the causeway, new port facility, equipment, infrastructure, containers and products could move across the Strait to the Gulf Islands. Stated that the VFPA's geomorphology assessment has not adequately assessed silt moving from the Fraser towards Lyackson in the event of an accidental spill. Stated that in response to Lyackson's expressed concern, the Proponent has responded that big storm events would dilute and flush away contaminates before they enter the environment and therefore it would not be captured. This response is concerning to Lyackson.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 31.0:** As noted in EIS Section 31.0, due to the unpredictability and uncertainty associated with submarine landslides and tsunamis, and their expected low probability of occurrence at the Project site, measures to protect the Project during such events would be further defined in the detail design phase. **Addressed in response to IR2-19:** The effects of the environment on the Project described in EIS Section 31.2.4 considered the worst-case scenario of a 4 m tsunami as they were based on tsunamis ranging between 1 m to 4 m in wave height. The rationale for this range and for the low likelihood of a tsunami occurring in the vicinity of Roberts Bank is described in EIS Sections 9.1.3.4 and 31.2.4.2. However, in the unlikely event that a tsunami did occur, the most probable wave height is estimated to be 1 m or less, which would not affect the stability of the Project's wharf or perimeter dykes. **Addressed in response to IR2-19a:** The VFPA's response to IR2-19a discusses, at the Review Panel's request, 1 m and 4 m tsunami scenarios and their effect on RBT2. Although an extremely unlikely event, should a 4 m tsunami-induced wave occur, the wave could partially overtop the terminal surface during high tide conditions. The wave crest would be below the terminal surface elevation +8.75 m (i.e., 8.75 m is higher than the combined water height during a higher high tide condition of 4.1 m plus a 4.0-m tsunami-induced wave), but upon impacting the terminal face, water would still overtop the wharf face, carrying enough energy to possibly disrupt terminal operations. Damage to the terminal structure from a 4-m tsunami-induced wave could range from minor to serious, which in an extreme case, may not be technically or economically feasible to repair. Depending on the orientation that the wave hits the terminal, containers and equipment on the terminal surface could be dislodged and moved. Due to the width of the terminal, however, it is unlikely that any terminal assets would be dislodged and carried into the marine environment. In addition to the movement of mobile assets (i.e., containers and equipment), the storm drain system could be temporarily overwhelmed (i.e., water levels would subside shortly after the wave inundation), some electrical systems could be affected if manholes were filled with water, and higher currents from the wave could also dislodge some of the dyke armour. Water quality is not anticipated to be affected by the terminal operations itself, as products on the terminal are containerised and, since rain is common in this region, contaminants are not expected to accumulate on the terminal surface. As with a 1-m tsunami-induced wave, the nature and magnitude of environmental effects would depend on the extent of tsunami-related damage to the Project. Effects to the environment would not be unique to the Project, as a tsunami with the capacity to damage the Project would likely result in adverse environmental effects throughout the Fraser River delta. **Addressed in EIS Section 30.0:** EIS Section 30.0 considers accidents and malfunctions related to the Project. Based on the results of the quantitative risk assessment conducted for Project vessel movements during Project operation, the potential for a container ship collision resulting in a spill is extremely low (i.e., return period greater than one in 1,000 years). However, due to the level of interest expressed by Indigenous groups and the public during the Project's consultation and engagement process, this type of incident was considered as a plausible worst-case scenario. The Project does not involve the shipment of fuel and therefore the assessment considered the potential spill of fuel required for container ship operation. The assessment concluded that a spill from the fuel tanks of a container ship in the berth	**EIS** 9.1.3 Geotechnical Considerations 9.1.3.4 Tsunamis 30.0 Potential Accidents or Malfunctions 31.0 Effects of the Environment on the Project 31.2.4.2 Mitigation Effects of a Tsunami **Information Requests** Response to Sufficiency Information Request #19 (IR2-19 of CEAR Document #961) Response to Sufficiency Information Request #19a (IR2-19a of CEAR Document #1145)

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				area could result in adverse residual effects to marine vegetation, marine invertebrates, marine fish, and marine mammals, as well as marine commercial use, outdoor recreation, and land and water use. With the exceptions of SRKWs, coastal birds, and Current Use, these residual effects were considered not significant. However, due to the extremely low probability of such a ship impact and spill scenario, all residual effects were considered unlikely,	
LFN-26.8	Concerned about the risk of spills, collisions, or other accidents including contamination in the area of Tl'uqtinus and Le'eyqsun.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Section 30.0:** EIS Section 30.0 considers accidents and malfunctions related to the Project. Based on the results of the quantitative risk assessment conducted for Project vessel movements during Project operation, the potential for a container ship collision resulting in a spill is extremely low (i.e., return period greater than one in 1,000 years). However, due to the level of interest expressed by Indigenous groups and the public during the Project's consultation and engagement process, this type of incident was considered as a plausible worst-case scenario. The Project does not involve the shipment of fuel and therefore the assessment considered the potential spill of fuel required for container ship operation. The assessment concluded that a spill from the fuel tanks of a container ship in the berth area could result in adverse residual effects to marine vegetation, marine invertebrates, marine fish, and marine mammals, as well as marine commercial use, outdoor recreation, and land and water use. With the exceptions of SRKWs, coastal birds, and Current Use, these residual effects were considered not significant. However, due to the extremely low probability of such a ship impact and spill scenario, all residual effects were considered unlikely.	**EIS** 30.0 Potential Accidents or Malfunctions
LFN-26.9	Concerned about potential interactions and accidents between ships from the existing Roberts Bank terminal and other vessels, including derelict vessels. Stated that loss of containers currently presents a hazard at sea, as they may collide with land and cause collisions with vessels. Stated that the Project would be adding to these adverse effects.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.0:** EIS Appendix 30-A and MSA Appendix 10-A provide the evaluation of the potential for a collision between a container vessel and each of four types of marine vessels in the marine shipping area: crude tankers, other tankers (product and chemical), bulk carriers, and other container ships. After considering a series of variables, including the outcome that a spill is associated with the collision, the analysis found the following: • Minimum return period (at 95% confidence level) for collisions of RBT2-bound container ships with other traffic in the marine shipping area of 133 years; • Container ship-tanker collision return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil; and • Minimum return period for a container ship collision with another container ship is approximately 250 years. As noted in MSA Section 10.3.2.1, the risk of loss overboard from ship motions in semi-protected water such as the marine shipping area is negligible, based on World Shipping Council estimates.	**MSA** 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
LFN-26.10	Requested that prior to any Project approval, a commitment is made for adequate funding to be provided for Lyackson to be involved in developing and reviewing proposed EMPs for water and sediment that effectively incorporate community	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and has no additional information to provide.		

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	input to address outstanding concerns. Requested that prior to any Project approval, a commitment is made that adequate funding will be provided for Coast Guard, Pilotage Authority, and Transport Marine to work with Lyackson to develop environmental response planning.				

Lyackson First Nation

Table 27: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Land and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-27.1	Stated that Lyackson First Nation does not consider its rights to be any lesser than Tsawwassen First Nation or Musqueam First Nation	03-Jul-2014, Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 32.2.4.7:** EIS Section 32.2.4.7 describes Lyackson First Nation's potential or established Aboriginal or treaty rights as they were presented to the VFPA by Lyackson First Nation, as required by the *Updated EIS Guidelines* issued by the CEA Agency. The VFPA did not compare the rights of Lyackson First Nation against the rights of any other Indigenous group.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.4.7 Lyackson First Nation
LFN-27.2	Disagreed with the assessment that there will be no discernible impact to Current Use. Commented that positive effects related to employment from the Project alone will create negative effects to access to traditional subsistence food sources.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project on Current Use are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency. The rationale for the determination of negligible residual effects to Current Use is included in the EIS. **Addressed in EIS Appendix 7.2-B (#130):** As discussed throughout EIS Section 27.0, the Project is expected to result in both positive effects (such as economic benefits) and adverse health effects (such as potential effects on cultural activities such as subsistence food harvesting), and the distribution of these effects may vary across population groups. This raises the concept of health inequity: the extent to which the distribution of positive and adverse health effects is fair and equitable. Concerns related to health inequity are addressed in EIS Section 27.0; however, the assessment of potential effects on health inequity does not rank the relative importance of the various determinants of health (e.g., purchasing power and cultural activities). Cultural aspects related to subsistence gathering are considered in EIS Section 32.2. As concluded in EIS Section 32.2.6, the Project is not expected to have an effect on the Current Use of or access to marine resources for traditional purposes by Lyackson First Nation.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.4.7 Lyackson First Nation 32.2.6 Future Conditions With the Project - Potential Project-Related Effects 32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience 32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups
LFN-27.3	Stated that Lake Cowichan First Nation and Lyackson First Nation are seeking to have the village site at Tl'uqtinus returned to them through treaty negotiations. Concerned that the EIS does not account for present, future, and near-future use and occupancy on the lower Fraser River.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#184):** As presented in the EIS, the Project is not expected to result in adverse residual effects on Tl'uqtinus and the mouth of the Fraser River, or the area of Le'eyqsun and its surrounding foreshore and waters.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
LFN-27.4	Commented that time provided for Lyackson First Nation to complete a traditional use study for RBT2 was limited.	08-Oct-2014, Preliminary EIS Results Workshop #2	**08-Oct-2014, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#175):** The VFPA provided funding to the specified Indigenous groups to support consultation. Additionally, the VFPA provided funding to support completion of traditional use studies to these Indigenous groups and all groups provided a traditional use study. Further information, provided during fall	**EIS** Appendix 7.2-B Aboriginal Issues and Interests

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Concerned about the narrow scoping of the Project and traditional use study, and now they are not able to provide Current Use information. Stated that there should be a large caveat on the written technical knowledge base for Lyackson - that information is not available. Stated that environmental assessment timelines allow for limited timeframes and ability to go back and forth with elders. Stated that Lake Cowichan and Lyackson have no data on Current Use in the marine shipping area, and require additional funding and time to complete a study. Requested that the VFPA tour the marine shipping area with elders in order to identify important areas.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation 23-Jul-2015, Meeting with Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **23-Jul-2015, Meeting:** Explained that the VFPA's approach to Current Use is to use existing information. Stated that the VFPA is putting together profiles. Stated that the VFPA provided Lake Cowichan First Nation with the draft Current Use section already (by email on 24-Jun-2015). Stated that the Lyackson First Nation draft Current Use sections will be going out shortly. The VFPA is sharing the draft for input from Indigenous groups. **27-Jul-2015, Letter from the VFPA:** Provided the draft of the MSA: Lyackson First Nation Current Use – Summary of Existing Conditions. Requested comments from Lyackson First Nation on the draft.	2014 consultation and in writing, has been incorporated into the EIS. The VFPA will continue to consult with appropriate Indigenous groups and there will be further opportunities to provide information through the CEA Agency process. **Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in MSA Section 9.5. The VFPA has acknowledged the challenges of participating in consultation during summer months, and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation, and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests. **Additional information provided by the VFPA:** **09-Apr-2014, Letter from the VFPA:** Noted that as part of the development of the EIS, the VFPA is seeking information on current traditional use by Lyackson First Nation. Stated that the VFPA values Lyackson First Nation's participation and involvement in the provision of current traditional use information to inform the EIS currently scheduled for submission to regulators in early 2015. Acknowledged that such involvement requires time and capacity in order to fully participate and identified funding to facilitate the provision of this information. **07-Aug-2014, Email from Lyackson First Nation:** Stated that they feel assured they can accomplish their respective use and occupancy studies by the end of August. **18-August-2014:** Offered funding for a traditional use study. **19-August-2014:** Accepted funding. **31-August-2014:** Lyackson First Nation provided a traditional use study to the VFPA.	32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4.17 Existing Conditions, Lyackson First Nation
LFN-27.5	Stated that the "Lyackson Knowledge and Use Study Report (2014)" for this Project indicated that the Project is likely to have adverse effects on their use and occupancy as a result of disturbance to lands and waters by shipping traffic, Project construction and operation. Stated the Project is likely to have adverse effects on a range of documented Lyackson use and occupancy values, including cultural, spiritual, habitation, transportation, subsistence, and environmental features around	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.3.2.2:** The EIS acknowledges that a key source relied upon to describe the asserted rights and Current Use of the Lyackson First Nation in the vicinity of the Project was a Project-specific study, entitled Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project (Candler et al. 2014). As concluded in EIS Section 32.2.6, the Project is not expected to have an effect on the Current Use of or access to marine resources for traditional purposes by Lyackson First Nation. As concluded in EIS Section 32.2.6.4, while container ship traffic at Roberts Bank is expected to increase, the risk of an incident is very low or negligible. Consequently, the Project is not expected to impact the ability of the Lyackson First Nation to exercise the right to the use of travelways to preferred harvesting areas.	**EIS** 32.2.4.7 Lyackson First Nation 32.2.6 Future Conditions With the Project - Potential Project-Related Effects 32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience 32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Le'eyqsun and Tl'uqtinus and surrounding foreshore and waters.				
LFN-27.6	Concerned that the Project will further add to the already existing impacts to the Lyackson food fish, since the Project at Roberts Bank would stop the last leg of the food fish gathering. Concerned that increased shipping traffic will increase the potential for introduction of invasive species, which further threatens the native fisheries.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters.	**EIS** 13.0 Marine Fish
LFN-27.7	Concerned with the Project likely damaging the First Nation's highways (i.e., waterways) with long-term and long-reaching effect to the First Nation community. Stated that current shipping traffic is creating safety concerns for Lyackson members that travel in small crafts between Le'eyqsun and Tl'uqtinus, leading to the avoidance of preferred areas in and around these locations. Stated that the large vessel wakes from the Project would further impair Lyackson members' abilities to use small crafts at preferred harvesting areas and preferred water routes between Le'eyqsun and the mouth of the Fraser. Questioned the VFPA's assessment given that it was conducted based on inadequate baseline data, based on assumptions and without involving First Nations in the significance decisions. It is not clear how Lyackson's input was considered in the assessment. Stated that proposed mitigation measures and plans have not been developed in consultation with First Nations.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 7.2:** EIS Section 7.2 discusses the VFPA's extensive engagement and consultation of Indigenous groups before and during EIS development. Since submission of the EIS, the VFPA has continued to consult with Indigenous groups to clarify information on the Project and EIS; provide additional information; and discuss potential environmental effects from the Project, potential impacts on their ability to exercise asserted Aboriginal or treaty rights and related interests, and potential mitigation and accommodation. **Further information provided in the response to IR-7.31.15-08:** The VFPA's response to IR-7.31.15-08 provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects, including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. The VFPA's response to MSA IR-02.24.16-4 discusses the application of ITK in the MSA. **Addressed in response to IR7-21:** As requested by the Review Panel, IR7-21 discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area. For all segments discussed in the MSA, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators. **Addressed in IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions. **Addressed in response to IR13-20:** The VFPA's forthcoming response to IR13-20 will further discuss Project-related changes to the wave environment and their potential effects on current use activities, access, and navigation.	**EIS** 7.2 Aboriginal Groups Engagement and Consultation **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #388) Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1049) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request#20 (IR13-20)

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-27.8	Stated that increased industrialisation of Roberts Bank and the Georgia Strait to date has resulted in cultural disruption to Lyackson members. Stated that changes in quality of current cultural use experiences identified by Lyackson includes: risks to safety due to increased vessel traffic, reduced quantity, quality, and health concerns associated with traditional food resources, changed sense of place and reduced opportunities to transmit traditional knowledge. Stated that sensory disturbances from light, noise, vibration further interacts directly with Lyackson cultural values. Stated that the Project will impact Lyackson's cultural values.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	**Information Requests** Response to Sufficiency Information Requirements #06 (IR10-06) Response to Sufficiency Information Request #13 (IR10-13)
LFN-27.9	Agreed with Parks Canada's comments on completeness related to Indigenous Traditional Knowledge. Agreed with DFO's comments on completeness.	15-Jun-2015, Letter to the CEA Agency (CEAR Document #258)	The VFPA has reviewed this letter and has no additional information to provide.		

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Table 28: Project Overview and Description

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-28.1	Asked about the effects from increasing shipments of coal.	15-Apr-2014, Technical Working Group Meeting #2	**15-Apr-2014, Workshop:** Responded that RBT2 is about container traffic only. However, the VFPA will be considering coal ships as part of existing conditions description and future conditions assessment in the EIS. The VFPA is working with Westshore to get a sense of the number of ships going to Westshore Terminals in the future. We are illustrating some of the numbers we have received to date. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal. The Project will not contribute to coal dust. Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the examination of air quality existing conditions and air quality cumulative effects assessment. The human health assessment considered the potential for contamination of edible shellfish related to Project activities resulting in re-suspension of historical deposits of coal in sediments. The assessment concluded that there were no risks to human health related to re-suspension of sediments containing coal.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Issues and Interests 9.2 Air Quality 27.0 Human Health
LFN-28.2	Asked whether or not the VFPA would consider taking oil from trucks or trains at this terminal. Asked what would happen if the scope of the project changed and what regulatory approvals would be required.	06-Jun-2014, Valued Components Workshop #1	**06-Jun-2014, Workshop:** Responded that the VFPA will get back to Lyackson First Nation on this matter. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#6):** There are no plans to modify the Project to handle bulk oil or coal. **Additional information provided by the VFPA:** If the VFPA sought to make a material change to the scope of the project, the VFPA would advise the Review Panel and the CEA Agency. Any changes to the regulatory approvals or authorisations required for the project would be determined by federal and provincial regulators depending on the nature of those changes.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Issues and Interests 9.2 Air Quality 27.0 Human Health
LFN-28.3	Asked why the northwest terminal corner design is rounded.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Responded that the velocity of water at the edge of the terminal is great, and by curving the end of the landmass, water will be enabled to pass by more smoothly, which will result in there being less sediment stirred up.	**Addressed in EIS Section 5.4.1.3:** The results of coastal geomorphic studies indicated that rounding the northwest corner of the terminal would have the greatest positive effect in terms of decreasing the areal extent of footprint-related effects (i.e., scour induced by flow acceleration around the west side of the terminal). Rounding the corner on a 120-m radius would reduce the scour area as compared to the square corner. The optimised configuration incorporated into the preliminary Project design is a 120-m radius rounded corner, as previously described in EIS Section 4.0 Project Description and as shown on Figure 5-4.	**EIS** 5.0 Alternative Means of Carrying out the Project
LFN-28.4	Asked how the size of container ships compares to tankers anticipated for the YVR airport fuel delivery project.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Responded that the VFPA is unsure about the difference in size of vessels for the projects, but the size of vessels currently calling at DP3 are too large to go up the Fraser River, and the VFPA anticipates that the ships that will call at RBT2 in the future will be even larger.	**Additional information provided by the VFPA:** The Vancouver Airport Fuel Delivery Project is proposing an option to build a deep-water fixed marine terminal. In this option, the berth would be built to accommodate Panamax-class tankers, and potentially larger Aframax (245 m) and Suez max-class tankers (285 m). For more information see: https://www.vancouverairportfuel.ca/ The Project design, as well as vessel types and sizes, is described in EIS Section 4.0. The Project design provides for the maximum simultaneous moorage of one Maersk Triple-E Class ship, approximately 400 m in length with the capacity for 18,000 twenty-foot equivalent units (TEUs), and two Panamax 2104-class vessels, approximately 366 m in length with capacities of 12,000 TEUs each.	**EIS** 4.0 Project Description

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-28.5	Requested clarification and additional information about the tug basin components.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Responded that the tug basin is being expanded for more tugs, and includes a floating platform for the tugs to tie to, and a wall made of riprap for protection.	**Addressed in EIS Appendix 7.2-B (#1):** The engineering design of the Project components, as well as construction phase activities are described in detail in EIS Section 4.0. EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. The proposed Project includes an expanded tug basin to accommodate a second tug operations contractor. An expansion of the existing tug basin would accommodate additional tug boats, necessary to efficiently and safely assist in the arrival and departure of ships calling at the new terminal. The expansion would allow for separate access gangways and pontoon floats, and would include sufficient moorage for the existing and an additional tug operation contractor.	**EIS** 4.0 Project Description 4.4.1 Construction-phase Activities 4.2.2 Project Component Details, Widened Causeway 4.2.3 Expanded Tug Basin 5.0 Alternative Means of Carrying out the Project Appendix 7.2-B Aboriginal Issues and Interests
LFN-28.6	Stated that the VFPA had explained the plan to create a dip in the causeway to help with habitat. Asked whether it is possible to narrow the entire causeway.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Responded that the causeway has been made as narrow as possible already, without having to relocate the two yards required for operations to the mainland, which is undesirable because it is agricultural land. Explained that the narrow 'dip' is the area between the two rail yards—a larger one where trains get split into their 3,000 foot lengths in order to enter the intermodal yard, and a smaller one for distributed power unit locomotives (the ones in the middle and at the end of trains).	**Addressed in EIS Section 4.0:** The engineering design of the Project components, as well as construction phase activities are described in detail in EIS Section 4.0. **Addressed in EIS Section 5.0:** The consideration of alternative design configurations and construction approaches resulted in the preferred Project design presented and assessed in EIS Section 5.0. As noted in EIS Section 5.7, the widened causeway without the lagoon was determined to be the preferred option as it will minimise intertidal habitat loss amongst the alternatives considered, and will have the least amount of indirect habitat change from altered coastal geomorphic processes. The widened causeway was further optimised by varying widths to minimise effects to the known biofilm intertidal habitat at the east end of the causeway	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project
LFN-28.7	Requested a diagram of the containment dyke area.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Responded that there is the causeway, and there is a dyke being put outside the causeway. Stated that the toe of the dyke, the bottom of the dyke, is below the surface of the intertidal area, so a trench is dug to start building the dyke up inside it, and that is the toe of the dyke. Stated that originally, the VFPA thought they were just putting the dyke on top of the sediments, and there would not be any excavation. Now the VFPA realises that there is going to be some excavation, so that is an area that will be tested.	**Addressed in EIS Section 4.0:** EIS Figures 4-10 through 4-20 depict the containment dykes throughout the construction process. **Addressed in Project Construction Update (CEAR # 1210),** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018 (CEAR #1210), providing • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the environmental impact statement (EIS), including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall	**EIS** 4.0 Project Description **Information Requests** From the Vancouver Fraser Port Authority to the Review Panel re: Project Construction Update (See Reference Document #995) – CEAR #1210

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to TFN community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	

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Table 29: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-29.1	Interested in a job fair for Project opportunities in the near future, to allow adequate time to prepare and plan for training programs.	10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation	**10-Dec-2014, Workshop:** Stated that the VFPA will consider this request, but would not be ready to do this at this time. Stated that in 2 years' time at the earliest. **12-May-2016, Email from the VFPA:** Attached a letter and information sheet regarding Project employment opportunities.	**Addressed in EIS Appendix 7.2-B (#215):** The VFPA proposes to assist Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments
LFN-29.2	Concerned with the lack of benefits to First Nations due to their inability to practice their rights and exercise their interests.	04-Apr-2017, Meeting with Administrative Staff	**25-May-2017, Letter from the VFPA:** Reiterated offer to discuss a mutual benefits agreement. Requested Lyackson's confirmation that they wish to move forward with consultation. **04-Apr-2017, Meeting:** Provided information about the Legacy Benefits Fund and requested input from Lyackson on the draft proposal. Noted that these are shared benefits and provided examples of how the funding may be used to the benefit of all groups. Added that input is being sought from Indigenous groups on what is being proposed in terms of benefits and that Lyackson First Nation is welcome to provide input. **07-Feb-2018:** Offered Lyackson First Nation funding to support the involvement of Lyackson First Nation in activities related to negotiating a mutual benefits agreement for the Project. **09-Mar-2018:** The VFPA re-sent the funding agreement by email to Lyackson. **13-Mar-2018, Letter from the VFPA:** Revised offer to Lyackson First Nation for funding to support the involvement of Lyackson First Nation in activities related to negotiating a mutual benefits agreement for the Project. **24-Apr-2018:** Lyackson First Nation accepted the funding. **30-May-2018, Email from VFPA:** Followed up with Lyackson First Nation to arrange a meeting regarding the negotiation of a mutual benefits agreement.	**Addressed in EIS Appendix 7.2-B (#215):** The VFPA proposes to assist Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

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#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-29.3	Stated that the VFPA offered Lyackson benefits, accommodation, and access to training, employment, and contracting. Stated that while appreciated, the presented opportunities do not accommodate or compensate for the loss of Lyackson's ability to practice socio-economic practises that are linked to the First Nation's traditional culture and values of environmental sustainability.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and notes it is directed to the Panel.		

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Table 30: Social and Economic Setting

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-30.1	Commented that the socio-economic study should assess population growth between 2011 and 2026, and the effect of that growth on Delta, a largely agricultural community.	29-Oct-2014, Preliminary EIS Results Workshop #4	**29-Oct-2014, Workshop:** Stated that the population assessment is a critical piece to most of the socio-economic VCs examined. Stated that it was actually one of the first assessments undertaken, and though it is not presented here, it will be included in the EIS. Modelling was used to consider potential in-migration and population fluctuations as a result of jobs and business requirements that may be generated by the Project. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 18.4.2:** In support of the EIS, a study of potential population effects due to the Project was carried out to determine if there would be in-migration of Project-associated workers into the local area, which could potentially result in population-driven changes in community infrastructure and services demand, as well as local government expenditures. Building on available information, a study was designed for the IC assessment of population with the intent of using predicted results to inform the assessments presented in EIS Sections 22.0 and 23.0. As noted in EIS Section 18.4.7, the operation-phase horizon year of 2026, Metro Vancouver's population is forecasted to be 2,914,896, an increase of 22.8% (or 541,859 persons) from the 2011 Census year (see Table 18.4-6). Demographic aspects of this increase on Delta is also discussed in EIS Section 18.4.7. **Addressed in EIS Appendix 7.2-B (#114):** An overview of the multiple components that make up the larger socio-economic assessment is provided in EIS Section 18.0. The assessment of potential Project-related effects on the economic development VC concluded that the Project will be consistent with the economic development objectives of the City of Delta. An assessment of potential Project-related effects on traditional activities is provided in EIS Section 32.2.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 18.0 Social and Economic Setting 18.4.7 Expected Conditions 21.0 Marine Commercial Use 26.0 Land and Water Use 26.7.2 Potential Effect #1 – Consistency with Land Use Planning Designations 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

Table 31: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-31.1	Asked whether copper and arsenic are naturally occurring or from industrial usage.	08-Oct-2014, Preliminary EIS Results Workshop #2 28-Oct-2014, Preliminary EIS Results Workshop #3	**08-Oct-2014, Workshop:** Stated that the VFPA had only a few samples of where there has been elevated copper and arsenic. There is a report that supports this and summarises all of the data, which will be an appendix to the EIS to provide that fulsome dataset. Copper and arsenic are elevated in only a couple samples out of 100. Typically, it is from storm drains or some type of industrial application or just naturally from rocks. Rocks and geological formations are naturally high in metals. More information on this can be found in the EIS. **28-Oct-2014, Workshop:** Responded that the copper is naturally occurring and has been there a very long time and seems to be a natural phenomenon. Whatever lives in the area is used to it and adapted to it. Answered that studies have been done to assess effects to human health, which will be discussed in a later presentation. **19-Apr-2016, Letter from the VFPA:** Provided notes from the 28-Oct-2014 meeting, which included the following post meeting note: Confirmed that copper is found naturally in sediments. This has been detected and studied, for example for the DP3 Adaptive Management Strategy program.	**Addressed in EIS Section 9.6.6.3:** While most of the sediment samples exhibited a copper concentration greater than the interim sediment quality guideline (ISQG), this is attributed to the presence of geological-origin, naturally occurring concentrations. Elevated copper levels are consistent with observations for previous studies in areas relevant to the Project, and throughout the Fraser River estuary (EIS Section 9.6.6.2). Copper levels in the Project activity areas are therefore not considered to be contaminated relative to natural conditions.	**EIS** 9.0 Physical Setting 9.6 Surficial Geology and Marine Sediment
LFN-31.2	Expressed an interest in receiving more information about the disposal at sea (DAS) plans for the Project. Asked about dredging and DAS: • Whether there are windows for DAS. • Whether a Maintenance Dredging Plan is a requirement. • Asked how assessment conclusions can be reached without yet knowing if or how much dredging will be required.	08-Oct-2014, Preliminary EIS Results Workshop #2 28-Oct-2014, Preliminary EIS Results Workshop #3 22-Sep-2016, Meeting 04-Apr-2017, Meeting with Administrative Staff	**08-Oct-2014, Workshop:** Stated that the VFPA will adhere to both the fisheries window and the crab window for DAS activities. **28-Oct-2014, Workshop:** Stated that at this point, maintenance dredging may or may not be required. If it is required, a maintenance dredging plan would need to be developed. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **22-Sep-2016, Meeting:** Stated that more information would be provided on DAS shortly. **26-Jun-2017, Letter from the VFPA:** The concerns brought forward by Lyackson First Nation with regard to Dungeness crabs and DAS highlighted the need for the VFPA to re-evaluate our planned construction approach and use of the intermediate transfer pit as a part of the Project. The Project team has been actively exploring alternative construction methods to address concerns raised by Indigenous	**Addressed in EIS Appendix 7.2-B (#55):** Dredging and DAS-related activities are described in the EIS and considered in the assessment of potential effects on marine physical and biophysical components. As described in the EIS, the physical and chemical characteristics of sediment that will be affected by construction activities, including sediment that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. DAS activities will occur subject to Environment Canada's DAS permit requirements under the *Canadian Environmental Protection Act, 1999*. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. **Addressed in EIS Appendix 7.2-B (#76):** As required in the *EIS Guidelines* (part 2, section 13), the EIS presents a detailed analysis of the significance of the residual environmental effects on VCs, consistent with the approach described in the CEA Agency's Reference Guide Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects. **Addressed in Project Construction Update (CEAR # 1210),** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018 (CEAR #1210), providing	**EIS** 4.0 Project Description 4.4.1 Project Activities, Construction Phase Activities Table 4-5 Source and Quantities of Material Requiring Disposal at Sea Figure 4-21 Intermediate Transfer Pit and Disposal at Sea Candidate Locations Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods Table 8-1 Intermediate Component and Valued Component Linkages 9.0 Physical Setting 9.6 Surficial Geology and Marine Sediment 9.6.5 Methods 9.6.6 Existing Conditions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			groups and regulatory agencies since the development of the EIS in 2014. After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the *Coasting Trade Act* as a result of approving the Comprehensive Economic and Trade Agreement, the port authority determined that the Project could proceed without the use of an intermediate transfer pit. In addition, the elimination of the intermediate transfer pit, along with other changes, will result in a Project that does not require a DAS permit.	• Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. Sections 1.0 and 2.0 of the PCU describe the changes to the environmental impact statement (EIS), including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on intermediate and valued components (ICs and VCs) are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to TFN community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	9.6.8 Future Conditions with the Project Appendix 9.6-C Roberts Bank Terminal 2 Technical Report, Dredging Studies – Dispersion Modelling 9.7 Marine Water Quality 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates 12.6 Future Conditions with the Project 13.0 Marine Fish 13.6.3 Potential Effect – Changes in Productivity **Information Requirements** From the Vancouver Fraser Port Authority to the Review Panel re: Project Construction Update (See Reference Document #995) – CEAR #1210
LFN-31.3	Stated that Lyackson's assessment indicates that the Project will cause physical disruption and disturbance to already contaminated sediments adjacent to the existing port facilities sediment. Stated that the Project will further impact water movement in and around the mouth of the Fraser, which in turn will result in impacts to marine resources upon which Lyackson members rely for their continued practice of interests and rights. Concerned that the additional 167 hectares hard surfaces created by the proposed Project will cause oils and contaminants running off	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 9.6:** As noted in EIS Section 9.6.6.2, the physical and chemical characteristics of sediment in areas near and relevant to the Project have been studied recently. Results of these studies are summarised in EIS Table 9.6-3, and additional details are provided in EIS Appendix 9.6-B. No appreciable sediment contamination was observed in Project areas. In general, sediment samples met the DAS screening criteria with limited minor exceptions. Only one of 92 samples contained cadmium at a concentration greater than the DAS Lower Level criterion. Similarly, one sample contained arsenic at a concentration greater than its respective CCME ISQG (Canadian marine sediment quality guidelines). Both the average and upper 95th percentile concentrations for cadmium and arsenic were much lower than their respective screening criteria, however, and are more reflective of actual conditions. The single values are likely to be statistical outliers and are not reflective of the actual exposure potential. While most of the sediment samples exhibited a copper concentration greater than the ISQG, this is attributed to the presence of geological-origin, naturally occurring concentrations. Elevated copper levels are consistent with observations for previous studies in areas relevant to the Project, as described above, and throughout the Fraser River estuary (EIS Section 9.6.6.2). Copper levels in Project activity areas are therefore not considered to be contaminated relative to natural conditions. **Addressed in EIS Section 9.7:** EIS Section 9.7 presents activities that are anticipated to cause sediment re-suspension, leading to changes in total suspended solids and turbidity. Because the sediments in the areas of interest are not contaminated (EIS Section 9.6.6), no	**EIS** 4.2.1 Project Description, Marine Terminal 4.4.2 Operation-phase Activities 6.5 Legislation, Policies, and Initiatives 9.6 Surficial Geology and Marine Sediment 9.6.6.2 Characteristics of Surficial Sediments in the Fraser River Estuary and Local Study Area 9.7 Marine Water Quality 9.7.8.1 Construction Phase

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	and building up in critical fisheries areas.			appreciable change in concentrations of water column contaminants or nutrients is anticipated. As a result of the terminal footprint and anticipated changes in the distribution of fresh water from the Fraser River and marine water from the Strait of Georgia, localised changes in salinity and turbidity are predicted. These changes are anticipated to be within the natural range currently experienced on the intertidal flats. **As noted in EIS Section 9.7.8.2:** Potential operation-phase changes to marine water quality from wastewater (sewage) and stormwater discharges could include contamination by deleterious substances. Wastewater (sewage) will be collected, treated as required, then discharged from the new terminal site as described in EIS Section 4.4.2. Stormwater collected across the general terminal area and water from the terminal washdown will be collected and passed through oil interceptors. Stormwater collected in fuelling areas and oil-filled electrical transformer areas will pass through oil-water separators prior to discharge from the terminal, as described in EIS Section 4.2.1. All collected water will be managed according to regulatory requirements and guidelines (as outlined in EIS Section 6.5 and supporting appendices). As such, effluents from the terminal are not expected to alter marine water quality conditions within the local study area during the operation phase.	

Lyackson First Nation

Table 32: Traffic / Transportation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-32.1	Commented that the Gateway Transportation Collaboration Forum does not appear to have First Nations participation.	07-Oct-2014, Preliminary EIS Results Workshop #1	**07-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Additional information provided by the VFPA:** The Gateway Transportation Collaboration Forum, established in summer 2014, is a collaborative effort to ensure the Vancouver gateway is ready to manage growing trade. It consists of Transport Canada, the B.C. Ministry of Transportation and Infrastructure, the VFPA, TransLink, and the Greater Vancouver Gateway Council. Oversight of the Gateway Transportation Collaboration Forum is provided by a Steering Committee, consisting of senior executives from the partner organisations. Its responsibility is to understand stakeholder interests and issues, collaborate on advancing priority infrastructure projects, evaluate and prioritise projects, and identify and pursue viable funding sources. Since its inception, the Gateway Transportation Collaboration Forum has engaged local governments and Indigenous groups in the process of identifying bottlenecks and potential transportation solutions. Launched in 2016, Greater Vancouver Gateway 2030 is the Gateway Transportation Collaboration Forum's strategy for smart infrastructure investment to remove bottlenecks impeding the growth of trade, while addressing the community impacts of goods movement and population growth. The nearly 40 transportation projects proposed as part of Greater Vancouver Gateway 2030 will provide national, provincial, regional, and local benefits. By removing capacity constraints and freight bottlenecks to get Canadian goods to market, these projects will help grow the economy, create well-paying jobs and support liveable, green communities with improvements to safety, mobility, and air quality. The VFPA, as part of the Gateway Transportation Collaboration Forum, submitted nine funding applications to the National Trade Corridors Fund in fall 2017. The process of developing these applications included engagement with Indigenous groups, local governments, and industry stakeholders, including letters and other shows of support from one First Nation, several local governments, and many stakeholders. In May and June 2018, the federal government announced funding commitments of more than $200 million towards several Greater Vancouver Gateway 2030 projects. The focus of the Gateway Transportation Collaboration Forum is now securing funding from other partners for these projects, working with local government staff to undertake technical studies, engaging with Indigenous groups, communities and stakeholders, and advancing project design and planning for project construction. For more information, please visit vancouvergateway.ca.	**EIS** 2.0 Project Overview 2.2.7 Project Context, Roberts Bank as a Terminal Location Appendix 7.2-B Aboriginal Issues and Interests 9.2 Air Quality 9.3 Noise and Vibration 23.0 Services and Infrastructure 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3.7 Environmental Management Program, Land and Marine Traffic Management Plan 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

Lyackson First Nation

Table 33: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
LFN-33.1	Asked about the science behind underwater noise and how noise is measured and experienced underwater. Asked about the effects of underwater noise on herring, other fish, and marine mammals.	15-Apr-2014, Technical Working Group Meeting #2 27-May-2014, Technical Working Group Meeting #3 03-Jul-2014, Valued Components Workshop #2 08-Oct-2014, Preliminary EIS Results Workshop #2 28-Oct-2014, Preliminary EIS Results Workshop #3 10-Dec-2014, Health & Aboriginal Rights Workshop – Lyackson First Nation and Lake Cowichan First Nation 01-Nov-2016, Letter to Panel (CEAR Document #733)	**15-Apr-2014, Meeting:** Stated that there are underwater noise specialists involved in RBT2 to assess effects on marine creatures. A separate underwater noise study is underway. **03-Jul-2014, Workshop:** Explained the most challenging topic for the team is underwater noise. Stated that it is known if sound levels are particularly high, marine mammals will avoid the area. Some modelling is being done to better understand the effect of noise, seeking to understand, for example, depending on the noise, will they avoid the area, or will it have an impact on their ability to communicate with each other and/or find their prey. Stated that there have been 25 studies, most of which were guided by the TAG, on which there were two DFO recovery team members. **08-Oct-2014, Workshop:** Described the existing conditions related to noise and vibration and anticipated future changes resulting from the Project components and activities. **28-Oct-2014, Workshop:** Described the preliminary results of underwater noise conditions and provided an opportunity for feedback. Explained that the VFPA conducted extensive state-of-art field and modelling studies for RBT2. Stated that existing underwater noise conditions relatively high, primarily due to commercial vessel traffic, including ferry traffic. Stated that RBT2 will produce underwater noise (construction and operation). Stated that preliminary results of studies indicate RBT2 noise levels will be minor to moderate Explained that the distance that sound waves travel underwater depends on the ocean bottom, water temperature and salinity, low frequency or high frequency. Stated that sound moves faster in water than in air and that the intensity (sound energy per area per unit of time) is expressed in decibels (dB), and that the intensity of sound decreases as it moves away from its source. Responded that while the mechanisms of sound propagation over land and over water are similar, there is less scientific knowledge about sound propagation over water in various weather conditions. For the technical report related to sound propagation over water, we reviewed literature on the topic and used computer modelling, to help address concerns of	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. **Addressed in EIS Appendix 7.2-B (#81, #87):** Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed. **Addressed in MSA Appendix 5-B (#43):** Potential effects, including effects of underwater noise, from marine shipping associated with the Project on marine fish and marine mammals are assessed in MSA Sections 8.1 and 8.2, respectively. MSA Section 9.5 assesses the cultural aspects of potential effects to marine fish and marine mammals. **Addressed in response to IR4-10:** As noted in the VFPA's response to IR4-10, in 2014, the VFPA-led ECHO Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.8 Underwater Noise Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.3 Existing Conditions, Forage Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 15.0 Coastal Birds 15.7 Future Conditions with the Project **MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects 8.1.6.1 Negligible Effects 8.2 Marine Mammals 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Tsawwassen residents of reported higher noise levels during certain conditions. Confirmed that underwater noise is a potential effect to marine fish, and notes all of the marine fish sub-components are being evaluated in the context of underwater noise. Responded that sound is transmitted differently underwater than in the air. **10-Dec-2014, Workshop:** Recorded comment consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous groups, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	
LFN-33.2	Questioned the VFPA's conclusions given that it was conducted based on inadequate baseline data, based on assumptions and without involving First Nations in the significance decisions. Stated that it is not clear how Lyackson's input was considered in the assessment. Stated that proposed mitigation measures and plans have not been developed in consultation with First Nations.	01-Nov-2016, Letter to Panel (CEAR Document #733)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 7.2:** EIS Section 7.2 discusses the VFPA's extensive engagement and consultation of Indigenous groups before and during EIS development. Since submission of the EIS, the VFPA has continued to consult with Indigenous groups to clarify information on the Project and EIS; provide additional information; and discuss potential environmental effects from the Project, potential impacts on their ability to exercise asserted Aboriginal or treaty rights and related interests, and potential mitigation and accommodation. **Further information provided in IR-7.31.15-08:** The VFPA's response to IR-7.31.15-08 provides a description of where and how ITK has been used to support the selection of VCs, baseline descriptions, the assessment of effects, including the identification of mitigation measures, and in the determination of significance of adverse environmental effects. **Addressed in response to MSA IR-02.24.16-4:** Discusses the application of ITK in the MSA. **Addressed in IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**EIS** 9.8 Underwater Noise **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #388) Response to Sufficiency Information Requirements #2 (IR10-02)
LFN-33.3	Stated that it is unacceptable for RBT2 to add to underwater noise.	03-May-2017, Meeting	**03-May-2017, Meeting:** Responded that the VFPA recognises the concerns related to underwater noise and has assessed all aspects and understands the biology clearly. Referred to two teams of underwater modellers and marine biologists working on the issue. Noted there will be an independent review by DFO (as part of the ongoing Review Panel process).	**Addressed in EIS Section 9.8:** EIS Section 9.8 presents an assessment of underwater noise. The overall assessment is considered to provide a conservative evaluation of potential changes in the acoustic environment resulting from the Project. Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise, due to existing high levels, but would at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure.	**EIS** 9.8.3 Summary of Information Sources **Information Requests** Response to Sufficiency Information Requirements #10 (IR4-10 of CEAR Document #1051)

Lyackson First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the already dominant contribution of vessel traffic noise to the acoustic environment. **Addressed in response to IR4-10:** As noted in the VFPA's response to IR4-10, in 2014, the VFPA-led ECHO Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous groups, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	

APPENDIX IR10-01-C10

PENELAKUT TRIBE: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Penelakut Tribe

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-1.1	Asked for clarification on the assertion that air quality is expected to improve while climate emissions increase. Requested additional information on the new air emission standards.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that air quality improves with a decrease in emissions for criteria air contaminants as well as for some traces in organic compounds. Greenhouse gas emissions will be higher in terms of global emissions, so that is what is meant by an improvement in air quality as well as an increase in climate emissions. There will be decreases in emissions both overall and on a per-truck basis because of new, more stringent emission standards for on-road vehicles. The assessment only considers emission reduction measures that have been confirmed. There may well be additional reduction measures in the future that would further contribute to lowering emissions. Future reductions in emissions can be estimated based on expected equipment turnover. The Vancouver Fraser Port Authority's (VFPA) truck licensing system restricts the engine age and emissions standards of vehicles that are allowed to enter VFPA terminals. By 2015, all trucks that access VFPA marine terminals will be required to achieve a 2007 engine emission performance or better. The International Maritime Organization (IMO) is implementing the North American Emission Control Area (ECA), which will be coming into effect in January 2015, requiring the sulphur content in fuel to be no higher than 0.1% for vessels.	**Addressed in EIS Section 9.2.7.1:** Regulatory initiatives for air quality and their incorporation into the assessment of future emissions are described in EIS Section 9.2.7.1. **Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of Roberts Bank Terminal 2 (RBT2 or Project). The results of the air quality assessment were used in the assessments of human health and current use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related fuel combustion and fugitive dust emission sources during the construction phase, and fuel combustion emission sources during the operation phases, and compared future conditions with the Project to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and cargo handling equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial, and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected to continue in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Predicted maximum concentrations were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving future air quality compared to predicted concentrations. The predicted concentrations also did not account for the switch to the use of liquefied natural gas (LNG) fuel for ferry vessels at the BC Ferries Terminal. The assessment concludes that: • Air quality in the region will improve in the future, with or without the Project, as a result of improvements in engine technologies as older equipment is replaced by newer equipment at the three existing marine terminals, and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected improvements in future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants, but will be mitigated through the use of emission reduction measures to limit fugitive dust emissions and a monitoring program to guide construction activity in the event that ambient air concentration exceed defined criteria threshold levels. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminants (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below ambient air quality criteria on land, with limited exceptions. The exceptions for predicted nitrogen dioxide levels near the causeway are considered to be an artificially caused by the conservative methods used in the air quality assessment, and are not expected to actually exceed established ambient air quality criteria. • The Project is expected to have a negligible effect on future ozone levels. • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality because air quality is expected to improve. The benefits of existing emission reduction initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits to air quality, such as improvements in engine technology and fuel quality, are described based on their anticipated level of benefit to future air quality emissions, in EIS Section 9.2.7. Through its ongoing Air Action Program*, the VFPA is constantly looking at addressing air quality and climate change, by focusing on the use of technologies and the promotion of operational efficiencies to reduce air emissions from port operations, such as those mitigation measures suggested during consultation. Key components of the Air	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.7.1 Regulatory Initiatives 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Appendix H – Westshore Coal Dust Assessment

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Action Program include the EcoAction Program, the Northwest Ports Clean Air Strategy, the Landside Air Emissions Inventory, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air Action Program can be found at http://www.portmetrovancouver.com/en/environment/initiatives/Air.aspx. *The Air Action program was renamed to Air, Energy and Climate Action. As part of the Deltaport Third Berth Project (DP3), the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings. **Additional information provided by the VFPA:** The analysis of the data from this station indicates that there has been a reduction in both sulphur dioxide (SO_2) and fine particulate matter ($PM_{2.5}$) concentrations measured at this monitoring station after the implementation of the requirements for low sulphur fuels from ships under ECA regulations. For 2010, the levels of carbon monoxide, SO_2, $PM_{2.5}$, and ground-level ozone meet the most stringent of Canadian, provincial, and regional ambient air quality standards or objectives. **Additional response provided by the VFPA:** During operation, Project-related exposures to air emissions are not predicted to result in measurable health effects. During construction, a moderate health effect is predicted for a small area over water between the Westshore and RBT2 terminals, where public access is not likely. Therefore, health effects during construction are unlikely to occur. Air quality will be monitored during construction and operation, and there would be adaptive measures should Project emissions result in exceedance of ambient air quality objectives/criteria.	

Penelakut Tribe

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-2.1	Asked about the process of determining whether the Project is feasible, and whether the decision was made based on only economic and technical factors, or if environmental or cultural impacts were considered.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that in going through the process of selecting the Project location and design, the VFPA has considered environmental effects throughout the design process, and many changes have been made along the way. Stated that the design that has been selected is conceivably acceptable to environmental regulators. Stated that the Panel will determine whether the effects of the Project can be mitigated sufficiently.	**Addressed in EIS Appendix 7.2-B (#2):** The VFPA's approach for identifying and selecting alternatives was undertaken internally. As part of this process, the VFPA reviewed and considered Indigenous input provided as part of the environmental assessment processes for prior projects at Roberts Bank. Alternatives to the Project are described in EIS Section 5.0. The VFPA considered the following alternatives for creating container capacity to meet the forecasted demand, both within and outside of its jurisdiction: • Incremental capacity and efficiency increases are underway or in planning at Deltaport Terminal and Centerm. These projects will help meet short-term container demand to the early 2020s, but would not meet forecasted longer-term requirements. • Lease tenures on properties adjacent to the Vanterm property will persist until at least the late 2020s, and converting them to containers would displace other trade-related activities. If improvements at Vanterm were feasible, expansion would not be anticipated until sometime after 2030, and therefore would not meet the need to deliver additional container capacity required by the mid-2020s. • Larger container ships, such as those visiting Deltaport Terminal, Centerm, and Vanterm, cannot be accommodated in the Fraser River channel due to draught requirements and length (ability to turn around in the river). Fraser Surrey Docks is not expected to be a major source of container capacity to meet demand beyond 2018. • Conversion of the Lynnterm terminal to handle containers is not technically or financially feasible, due to road constraints and conflict with current handling operations. • Development of the VFPA's Fraser Richmond properties to provide large-scale container capacity is not technically feasible due to road and rail capacity constraints and issues with larger container ships in the Fraser River channel. • Planned expansions at the Fairview Terminal in Prince Rupert will help meet short-term west coast container demand to the early 2020s, but will not meet forecasted longer-term requirements. The results of the VFPA's analysis concludes that the Project is the only technically and financially feasible option to meet long-term demand for container capacity on Canada's west coast. Feasibility of the Project will also be determined by the outcome of the environmental assessment process, and the decisions by provincial and federal ministers of the environment. **Addressed in response to IR1-06:** Technical feasibility criteria used to evaluate alternatives to the location, orientation, layout and configuration of the marine terminal at Roberts Bank was based on whether potential environmental effects were deemed to be acceptable by regulators. Generally, alternatives located in subtidal habitat (i.e., deeper waters) were considered favourable as the potential for environmental effects in shallower, intertidal waters would increase the potential for effects to marine invertebrate and fish habitats, and pose a risk to obtaining the permits required for the Project (i.e., Fisheries Act Authorization). Economic feasibility criteria considered construction costs and schedule (including dredge, fill, and soil improvement requirements), as well as operational costs associated with downtime from weather/navigation constraints, yard efficiencies, and maintenance dredging. Options W1 and W2 of the terminal, located west of the existing Roberts Bank terminals were considered to be technically and economically feasible (Table IR1-06-2). An assessment of environmental effects of these alternatives is provided in the VFPA's response to IR1-07.	**EIS** 5.0 Alternative Means of Carrying out the Project 5.3.1 Increase Capacity and Efficiency of Existing Container Terminals within VFPA Jurisdiction 7.0 Engagement and Consultation 7.2.1 Aboriginal Groups Engagement and Consultation, Engagement and Consultation Process Overview Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) Response to Sufficiency Information Request #07 (IR1-07 of CEAR Document #897)

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-2.2	Requested additional information and asked about the Port Alberni Trans-shipment Hub concept.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the Port Alberni Port Authority has put forth a proposal that would see the creation of a transshipment container terminal where containers would be unloaded from vessels and transferred to barges for shipping. From there the containers would be [barged to Vancouver and] unloaded from the barges at a terminal and transferred for intermodal transport by truck and rail. It is a concept that has been publicly presented, but its current status is uncertain with respect to economic viability and willingness-interest from industry; it would require a major shift in the way containers are handled on the west coast of North America, [and would still require additional terminal capacity in Vancouver].		**EIS** 5.0 Alternative Means of Carrying out the Project 5.3 Location of Marine Terminal within British Columbia Alternatives Appendix 7.2-B Aboriginal Groups Issues and Interests Table

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Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-3.1	Requested more information on beach weirs and historic tidal channels. Concerned that the Archaeological Overview Assessment only considers fish weirs for sturgeon and does not consider other types (i.e., salmon).	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#154):** Ethnographic information including Indigenous Traditional Knowledge (ITK) suggests that salmon were traditionally caught using methods other than those using wooden stakes. These methods, trawl nets and harpooning, are not likely to have left archaeological evidence if they were used. The potential effects are to "fish trap stakes" in general and consider other species of fish in addition to sturgeon (i.e., salmon).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.5.1.2 Ethnography
PT-3.2	Concerned about the exclusion of Cowichan Nation Alliance member nations from the scope of the Archaeological Overview Assessment.	04-Mar-2014, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**04-Mar-2014:** Recorded comment for consideration by Project team. **06-May-2014, Letter from the VFPA:** Stated that the purpose of the Archaeological Overview Assessment is not to provide a detailed ethnographic history, but an ethnographic overview of the study area. However, the ethnography section has been revised and also includes a listing of all First Nations that have a potential claim to the study area, according to GeoBC's Consultative Areas Database. The Cowichan Nation Alliance provided the Brealey report to the VFPA in confidence. The VFPA requested permission from the Cowichan Nation Alliance to provide the report to Millennia Research Limited but was denied. Therefore, this information is not included in the Archaeological Overview Assessment. **22-Oct-2014, Workshop:** Stated that Tsawwassen First Nation, Musqueam First Nation, and Hwlitsum provided the VFPA with information about fish weir use on the intertidal flat and that this preliminary assessment was written before more recent information had been received. The VFPA has read the report prepared by Dr. Kennedy and submitted by the Cowichan Nation Alliance regarding historical use, and recalled that information about Halalt use of traps for salmon was provided. The VFPA apologised that information is not reflected in the presentation, and explained this presentation had been prepared prior to reading the report. The scope of the Archaeological Overview Assessment is not meant to cover proof of claim. There is a section covering Current Use that includes a very comprehensive discussion of the interests and use of the Cowichan Nation Alliance, which is much broader than this assessment, which considers the potential physical disturbance of archaeological sites. The VFPA committed to take the feedback and information shared and provide it to the teams working on the assessment and writing the reports.	**Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the local assessment area (LAA). The results of the archaeological and heritage resources assessment were considered in EIS Section 32.0. The LAA included the physical footprint of the Project plus a 100 m buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area (RAA) considered a four kilometre (km) area around the Project area. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past uses are directly linked to the type of	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.2 Selection of Archaeological and Heritage Resources VC 28.3 Assessment Boundaries 28.4 Information Sources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project. The scope or methods of the archaeological and heritage resources assessment are described in EIS Section 28.0.	
PT-3.3	Concerned with archaeological impacts to Tl'uqtinus.	18-Aug-2014, Meeting with Penelakut Tribe 27-Aug-2015, Letter to the VFPA from Penelakut Tribe 09-Nov-2015, Meeting with Penelakut Tribe	**18-Aug-2014, Meeting:** Recorded comment for consideration by Project team. **27-Aug-2015:** Recorded comment for consideration by Project team. **02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** Requested to meet with Penelakut to discuss comments received on the draft EIS. Explained that the document shared by the VFPA on July 27, 2015 included a draft summary of CNA's current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. Noted that these topics will be addressed in the Report to be submitted to the Canadian Environmental Assessment Agency ("CEAA") in the fall of 2015. **09-Nov-2015, Meeting:** Responded that in regards to *Tl'uqtinus*, the RBT2 assessment is not predicting any effects near *Tl'uqtinus*. Explained that EIS Appendix 7.2-B responds to those questions. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 32.3.2.2:** *Tl'uqtinus*, as well as other Fraser River sites noted by Cowichan Nation Alliance as being traditional lands, are located away from potential Project-related effects; therefore, there are no predicted interactions between Project activities and use of these areas. **Addressed in EIS Appendix 7.2-B:** As presented in the EIS, the Project is not expected to result in adverse residual effects on *Tl'uqtinus* and the mouth of the Fraser River, or the area of Le'eyqsun and its surrounding foreshore and waters.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-4.1	Asked whether there is potential for wildlife to confuse day for night due to lights.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that this was considered for birds, and more information would be provided in a later presentation on light. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presented on coastal birds, stating that effects from disturbance (noise, light, vessel movement) can be effectively mitigated. Presented mitigations measures to address lighting impacts, valances to minimise light trespass. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on valued components (VCs) and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources, and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of Environmental Management Plans, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. **Addressed in EIS Appendix 7.2-B (#99):** A review of documented effects of both natural and artificial light on birds is provided in EIS Section 15.7.2.1. The EIS considers the potential effects of artificial light on coastal birds, including the potential for increased risk of predation on shorebirds by nocturnal raptors (i.e., owls). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds. **Addressed in MSA Section 8.3:** Potential effects of artificial light from shipping traffic in the marine shipping area. The MSA notes that nocturnal feeding marine birds can be attracted to artificial light sources, such as ship lighting, and that mortality is known to occur. For the LAA, no collisions with vessels have been recorded, which indicates that collisions with vessels are most likely infrequent and, if they do occur, do so on a small scale (in terms of the number of birds).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines 13.0 Marine Fish 13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity, 13.7.5 Mitigation Measures, Mitigation #4 for Changes in the Light Environment 15.0 Coastal Birds 15.7.2.1 Mechanisms Affecting Productivity 25.0 Visual Resources 25.7.2 Mitigation Measures, Mitigation Measure #2 – Lighting Design and Operation – Light Management Plans 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan **Marine Shipping Addendum (MSA, CEAR Document #316)** 8.3 Coastal Birds **Information Requests** Response to Sufficiency Information Request #02 (IR9-02)

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in response to IR9-02: The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	
PT-4.2	Asked if Tundra and Trumpeter Swans use the Project area, and whether or not they were considered in the assessment. Added that swans were historically numerous, then disappeared.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that swans have been in the area, and that long-term use of that area by the species is understood.	**Addressed in EIS Appendix 7.2-B (#93):** The Fraser River estuary is an important area to many coastal birds because of the abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds. The assessment of coastal birds focused on seven sub-components: • Shorebirds, represented by Pacific dunlin and western sandpiper; • Waterfowl, represented by American wigeon and brant (which is a proxy for swans); • Herons, represented by great blue heron; • Diving birds, represented by surf scoter and western grebe; • Raptors, represented by bald eagle, barn owl and peregrine falcon; • Gulls and terns, represented by Caspian tern and glaucous-winged gull; and • Passerines, also known as songbirds, represented by barn swallow. The use of the Fraser River estuary and the Project area by trumpeter swan and tundra swan is described in the EIS, under the waterfowl section (EIS Section 15.5.4). Overall, the Project is not expected to compromise the productive potential of the local area to support coastal bird productivity, or change to species' viability. The assessment concludes there are no significant adverse residual effects from the Project to coastal birds. The Project is not expected to result in measurable incremental adverse cumulative effects to coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity
PT-4.3	Asked why humans had not been considered in the Shorebird Opportunity Model.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that interactions are addressed separately in the EIS. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 15.0:** The focus of the Shorebird Opportunity Model (EIS Appendix 15-B) was on shorebird access to food sources and the capacity of the LAA to support existing and future shorebird populations (with the project). Although humans may interact with shorebirds, the food resources upon which shorebirds depend are largely in the intertidal zone where the potential for shorebird-human interactions are minimal.	**EIS** 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity

Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-5.1	Stated that elders in 1990 asked for flow to be maintained through the causeway. Commented that sand appears to have accumulated on the north side of the causeway. Asked about the long-term environmental impacts of the existing causeway.	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**01-Nov-2013, Meeting:** Responded that work completed by a coastal geomorphologist and by a fisheries biologist determined that by breaching the causeway more damage would be done. Responded that work was completed to look at flow through the causeway and it was determined that while it was conceptually okay, in practice it would create a bigger issue (i.e., it would remove the mudflat if you removed the causeway). The reason why the terminal is situated further out from the mudflats is because building a terminal near the mudflat would have a negative impact. The further out the terminal is built, the less impact to the mudflat. **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The potential effects of opening the causeway were assessed by Northwest Hydraulic Consultants Ltd. in June 2005. Based on the tidal influence in the area, it was determined that there would be no benefit with regard to introducing flows through the causeway (e.g., the amount of water that would flow through the opening would be very small compared to the tidal exchange in the inter-causeway area), and such an opening may actually result in new channel formation and concurrent erosion of existing eel grass. **22-Oct-2014, Workshop:** Presented information on coastal geomorphology, including the existing conditions and the anticipated future changes as a result of the Project.	**Additional information provided by the VFPA:** An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes and hydraulic behaviour in the inter-causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. Furthermore, the assessed opening would be expected to have only a minimal contribution to flushing flows in the inter-causeway area. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway. Further information concerning this study is available in the VFPA's response to IR1-13. **Addressed in the EIS Appendix 7.2-B (#52):** EIS Section 9.5 describes existing conditions on Roberts Bank, including the past influences of the Roberts Bank causeway and BC Ferries Terminal causeway on the Roberts Bank ecosystem. The potential effects of the Project on ocean currents (hydrodynamics), wave climate, and local seabed scour and deposition (morphodynamics) were investigated using the TELEMAC numerical modelling system. Since no reasonably foreseeable projects or activities were identified during the assessment that will influence or change the conditions of coastal geomorphology within proximity of the Project, an assessment of future incremental cumulative changes to coastal geomorphology was not undertaken. **Addressed in response to IR2-09:** Additional clarification is provided in the VFPA's response to IR2-09, which describes how sand was deposited on the north side of the causeway during the initial causeway construction activities in 1969. These sediments have persisted and are not the result of ongoing coastal geomorphology processes.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.5.5 Methods 9.5.6 Existing Conditions 9.5.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.5-B Rationale for Exclusion of Other Certain and Reasonably Foreseeable Projects in the Cumulative Change Assessment of Coastal Geomorphology **2005 Memorandum Concerning Potential Effects of Opening the Roberts Bank Causeway** http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. **Information Requests** Response to Sufficiency Information Request #13 (IR1-13 of CEAR Document #897) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961)
PT-5.2	Asked how the Project affects the water. Asked for further clarification related to changes in geomorphology associated with the proposed Project. Asked what the environment will look like with changes in accretion and siltation.	01-Nov-2013, Meeting with Cowichan Nation Alliance 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**01-Nov-2013, Meeting:** Recorded comment for follow-up. **22-Oct-2014, Workshop:** Responded that the environment will experience only very slow change. Stated that there is not expected to be a lot difference with the addition of the proposed Project. Referred to the image on slide 31 of the presentation that illustrated where a difference is expected. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#48):** Coastal geomorphology considers the physical processes such as waves and currents that change or maintain the physical environment of coastal areas. An assessment was undertaken to determine potential changes to coastal geomorphology as a result of the Project. The assessment consisted of three study approaches to determine the potential effects of changes to natural processes from the Project footprint in subtidal and intertidal areas. Studies were informed by dialogue with the Coastal Geomorphology Technical Advisory Group (TAG). The results of the coastal geomorphology assessment were considered in the assessments of surficial geology and marine sediment, marine water quality, marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and archaeological and heritage resources. The Project layout and configuration have been modified to reduce the potential for a number of adverse changes to geomorphology during Project	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.6 Surficial Geology and Marine Sediment 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 35.0 Effects Assessment Summaries

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				construction and operation. For example, developing the terminal almost entirely within the subtidal zone of Roberts Bank will largely avoid changes to geomorphology. Changes to coastal geomorphology are not expected from terminal development activities, but are related to the terminal footprint itself. The footprint will interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange in the construction and operation phases. During causeway construction, drainage channels are expected to form on the tidal flats adjacent to the causeway. This change will occur during construction only, and will be temporary and reversible. The VFPA will ensure the study and management of potential channel formation related to drainage of tidal waters through the causeway dyke during the construction phase. Changes will be incorporated in detailed design, as required. Changes from the expansion of the tug basin include the conversion of local tidal flats to subtidal waters. Although the formation of additional tidal channels is not anticipated, a small increase in the size of an existing channel is likely. No incremental cumulative changes in coastal geomorphology are anticipated to result from the Project in combination with other projects and activities. **Addressed in response to IR2-08:** As outlined in the VFPA's response to IR2-08, ongoing geomorphic processes have resulted in changes to the Fraser River delta foreslope (located in deeper water at the outer edge of the tidal flats) in the vicinity of the proposed terminal. Construction of RBT2 will result in armouring of a 1,700 m long section of the foreslope down to -30 m chart datum (CD), and will effectively halt any erosion of the foreslope in that area that may be occurring at present. **Addressed in responses to IR2-07 and IR2-09:** As outlined in the VFPA's responses to IR2-07 and IR2-09, topographic changes on the tidal flats have been evaluated, including changes to existing tidal channels. These changes are related to ongoing geomorphic processes as well as changes related to previous construction of the causeway and existing terminals. Widening of the causeway and development of RBT2 is not predicted to change drainage patterns or the morphology of the tidal flats in this area north of the causeway in the future with the Project. **Addressed in response to IR2-16:** Clarification concerning the assessment of changes to coastal geomorphology that may occur in relation to the construction and operation of the proposed Project is provided in the VFPA's response to IR2-16. The response confirmed that all Project components have been assessed in accordance with the requirements of the *Updated EIS Guidelines* for the local study area, which extends from the BC Ferries Terminal to Canoe Passage. **Addressed in response to IR2-17:** The VFPA's response to IR2-17 includes additional clarification concerning the expected extents of changes to coastal geomorphology related to the proposed Project. Changes to coastal geomorphology and hydrodynamic conditions in areas on the south side of the existing Roberts Bank causeway, including the inter-causeway area and areas south of the BC Ferries Terminal, that are related to the Project components on the north side of the causeway are not anticipated because areas on the south side are	**Information Requests** Response to Sufficiency Information Request #07 (IR2-07 of CEAR Document #961) Response to Sufficiency Information Request #08 (IR2-08 of CEAR Document #961) Response to Sufficiency Information Request #09 (IR2-09 of CEAR Document #961) Response to Sufficiency Information Request #16 (IR2-16 of CEAR Document #961) Response to Sufficiency Information Request #17 (IR2-17 of CEAR Document #961)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				hydrodynamically isolated from the north side of the Roberts Bank causeway by deep water and the presence of the existing causeways. The only Project component expected to influence coastal geomorphology or hydrodynamics in the inter-causeway area is the expanded tug basin, which is expected to result in localised changes to the existing coastal landforms in that area.	
PT-5.3	Concerned that Canoe Pass is getting closed off because of the current terminal configuration and corresponding build-up of sand.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for onsideration by the Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphological processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table

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Table 6: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

PT-6.1	Asked whether potential negative impacts on other industries are assessed in the economic development valued component.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:**
			Responded that the impacts on other industries was assessed in the EIS.
			01-Apr-2015, Letter from the VFPA to Penelakut Tribe:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.
				Addressed in EIS Appendix 7.2-B (#113):
				The economic development assessment evaluated potential Project-related effects on local and regional economies, and focused on:
				• Business revenues associated with the direct supply of materials, goods, and services to the Project for construction and operation;
				• Business revenues associated with supply of inputs to the businesses that are directly supplying goods and services to the Project;
				• Induced revenues for businesses related to household spending by workers employed as a result of the Project;
				• Construction sand supply and consumption; and
				• Consistency with economic development plans.
				The economic development assessment concluded that:
				• The Project is expected to result in the following positive effects on economic development in Metro Vancouver:
				  ○ During the 5.5 year construction phase:
				  ▪ $837 million in additional gross revenues to businesses in Metro Vancouver
				  ▪ $238 million in induced household spending in Metro Vancouver
				  ○ During operation:
				  ▪ $31 million annually in materials, good, and services contracting revenue to the economy of Metro Vancouver
				  ▪ $71 million of annual induced household spending in in Metro Vancouver
				• The Project is expected to result in an increase in materials, goods, and services contracting revenues for Indigenous businesses located in Metro Vancouver.
				• The Project is expected to result in negligible effects on construction sand availability and price.
				• The Project is consistent with economic development strategies in Metro Vancouver's Regional Growth Strategy, the economic development objectives of the City of Delta, and the general directions set out in the Tsawwassen Land Use Plan of Tsawwassen First Nation.
				• The Project is expected to result in positive effects to economic development in Metro Vancouver; therefore, the Project is not expected to result in measurable adverse residual effects. The Project is not expected to result in incremental adverse cumulative effects on economic development.
				• The economic development assessment includes assessment of potential adverse effects on local sand supply, resulting from the Project-related demand, as well as potential adverse effects on labour market balance (including wage inflation or labour shortages). Further details on rationale for the scope, methods, and conclusions are provided in EIS Section 20.0.
					EIS
					Appendix 7.2-B Aboriginal Groups Issues and Interests Table
					19.0 Labour Market
					19.7.3 Potential Effect #3 - Potential Change in Labour Market Balance
					20.0 Economic Development
					20.6.1 Rationale for Negligible Effect – Change in Construction Aggregate Availability and Price
					20.6.2 Potential Effect #1 – Change in Materials, Goods, and Services Contracting Revenues
					20.6.3 Potential Effect #2 – Change in Induced Output (Revenues)
					20.6.4 Potential Effect #3 – Consistency with Economic Development Plans
					20.8 Characterisation of Residual Effects and Context

PT-6.2	Requested longitudinal socio-economic studies beyond what is required for the EIS.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for consideration by Project team. **29-Oct-2014, Aboriginal Groups EIS Preliminary Results Workshop #4:** Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs.	**Additional information provided by the VFPA:** The EIS was developed to meet the requirements specified in the *EIS Guidelines*, including the nature, scope, and extent of the information required of a designated project being assessed pursuant to the *Canadian Environmental Assessment Act, 2012* (*CEAA, 2012*) and the *BC Environmental Assessment Act*. The socio-economic studies undertaken to support the EIS fulfil this requirement.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2: Members of the Cowichan Nation Alliance were provided with the opportunity to discuss socio-economic VCs. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **29-Apr-2016, Meeting:** Provided an "Employment Opportunities Information Sheet." The information sheet highlighted opportunities during construction and operations.		34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**
PT-6.3	Concerned about the labour market and economic development studies excluding Aboriginal members and/or communities located outside the Metro Vancouver region.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **19-Apr-2016, Letter from the VFPA to Penelakut Tribe:** Shared meeting notes from the 11-Dec-2014 meeting, which included the following post-meeting note: As noted in the response for issue ID# 111 of RBT2 EIS Appendix 7.2-B, the local assessment area (LAA) for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measureable or detectable. While there may be members of Aboriginal groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Aboriginal groups were not considered to be measureable or detectable.	**Addressed in the EIS Appendix 7.2-B (#111):** The LAA for labour market and economic development was defined as Metro Vancouver. Cowichan community members living in Metro Vancouver will be reflected in the aggregate data for this region. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measureable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measureable or detectable. **Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 18.0 Social and Economic Setting 18.4 Population 19.0 Labour Market 19.3.1 Spatial Boundaries 20.0 Economic Development 20.3.1 Spatial Boundaries 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA to Penelakut Tribe: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.		
PT-6.4	Requested to discuss the financial case for RBT2. Requested a presentation on the financial structure of RBT2 – how you enter into an agreement with an operator, how you obtain your revenues, not just the financial report. Asked what the VFPA expects revenue from the Project to be once it is operational, and the business arrangement with the terminal operator. Asked about the VFPA's revenues for the Project.	18-Aug-2014, Meeting with Penelakut Tribe 11-Nov-2015, Meeting with Penelakut Tribe 26-Sep-2016, Meeting with Penelakut Tribe 01-Dec-2016, Meeting with Penelakut Tribe	**18-Aug-2014, Meeting:** Recorded comment for follow-up. **10-Sep-2014, Email from the VFPA:** Shared the 2013 VFPA Financial Report. Stated that it is the VFPA's understanding that the report (attached), and others on the website, will provide the type of information Penelakut is seeking. **11-Nov-2015, Meeting:** Stated that all the financial information the VFPA can provide is in EIS Section 20.0 and in the Executive Summary. **26-Sep-2016, Meeting:** Recorded comment for follow-up. **01-Dec-2016, Meeting:** Explained that lease information is confidential. As for the fees, they are also confidential as part of the lease negotiation.	**Addressed in MSA Appendix 5-B (#5):** The economics of the Project are included in EIS Section 2.0. Information about the VFPA's financials, updated annually, is provided on the VFPA's website. **Additional information provided by the VFPA:** **Revenue Streams for Canada Port Authorities** The VFPA earns its revenues through port fees charged to port users and rents charged to tenants who occupy the federal lands that it manages within its jurisdiction. Although the actual rents we charge are confidential, we look to the local real estate market to guide the amount of rent we charge for the use of our lands. Our standard form lease would require that rent for industrial and commercial tenures is reviewed every three years. Canadian Port Authorities pay an annual stipend to the federal government based on its gross revenue. A payment in lieu of property taxes for vacant lands and waters is also made to bordering municipalities within its jurisdiction. Canadian Port Authorities do not have authority to collect taxes and do not receive any funding from governments. **Market and Concession Process for RBT2** The VFPA is undertaking two separate procurements for the terminal operator and for the infrastructure developer. This approach was selected due to the suitable allocation of economic risk and return for each party, as well as the provision of financial accountability during Project development and operation. Through the terminal operator procurement process, the terminal operator will provide the port authority with regular payment of rent, as well as ongoing fees and charges, the form and amount of which will be one of the key selection criteria in the procurement process, which is currently underway. The infrastructure developer will be responsible for the designing, building, financing, and maintaining the terminal land and related infrastructure. Once the Project is constructed, and subject to ongoing availability and function of the terminal, the port authority will make regular payments to the infrastructure developer over the upcoming decades, to compensate them for designing, building, financing, and maintaining the terminal. Any profit the VFPA earns on this project will be primarily reinvested in infrastructure and other improvements in the gateway for the benefit of all Canadians. **Additional information on port authority finances** For additional information on the port authority's financial information please review the VFPA's Financial Report https://www.portvancouver.com/about-us/statistics/	**EIS** 2.0 Project Overview 20.0 Economic Development **MSA** Appendix 5-B Aboriginal Issues and Interests

Penelakut Tribe

Table 7: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-7.1	Proposed that certain central terms be defined to ensure consistent use and understanding throughout the Project review process – namely "cumulative effect," "cumulative environmental effect," "mitigation," and "report".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Canadian Environmental Assessment Agency (Agency) has developed a glossary of terms used in the context of the* Canadian Environmental Assessment Act, 2012 *(CEAA 2012) and it is available at: http://www.ceaa-acee.gc.ca/default.asp?Lang=en&n=E7F0FC59-1&offset=&toc=hide. In addition, CEAA 2012 defines the term "mitigation measures" as measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means."* *For the purposes of Crown consultation, if members of the Cowichan Nation Alliance would like to provide information to the Review Panel about the impacts of any aspect of the Project, including marine shipping, the Review Panel will receive this information as directed in Section 3.9."*	**Additional information provided by the VFPA:** In developing the EIS, the VFPA relied on federal guidance documents (such as noted by the CEA Agency in their April 17, 2015 letter (CEAR Document #278)). The EIS also includes a glossary (summary of definitions) applicable specifically to the EIS.	
PT-7.2	Stated that in order to comprehensively assess the full extent of Project impacts, it is essential that the Review Panel consider cumulative effects that are measured against a pre-industrial baseline; this is necessary to understand the extent to which the environment and the ability of Aboriginal peoples to exercise Aboriginal and Treaty rights has already been compromised. Recommended that the draft ToR include a non-exhaustive list of projects and activities that should be included to ensure their impacts are considered e.g. the Tsawwassen Ferry Terminal, the Deltaport Terminal Road and Rail Improvement Project, the South Fraser Perimeter Road, the Tsawwassen First Nation Industrial Land Development, the Tsawwassen Mills and Power Centre and the Deltaport Third Berth Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"A list of projects has been provided in the Environmental Impact Statement (EIS) Guidelines http://www.ceaa-acee.gc.ca/050/documents/p80054/97463E.pdf on page 31 and includes the following direction to the Proponent: "The EIS will include a narrative discussion of existing projects in the vicinity of the proposed project, including but not limited to the Tsawwassen Ferry Terminal, Deltaport Terminal Road and Rail Improvement Project, South Fraser Perimeter Road, Tsawwassen First Nation Industrial Land Development, Tsawwassen Mills and Power Centre and Deltaport Third Berth."* *On page 32 of the EIS Guidelines request that* "This narrative discussion should include historical data, where available and applicable, to assist interested parties to understand the potential effects of the project and how they may be addressed." *Also, if members of the Cowichan Nation Alliance have information relating to the state of the environment as it relates to the Project, including effects, we invite you to contact the proponent with any pre- industrial baseline information or data you may have, including Aboriginal traditional knowledge."*	**Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in completeness-phase AIR-12.04.15-13, including in that responses' schedules focused on applicable VCs.	**Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-7.3	Stated that Cowichan Nation Alliance anticipates there will be a significant need for ongoing environmental monitoring of the integrity of the Fraser River estuary upon consideration of the growing number of developments in that area. Recommended express direction to the Review Panel to consider the value of ongoing monitoring. Recommended amendment to section 3.2 to of the ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered. However, the Agency encourages you to provide any information or concerns you have related to the Fraser River estuary to the Review Panel for their consideration as part of the environmental assessment."*	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada (ECCC). Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program
PT-7.4	Stated that the Review Panel's identification and recommendation of mitigation measures aimed at addressing potential impacts to Aboriginal and Treaty rights is a significant aspect of the Project review. As such, it is critical that the Review Panel be directed to consider all relevant factors when undertaking this task. For example, the Review Panel's consideration should not be restricted solely to the information received pursuant to section 3.5, but should also include the Review Panel's analysis of the section 2.1 factors, including the Review Panels' assessment of the effects of the Project on asserted and established Aboriginal and Treaty rights, including cumulative effects and the significance of those effects. Stated that it is also important that section 3.7 reflect the importance of considering impacts to	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 3.7, now Section 3.11, has been revised to direct the Review Panel to use information received throughout the environmental assessment, which allows it to use information collected under any section of the Terms of Reference.* *Please see page 3 of the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf for further details. If the Cowichan Nation Alliance has information or opinions on proposed mitigation during the EA process, the Review Panel would welcome that information. The Review Panel has been mandated to provide in its report rationale, conclusions and*		

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	Aboriginal and Treaty rights independent of the Review Panel's recommendation of mitigation measures. Recommended that the Review Panel specify the degree to which each recommended mitigation measure will avoid or minimise the potential adverse effects of the Project on Aboriginal and Treaty rights. This aspect of the analysis is fundamental to the determination of whether a particular mitigation measure is suitable, whether additional accommodation of Aboriginal and Treaty rights is warranted, and may ultimately influence whether the Project should proceed. Recommended amendments to section 3.7 of the draft ToR to address this concern.		*recommendations on the environmental assessment including any mitigation measures and follow up programs. Section 3.11 allows the Review Panel to make recommendations, which will be considered by the Crown, on avoiding or mitigating environmental effects related to potential impacts on potential or established Aboriginal or Treaty rights.* *At the end of the process it is up to the federal government to decide whether or not to adopt the recommendations contained in the Review Panel's report."*		
PT-7.5	Asked whether the EwE Model Study Area predicts Project impacts south of the American border.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the answer varies based on the VC in question, but there may be some localised effects. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#101):** The ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment. No productivity changes, as determined by the ecosystem model, are anticipated outside of Canadian waters, as productivity-related effects result from construction activities, the Project footprint itself, and indirect localised changes to coastal processes around the terminal.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis
PT-7.6	Asked about the third party review of the EwE model: who is conducting the review, what the review consists of, and why the review is being conducted.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that a VFPA-commissioned third party is conducting the review who is experienced in the study of marine ecosystems and modelling, and speculated that he will be looking at the inputs, the results, and assessing whether or not they are valid and based on correct information. Explained that David Preikshot (the independent reviewer) has a PhD in Fisheries Science at UBC.	**Additional information provided by the VFPA:** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the EwE (Ecopath with Ecosim and Ecospace) model, also referred to as the Roberts Bank ecosystem model, is subject to review by the Review Panel. The independent review of the EwE model commissioned by the VFPA (as noted in the previous column) was undertaken prior to finalisation of the EIS. The results of the review informed and were incorporated into the model as it is presented in the EIS. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** As noted in the Preamble in Support of Responses to IR3-01 to IR3-24, the VFPA has actively responded to questions about the	**Information Requests** Response to Information Request #6 (IR-7.31.15-06 of CEAR Document #314) Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928) **From the VFPA to the Review Panel re: Answers to preliminary technical questions submitted during the completeness phase from DFO, NRC, and Environment**

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				application of the Roberts Bank ecosystem model, including through completeness information request responses (see IR-7.31.15-06) and in separate, agency-specific engagement. DFO and Natural Resources Canada (NRC) provided written questions to the VFPA based on a preliminary review of the EIS on November 19, 2015, ahead of an in-person meeting on November 23, 2015. The meeting included representatives from the VFPA, NRC, DFO, ECCC, and other federal agencies. Following this large-scale engagement, a series of more topic-specific meetings were held with individual and/or combinations of agencies through December 2015 and February 2016. Involving DFO, NRC, ECCC, and the VFPA, the meetings provided clarity on topics such as hydrology, sediment modelling, and ecosystem modelling questions posed by the agencies. The VFPA provided a cumulative submission of responses to the agencies in March and May 2016, and these questions and responses were posted to the CEA Agency's registry on September 28, 2016 (CEAR Document #547). In December 2016, the Canadian Science Advisory Secretariat of the DFO Science Branch released its independent review of the Roberts Bank ecosystem model (CEAR Document #900). Numerous federal experts conducted the review, including from DFO and the Canadian Wildlife Service. The general conclusions of the review support how the model was established and agreed that input parameter estimates were adequate for the Roberts Bank ecosystem. Importantly, the DFO Science Branch (with input from NRC) concluded "the EwE model, as implemented in this project and reviewed here, is a useful first-order framework to organise information and derive initial estimates of how the system may respond to perturbations" (CEAR Document #900, p.20).	**and Climate Change Canada, concerning the ecosystem modelling to support the RBT2 environmental review (NOTE: Updated September 28, 2016) (CEAR Document #547)**
PT-7.7	Asked about the funding for the ecosystem productivity model and whether the model is objective.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Explained that the VFPA is working with the University of British Columbia's Fisheries Centre (now the Institute for the Oceans and Fisheries), a leader in ecosystem modelling and the key developer of the EwE approach. Stated that in the environmental assessment application will have all the different assumptions used, all the data sources and why the technical team picked those, for people to critique and give the VFPA feedback on. Stated that the VFPA is trying to be as transparent and open as possible.	**Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24:** The VFPA obtained input on selecting the appropriate approach to assessing productivity at Roberts Bank through the Productive Capacity TAG process. The TAG process recommended use of the EwE model, which is well documented in the scientific literature and has been widely used to quantitatively describe marine food webs, fisheries policy exploration (regulatory decisions on managing fisheries), ecosystem-based fisheries management, and a joint B.C.-Canada environmental assessment. The EwE model was developed at the Institute for the Oceans and Fisheries, and more than 400 ecosystem models applying the software have been published. Thirteen of these publications describe marine areas in B.C., six of which are located in the Strait of Georgia. More information on this model can be found at http://www.ecopath.org/. Additional information concerning the VFPA's selection and use of the EwE model in the environmental assessment is available in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24.	**Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928)
PT-7.8	Noted stark disagreement between the Cowichan Nation Alliance and the VFPA about	11-Dec-2014, Health & Aboriginal Rights	**11-Dec-2014, Workshop:**	**Additional information provided by the VFPA:**	**EIS**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	how cumulative effects are assessed and applied to impacts to Rights. Expressed concern with the cumulative effects studies.	Workshop – Cowichan Nation Alliance 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, and Malahat First Nation	Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests, including concerns around cumulative effects, and provided the VFPA's responses. **29-Aug-2017, Workshop:** Committed to provide information from the EIS and information requests related to cumulative effects studies for RBT2. **20-Feb-2018, Email from the VFPA to Penelakut Tribe:** The VFPA provided draft meeting notes from the 29-Aug-2017 Follow-up Program Workshop. A post-meeting note was included regarding cumulative effects: *"Section 8.1.9 of the RBT2 EIS describes the cumulative effects assessment methodology for the RBT2 environmental impact assessment. An assessment of future cumulative effects was conducted when an adverse residual effect was predicted to occur to a valued component (VC) due to a Project-related interaction. For an intermediate component (IC), an assessment of future cumulative change was conducted to assess when Project-induced changes to an IC may combine cumulatively with changes caused by other projects and activities that will be carried out. Assessment of future cumulative effects for VCs and future cumulative change for ICs can be found in the following sections of the EIS:* *ICs:* • *Air Quality: Section 9.2.9* • *Noise and Vibration: Section 9.3.10* • *Light: Section 9.4.9* • *Coastal Geomorphology: Section 9.5.9* • *Surficial Geology and Marine Sediment: Section 9.6.9* • *Marine Water Quality: Section 9.7.9* • *Underwater Noise: Section 9.8.8* *Biophysical VCs:* • *Marine Vegetation: Section 11.10* • *Marine Invertebrates: Section 12.10* • *Marine Fish: Section 13.10* • *Marine Mammals: Section 14.10* • *Coastal Birds: Section 15.11* *Socio-Economic VCs:*	The *EIS Guidelines* issued by the CEA Agency do not require a cumulative effects assessment with respect to the ability of Indigenous groups to exercise their asserted or established treaty or Aboriginal rights. **Addressed in EIS Appendix 7.2-B (#27):** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and is consistent with existing guidance documents, including the "Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act 2012*" and "Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects," the "Cumulative Effects Assessment Practitioners' Guide," and the "Guideline for the Selection of Valued Components and Assessment of Potential Effects," among others. Descriptions of existing pre-Project conditions relevant to each VC and IC were developed based on existing information, field studies, data analysis, and modelling. The description of existing conditions considered how ICs and VCs have been already affected by other projects and activities that have been carried out. Expected conditions were also determined where substantial changes are expected to occur to a VC or IC in the future prior to Project construction or operation, such as from changes in regulation or as a result of other projects or activities currently underway. Potential Project-related effects that may persist after the implementation of mitigation measures are called residual effects. The EIS identifies Project-related residual effects and their significance. The determination of significance is specific to each VC and the EIS presents the rationale for the significance thresholds applied. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. Where the Project was predicted to contribute to cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures. Where it was determined that potential adverse effects could occur, technically and economically feasible mitigation measures to avoid, reduce, or offset potential adverse effects to an acceptable level have been proposed. The design and implementation of proposed mitigation measures considers input received from regulators, Indigenous groups, local government, and the public. The methods used to assess the potential effects of the Project, including mitigation measures, residual effects and cumulative effects, are described in the EIS.	Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual Effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment ***Updated EIS Guidelines***

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			• *Marine Commercial Use: Section 21.11* • *Visual Resources: Section 25.10* • *Land and Water Use: Section 26.10* • *Human Health: Section 27.10* • *Cumulative Effects Assessment: Section 28.10* *Information requests related to cumulative effects for RBT2 include:* • *IR #13 – Cumulative Effects Assessment* • *AIR #13 – Cumulative Effects Assessment"*	The VFPA has consulted with Indigenous groups regarding Project components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. Indigenous groups were also provided draft community profiles and rights and Current Use information for their review and comments. Feedback received was incorporated into the EIS.	
PT-7.9	Concerned about the use of representative species in the assessment.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Provided participants with a handout showing ICs, VCs, and species represented by each VC. Discussed how representative species are used in environmental assessments. Explained that for example for the VC marine fish, there are a number of representative focal species and sub-components, more for ease of organisation than anything. For marine fish there are five sub-components, and of those, 13 focal species are covered. Explained why those focal species were selected and some of the studies that supported our selection. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0. EIS Section 8.0 describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs, and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Addressed in EIS Section 8.0:** Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for the ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. **Addressed in Information Request Package 5 – Response to Information Requests Relating to Representative Species:** Representative species are considered in terms of the biological and ecological similarities they share with other species within the sub-component, and for potential similarities in how the Project may interact with and affect them. In some cases, biological attributes may differ within a sub-component grouping, but their interactions with the Project and mechanisms contributing to potential effects from the Project are considered to be analogous. As a result, the VFPA selected representative species for each sub-component for which sufficient information is known, in order to provide an assessment that considers all potential interactions and Project-related effects. For example, substantial information exists for the southern resident killer whale (the representative species used for toothed marine mammals) and much less so for the transient killer whale. While there are some biological differences between the two, they are considered the same species; both rely on underwater noise for prey detection; and potential Project effects and mitigation measures are the same. In this example, it would be both impractical and	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods **Information Requests** Information Request Package 5 – Response to Information Requests Relating to Represented Species

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				inefficient to undertake an assessment on both species as the conclusions of the assessment would be the same. Moreover, in selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. This approach was taken as it would be impractical to characterise existing conditions and assess effects on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions.	
PT-7.10	Stated that the broad drafting of the VCs risks insufficient coverage of environmental components of importance to the Cowichan Nation Alliance. Requested that the following species be listed under the relevant Valued Component heading: i. Marine vegetation: green seaweed ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas iii. Marine fish: Coho, Spring, Chum, Pink, Chinook, and Sockeye Salmon, eulachon, herring, cod, halibut, flounder and sturgeon iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels v. Marine mammals: harbour seal vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard.	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** Aboriginal Groups Valued Components Workshop #1 and #2 provided an opportunity for Indigenous groups to comment on the VCs.	**Addressed in EIS Volume 3:** i. Marine vegetation: Green seaweed (EIS Section 11.0 has been included as the marine vegetation sub-component macroalgae, which includes *Ulva* spp., as well as other brown algal species (bull kelp, rockweed). ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas (EIS Section 11.0). This was considered when selecting marine vegetation sub-components (EIS Section 11.2.1). As the Project is located in the marine environment and Project-related interactions with terrestrial vegetation species are not anticipated, these species were not incorporated into the effects assessment (without an interaction, there is no potential for an effect on these species). iii. Marine fish: coho, spring, chum, pink, Chinook, and sockeye salmon, eulachon, herring, cod, halibut, flounder, and sturgeon (EIS Section 13.0). • All Pacific salmon were considered in the assessment under the sub-component Pacific salmon. Chum and Chinook were selected as representative species for the five salmon species, as they are more estuarine dependent (any predicted effects to chum and Chinook are representative of effects to the other species). Refer to EIS Section 13.2.1 for more information. • Eulachon was assessed through representative forage fish species (see EIS Sections 13.6.2.1 and 13.6.3.3). Eulachon was not selected as a representative species as it is rare within the marine fish LAA based on surveys conducted at Roberts Bank and Sturgeon Bank in past years (EIS Section 13.2). • Pacific herring was included in the assessment as a representative species under the forage fish sub-component. • Lingcod was included in the assessment as a representative species under the reef fish sub-component. Rock cod were assessed through their representation by rockfish, as discussed in EIS Section 13.5.2. • Starry flounder was included in the assessment as a representative species under the flatfish sub-component. Pacific halibut are not typically found in estuarine	**EIS** 11.0 Marine Vegetation 11.2.1 Sub-components 12.0 Marine Invertebrates 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.5.2 Selection of Marine Fish Valued Component 14.0 Marine Mammals 14.2.1 Sub-components 15.0 Coastal Birds 15.2.1 Sub-components

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				environments (including the Fraser River estuary) and therefore would not interact with and be adversely affected by the Project. • Sturgeon were assessed through the use of Chinook and chum salmon representative species. Sturgeon was not selected as a representative species as it is also rare within the marine fish LAA. Refer to EIS Section 13.2.1 for more information. iv. Marine invertebrates: red sea urchin, sea cucumber, and mussels (EIS Section 12.0). • Red sea urchin and sea cucumbers were assessed through the use of Dungeness crab representative species. Red sea urchin and sea cucumbers were considered when selecting marine invertebrate sub-components, but were not selected as representative species as their typical habitat is not an estuarine sand-dominated environment like Roberts Bank. As such, Project-related effects to these species are anticipated to be very limited. • Mussels (specifically the bay mussel (*Mystilus trossulus*)) was included in the assessment under the bivalve shellfish sub-component. v. Marine mammals: harbour seal (EIS Section 14.0). • Harbour seal was considered and included in the marine mammals' effects assessment under the seals and sea lions sub-component. vi. Migratory birds: Brant geese, canvasback duck, Common Merganser, and Mallard (EIS Section 15.0). Brant was included in the coastal birds' effects assessment as a representative species of the waterfowl sub-component. American Wigeon represented Mallard, while common merganser and canvasback duck are represented within the diving bird sub-component. These latter two species were not selected as representative species as they are not common at Roberts Bank, nevertheless, any potential effects to these species are assessed through more common species (that have been selected as representative species). Refer to EIS Section 15.2.1 for more information.	
PT-7.11	Requested more information on the scope and purpose of field studies.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the studies have been undertaken, and will be included in the EIS for review. Each IC and VC section of the EIS contains information on field studies that were undertaken in support of the EIS.	**Additional information provided by the VFPA:** In 2012, the VFPA initiated field, desktop (i.e. literature review), and modelling studies to inform the understanding of existing conditions at Roberts Bank. Building on available information, these studies were designed to address known data gaps, as well as issues and interests of Indigenous groups, stakeholders, and the public, as well as to provide baseline information to assess Project-related effects as part of the environmental assessment. Some Technical Data Reports are appendices to EIS sections, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/	**RBT2 Project website** http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/

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PT-7.12	Requested a rationale for excluding Cowichan Nation Alliance participation in the TAG process. As described further in Section 7.4, the TAG process focused on four key areas identified by [the VFPA]: 1. Coastal Geomorphology, 2. Productive Capacity, 3. Biofilm and Shorebirds, and 4. Southern Resident Killer Whales. Requested a rationale for how the four key areas represent the breadth of Aboriginal interests on Roberts Bank. Stated that First Nations participated in the Technical Working Group process during the Deltaport Third Berth evaluation and deserve a place at the Technical Tables. Asked which technical gaps exist within this process due to inadequate Aboriginal participation.	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA is described in the VFPA's response to IR-7.31.15-08 and MSA IR-02.24.16-4. During the scoping phase of the environmental assessment, specific feedback was sought from Indigenous groups on a list of proposed VCs and sub-components. As described in EIS Appendix 7.2-A, a VC selection and rationale document was sent to Indigenous groups for review and feedback in April 2014. An additional opportunity for input on VC and sub-component selection was provided through participation by Indigenous groups in VC selection workshops held in June and July of 2014. In addition to these specific opportunities to provide feedback on VC and sub-component selection, as engagement activities continued, relevant information provided by Indigenous groups was taken into consideration (as described in EIS Section 7.2). **Addressed in EIS Appendix 7.2-B (#23):** The VFPA established the TAG process in 2012 to engage and consult with leaders in the technical and scientific community to provide guidance on four key topic areas – southern resident killer whales, biofilm and shorebirds, coastal geomorphology, and productive capacity. The TAG Terms of Reference and Summary Reports are available on the Project website: http://www.robertsbankterminal2.com/information-centre/project-documents/. The following Indigenous groups were invited to contribute to the TAG process: • Tsawwassen First Nation; • Musqueam First Nation; • Semiahmoo First Nation; • Tsleil-Waututh Nation; • Stó:lō Nation; and • Stó:lō Tribal Council. The TAG process was also discussed in meetings with Indigenous groups, and summary reports on the TAG process were provided to all Indigenous groups for review and comment. Additional information provided by the VFPA: Summary Reports are also available as appendices to the following IR responses: • Package 2 Preamble - Appendix IR2-A Coastal Geomorphology Technical Advisory Group Summary Report • Preamble in Support of Responses to IR3-01 to IR3-24 - Appendix IR3-A Productive Capacity Technical Advisory Group Summary Report • Appendix IR5-29-B Biofilm & Shorebirds Technical Advisory Group Summary Report • Appendix IR5-29-C Southern Resident Killer Whales Technical Advisory Group Final Report	**EIS** Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table 7.3.3.2 Consultation **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Revised Responses to Information Request Package 2 (CEAR Document #961) Responses to Information Request Package 3 (CEAR Document #984) Response to Information Request #5 (IR56-29 of CEAR Doc #1185)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-7.13	Requested information about the process whereby it was determined that a VC was of interest to Aboriginal groups. Asked which VCs were identified by Aboriginal groups. Requested list of specific VCs that were selected based on Community Knowledge and ATK. Stated that candidate VCs of interest to Aboriginal groups were excluded if the following two additional questions were not answered affirmatively: "Does the candidate VC occur near or within the Project Area?" and "Could the Project interact with the candidate VC?" Asked how Community Knowledge and ATK was incorporated to answer these two additional questions.	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	The VFPA has reviewed this letter and provides the following information.	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA, including when it was used to inform VC selection, is described in IR-7.31.15-08 and MSA IR-02.24.16-4. During the scoping phase of the environmental assessment, specific feedback was sought from Indigenous groups on a list of proposed VCs and sub-components. As described in EIS Appendix 7.2-A, a VC selection and rationale document was sent to Indigenous groups for review and feedback in April 2014. An additional opportunity for input on VC and sub-component selection was provided through participation by Indigenous groups in VC selection workshops held in June and July of 2014. In addition to these specific opportunities to provide feedback on VC and sub-component selection, as engagement activities continued, relevant information provided by Indigenous groups was taken into consideration (as described in EIS Section 7.2).	**EIS** 7.2 Aboriginal Groups Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
PT-7.14	Requested the threshold criteria which were adopted with respect to determination of significance of residual adverse cumulative effects. Stated that they need to understand what the thresholds as they dictate the classification of "significance."	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	The VFPA has reviewed this letter and provides the following information.	**Addressed in EIS Section 8.0:** To determine the significance of residual adverse effects, the assessment considered the nature of each residual effect and the context within which it is expected to occur. The existing (or expected) condition of each VC was compared with the future conditions predicted to result from the Project. The anticipated future condition of each VC with the Project was compared to a threshold of significance defined for that specific VC. The threshold of significance is the point beyond which the integrity of the VC may be compromised, and the residual effect is considered to be significant. If the future condition of the VC with the Project does not exceed the defined threshold, the effect is considered to be not significant. If the future condition of the VC with the Project does exceed the defined threshold, the effect is considered to be significant. When defining the threshold of significance, the assessment included consideration of existing standards, guidelines, or objectives that have been established by government through regulation or applicable regional land and resource use management plans or other mechanisms, where available and suitable for determining significance. If no appropriate government-established threshold was available, the significance threshold was defined using the professional judgement of the Project team and current scientific knowledge about the VC. The rationale for the significance threshold used in the assessment and for the determination of significance is provided for each VC.	**EIS** 8.0 Effects Assessment Methods 8.1.8 Determination of Significance of Residual Adverse Effects
PT-7.15	Asked if the cumulative effect of a 6% increase in container vessel traffic will become the tipping-point that results in measurable and undesirable impacts when all project-based vessel traffic increases are taken into consideration located within both B.C. and the State of Washington. Only southern resident killer whales were deemed to be near such a threshold.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Agency requested additional information on the projects used in the cumulative effects assessment in additional information request "#7 Reasonably Foreseeable Projects and Activities".* *In addition, the Panel will determine whether it requires additional information or clarification*	**Addressed in MSA Section 6.7:** As noted in MSA Section 6.7, each assessment section in MSA Sections 7.0, 8.0, and 9.0 includes an assessment of potential additional future cumulative interactions between the residual effects anticipated for the VC (or residual changes for an IC), if any, and effects associated with additional marine shipping activity in the marine shipping area in 2030 related to reasonably foreseeable projects and activities. Projected future marine shipping traffic volumes are provided in MSA Table 4-7. These traffic volumes are associated with certain and reasonably foreseeable projects and	**MSA** 6.7 Cumulative Effects Assessment Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
		26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	*with respect to this information to inform its sufficiency review."*	activities listed in MSA Appendix 6-A. The significance determination for any residual cumulative effects is made using the same significance threshold as defined for the assessment of residual effects. Potential interactions with future certain or reasonably foreseeable marine-based projects are limited to increases in vessel traffic associated with those projects. The MSA concludes that no adverse cumulative effects are anticipated, with the exception of potential effects to southern resident killer whales. Consistent with the conclusions reached in the EIS, the MSA concludes that southern resident killer whales have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant. Further information concerning how significance criteria was utilised in the MSA is further discussed in MSA IR-02.24.16-7.	7.0 Physical Environment Effects Assessments 8.0 Marine Biophysical Environment Effects Assessments 9.0 Human Environment Effects Assessments **Information Requests** Response to Additional Information Request #7 (MSA IR-02.24.16-7 of CEAR Document #386)
PT-7.16	Noted that identified rockfish predators include dolphins and porpoises, pinnipeds, southern resident killer whales, bald eagles, gulls and terns, juvenile and adult salmon, dogfish, large demersal fish, lingcod, rockfish, skate, and starry flounder. Requested a more accurate list. Asked why human withdrawals (i.e., fishing) were excluded.	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#101):** The Roberts Bank ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not included in the food web.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
PT-7.17	Concerned that information can be manipulated in the assessment to minimise the appearance of impacts to certain species. For example: • Assessments average things out over populations and a period of time, and underrepresent the effect. • Species will have different baseline biomass depending on the time of the year.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that results have not been averaged, and that the team fully understands a lot of species are there temporarily. Explained that this presentation is a high level summary and more detail and specificity will be provided in the EIS. For context, many birds are there for short periods of time. Even though they are there in large numbers for a few weeks, the biomass their presence amounts to over the course of a year is small, which is the timeframe used for the model; the model incorporates seasonal information.	**Additional information provided by the VFPA:** As is noted in the VFPA's response to preliminary questions from DFO and NRC in 2015, question 2.17 Time Steps (2.2.6), annual averages are used to include both spatial and temporal variation in biomass estimates for Roberts Bank. This allows comparisons across highly seasonal and endemic groups. Annual averages are a standard metric for ecological questions and are necessary when conducting an ecosystem level assessment (Harvey 2013, Mackinson and Daskalov 2008, and Preikshot 2013). Understanding that there is variability within any estimate, sensitivity analyses were conducted to examine model performance with a range of input biomasses, centred on the initial value (see question 2.7 (Use of Confidence Limits in RB Model) for more information on this) (CEAR Document #547).	**CEAR Document #547 from the VFPA to the Review Panel Re: Answers to Preliminary Technical Questions Submitted During the Completeness Phase from DFO, NRC And Environment and Climate Change Canada, Concerning the Ecosystem Modelling to Support the RBT2 Environmental Review**
PT-7.18	Concerned that the threshold of impacts are a subjective assessment based on biovariability.	09-Nov-2015, Meeting with Penelakut Tribe	**09-Nov-2015, Meeting:** Recorded comment for consideration by Project team.	**Addressed in EIS Section 8.0:** To determine the significance of residual adverse effects, the assessment considered the nature of each residual effect and the context within which it is expected to occur. The existing (or expected) condition of each VC was compared with the future conditions predicted to result from the Project. The anticipated future condition of each VC with the Project was compared to a threshold of significance defined for that specific VC. The threshold of significance is the point beyond which the integrity of the VC may be compromised, and the residual effect is considered to be significant. If the future condition of the VC with the Project does not exceed the defined threshold, the effect is considered to be not significant. If the future condition of the VC with the Project does	**EIS** 8.1.8 Determination of Significance of Residual Adverse Effects **Information Requests** Response to Information Request #7 (IR-7.31.15-07 of CEAR Document #314) Response to Sufficiency Information Request #11 (IR5-11 of CEAR Document #1153)

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				exceed the defined threshold, the effect is considered to be significant. When defining the threshold of significance, the assessment included consideration of existing standards, guidelines, or objectives that have been established by government through regulation or applicable regional land and resource use management plans or other mechanisms, where available and suitable for determining significance. If no appropriate government-established threshold was available, the significance threshold was defined using the professional judgement of the Project team and current scientific knowledge about the VC (including, when available, scientific data concerning natural ecosystem variability). The rationale for the significance threshold used in the assessment and for the determination of significance is provided for each VC. **Addressed in responses to IR-7.31.15-07 and IR5-11:** Further information concerning how natural variability was considered in the EIS is discussed in the VFPA's responses to IR-7.31.15-07 and IR5-11.	
PT-7.19	Stated that the Project will have a huge impact on the Roberts Bank area and disagrees with assessment conclusions.	01-Dec-2016, Chief & Council Meeting with Penelakut	**01-Dec-2016, Meeting:** Recorded comment for consideration by Project team.	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident that potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. A robust monitoring and follow-up program will be implemented to assess the effectiveness of mitigation measures. The *Updated EIS Guidelines* as issued by the CEA Agency directs the proponent (the VFPA) to provide sufficient data and analysis on any potential changes to the environment to permit a thorough evaluation of the environmental effects of the project by a Review Panel. The Review Panel is currently undertaking an assessment of the environmental effects of the project in a manner consistent with the requirements of the *CEAA, 2012* and the Final Terms of Reference. The Review Panel will prepare and submit a report to the federal environment Minister, who will in turn make a determination of the significance of potential environmental effects. If the Minister decides that the Project is likely to cause significant adverse environmental effects, the Minister must refer to the Governor-in-Council the matter of whether those effects are justified in the circumstances and the decision of whether the Project should be approved. Since the beginning of the environmental assessment process for RBT2, Indigenous groups have, and will continue to have opportunities to participate in, review and comment on the potential effects of the Project, with records of comments being hosted publicly on the CEAA Registry.	***Updated EIS Guidelines*** **FINAL Roberts Bank Terminal 2 Project Review Panel Terms of Reference (CEAR Document #176)**
PT-7.20	Requested that there be a section in the EIS for "mitigation through project alteration" Stated that they want to know how the Project can be altered to avoid impact to Penelakut's community.	26-Sep-2016, Meeting with Penelakut	**26-Sep-2016, Meeting:** Recorded comment for consideration by Project team.	**Additional information provided by the VFPA:** In keeping with the VFPA's mandate to provide a high level of environmental protection, well-planned mitigation measures based on a thorough understanding of the ecological function of the affected environment are key components to preventing and reducing potential Project effects.	

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				For the Project, the VFPA has adopted the use of the following mitigation hierarchy to address Project-related effects to marine biophysical VCs: 1. Avoid potential adverse effects; 2. Reduce or minimise potential adverse effects that cannot be avoided; and 3. Offset potential adverse effects that cannot be avoided, minimised, or reduced. Measures have been incorporated into Project design and construction scheduling to avoid potential effects to VCs. As examples, the terminal has been located in subtidal waters to avoid overlap with sensitive intertidal habitats, designed with a rounded corner on the northwest side to reduce effects of sediment scour and deposition, and designed with fish refuge habitat in the concrete caissons that would form the berth face.	
PT-7.21	Requested a more concise rationale for dismissing changes of up to 30% in productivity as minor and for changes of up to 60% as moderate.	10-Jun-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #210)	**13-Oct-2015, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #310):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 3, #7)."*	**Addressed in response to IR-7.31.15-07:** Designating a category for a sub-component involved a weight of evidence approach. The results of the Roberts Bank ecosystem model were provided in terms of per cent change (within the range of 0% to 100%) and difference in biomass (tonnes, or t) between future scenarios with and without the Project. These results were categorised into the common classification system (in EIS Tables 11-17, 12-8, 13-10, and 15-10), but were not used alone to determine productivity changes to sub-components and representative species/groups. All available lines of evidence (including results from the Roberts Bank ecosystem model, literature, other models, and professional opinion) were synthesised and integrated into the common classification system (described in detail in each of the VC sections and summarised for all sub-components and representative species or groups in EIS Table 17-3). Once all available lines of evidence were considered, the conclusions of productivity change for each sub-component and representative species may have differed from the results based on the Roberts Bank ecosystem model alone. EIS Tables 11-21, 12-11, 13-12, and 15-11 outline the various lines of evidence and common classification category conclusions for all VCs and sub-components.	**Information Requests** Response to Information Request #7 (IR-7.31.15-07 of CEAR Document #314)
PT-7.22	Stated that the EIS is not sufficient to assess environmental effects and requires an assessment of cumulative effects on current use activities of Aboriginal groups. Stated that together, the impacts which have been determined to be negligible may add up to a measurable negative effect.	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	The VFPA has reviewed this letter and provides the following information.	**Addressed in EIS Section 32.0:** EIS Section 32.0 presents a Current Use effects assessment that considered potential effects on: • Access to preferred Current Use locations; • Availability of preferred Current Use resources; • Quality of preferred Current Use resources; and • Quality of Current Use experience. Following implementation of mitigation, adverse residual Project-related effects are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects.	

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Table 8: Engagement and Consultation

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-8.1	Stated that Cowichan Nation Alliance has yet to receive sufficient information regarding the framework that will guide Crown consultation to address potential impacts on Aboriginal and Treaty rights, and that will ensure the Crown discharges its constitutional duties prior to making any decisions about the Project. Recommended that Canada work with Aboriginal groups to develop a detailed consultation plan that includes a process and forum for groups to address issues arising from potential impacts to Aboriginal and Treaty rights from the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown sent letters to Cowichan Tribes, Stz'uminus First Nation, Penelakut First Nation, Halalt First Nation on January 7, 2014 with a proposed Consultation Workplan and invited comments or questions from the First Nations about the Crown's consultation process and proposed approach for discussing and addressing issues arising from potential impacts to Aboriginal and Treaty rights from the Project. We welcome a discussion on the proposed Consultation Workplan with any of the First Nations. To date, we have not received any feedback on the proposal."*		
PT-8.2	Stated that the Review Panel clearly does not have a mandate to discharge all of the Crown's consultation obligations toward Aboriginal groups, as evidenced by section 3.4 of Draft ToR: the Review Panel is prohibited from deciding constitutional issues that engage Aboriginal rights including (a) the validity of potential or established Aboriginal or Treaty rights asserted by an Aboriginal group or the strength of such claims; (b) the scope of the Crown's duty to consult an Aboriginal group; (c) whether the Crown has met its duty to consult or accommodate in respect of rights recognized and affirmed by section 35; (d) whether the Project would be an infringement of potential or established Aboriginal or Treaty rights; and (e) any matter of Treaty interpretation (historic and modern). While the Review Panel will receive information about any potential adverse impacts of the Project on potential or established Aboriginal or Treaty rights and related interests, and may recommend mitigation measures to avoid or minimize those impacts, the scope of this mandate does not involve an ongoing dialogue with Aboriginal groups as is demonstrated by the prohibited issues identified above. The Review Panel has no authority to render conclusions regarding the extent to which the Project might infringe Aboriginal or Treaty rights and does not	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Noted. The Terms of Reference has been amended to provide additional clarity about the role of the Review Panel and of the federal Crown in Section 3.7 which now reads* "Through these Terms of Reference, the Review Panel is given the mandate to collect information on behalf of the Crown as outlined in Section 3.9 to 3.11. The federal government maintains the duty to consult throughout the environmental assessment process and will be responsible for the items detailed in section 3.8, where necessary.""		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	have a mandate to consider accommodation measures beyond mitigation measures. Accordingly, the Crown must provide another forum for these critical issues to be addressed.				
PT-8.3	Requested more information regarding how the noted constitutional issues will be decided, and at what stage of the process. Asked if, for example, the Crown will engage in consultation regarding accommodation measures other than Project mitigation measures during the Project review, or following the Review Panel's issuance of its report.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown will request Aboriginal groups identify any outstanding impacts to potential or established Aboriginal or Treaty rights once the Review Panel's report has been made public and the Crown will consult as appropriate with Aboriginal groups on proposed measures for addressing outstanding impacts.* *Additional information on the integration of Aboriginal consultation into the environmental assessment (EA) process was provided to the Cowichan Nation Alliance with federal officials on November 27, 2014, and is available online in the "Aboriginal Consultation and EA Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100180E.pdf and in the "Review Panel and Aboriginal Consultation Process Diagrams Handout" http://www.ceaa-acee.gc.ca/050/documents/p80054/100179E.pdf"*		
PT-8.4	Emphasised the Crown's legal obligation to provide a clear and transparent outline of how Crown consultation will be undertaken. It is essential that a reasonable amount of time be provided for this process, and in light of the very brief prescribed timeline under which the Project review must proceed, it is essential that Crown consultation commence at an early stage. Stated that the Crown must recognise that the simple fact that the *CEAA 2012* prescribes that the Minister render a decision on the Project within 24 months from the day on which the environmental assessment was referred to the Review Panel (with the possibility of an additional three-month extension) cannot operate to terminate consultation where substantive issues remain to be discussed between the parties. Stated that it is difficult to imagine that the time set aside for post Review Panel report activities will be sufficient to undertake meaningful Crown- Aboriginal consultation.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Crown intends for consultation to be ongoing throughout the entire EA process, and it will be integrated into the EA to the extent possible. We have heard key concerns from members of the Cowichan Nation Alliance and will consider them going forward.* *Additional information on the EA and consultation process is contained in the consultation work plan and handouts referenced in the response above. Issues of concern to Aboriginal groups that are outside the EA process, and any potential outstanding issues identified after the Review Panel report, should be identified and discussed with the Agency.* *Timelines for the federal government's administration of the EA are a legislated requirement under CEAA 2012. However the Agency strives to facilitate and accommodate the participation of Aboriginal groups whenever possible within these legislated timelines.* *Consultation is an ongoing dialogue between the Crown and Aboriginal groups, and should the Project be allowed to proceed subject to conditions in an EA decision statement, consultation with potentially impacted Aboriginal groups would carry on into the permitting phase and beyond depending on what, if any, issues remained outstanding at the time of the EA decision."*		
PT-8.5	Commented that participation funding offered by the VFPA is insufficient.	01-Nov-2013, Meeting 12-Nov-14, Cowichan Nation Alliance EIS Workshop #2	**Cowichan Nation Alliance:** 09-Jan-2014: Offered funding for group Traditional Use study. 24-Apr-2014: Accepted funding for group Traditional Use study.	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes.	**EIS** 7.0 Engagement and Consultation

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that Penelakut's requests to the VFPA for capacity have been denied or ignored. Requested funding to hire a professional to review technical information and attend meetings. Requested funding to cover all VFPA referrals. Requested funding for travel to and from Penelakut for meetings and workshops with the VFPA. Criticised participation funding agreement as insufficient. Stated that Penelakut will not be able to participate properly without additional funding. Requested funding to support Follow-up Program discussions.	18-Aug-2014, Meeting with Penelakut Tribe 26-Aug-2014, Email from Penelakut Tribe 28-Aug-2014, Meeting with Cowichan Nation Alliance 24-Feb-2015, Email 17-Oct-2015, Phone 20-Aug-2015, Meeting 07-Jul-2017, Meeting with Penelakut Tribe 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**Penelakut Tribe:** 06-Jan-2014: Offered funding for participation in the consultation program. 19-Feb-2015: Accepted funding for participation in the consultation program. 22-Aug-2014: Offered funding for fall 2014 consultation activities. 19-Oct-2014: Accepted funding for fall 2014 consultation activities. 11-May-2015: Offered funding for Continued Participation in Project-related consultation activities including Marine Shipping study. 12-May-2015: Accepted funding for continued participation in Project-related consultation activities including Marine Shipping study. 07-Mar-2016: Offered funding to support ongoing involvement in consultation activities. 16-Mar-2016: Accepted funding to support ongoing involvement in consultation activities. 22-Nov-2016: Offered funding for December 1st, 2016 Chief and Councillor meeting. 28-Nov-2016: Accepted funding for December 1st, 2016 Chief and Councillor meeting. 21-Jun-2017: Offered funding for participation in MBA discussions. No signed offer returned. 24-Oct-2017: Offered additional funding for participation in consultation activities for the RBT2 Project. 27-Oct-2017: Accepted additional funding for Participation in consultation activities for the RBT2 Project. 01-Dec-2017: Offered again the funding for participation in MBA discussions. 14-Dec-2017: Accepted funding for participation in MBA discussions.	Additional agreements were also initiated to support the development of studies regarding the Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum First Nation.	7.2 Aboriginal Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
PT-8.6	Stated that at the 2014 workshop the VFPA committed to providing responses to questions. Concerned that all questions are not being responded to. Referred to the difficulty of finding the answers to questions raised today from tens of thousands of pages of materials in the Environmental Impact Statement.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**12-Nov-2014, Workshop:** Reiterated that the purpose of the meeting is to present the information available so far, and to get feedback. Acknowledged that not all of the questions posed today will be able to be immediately answered, but that they are being noted so as to be addressed and responded to. Referred to Appendix 7.2-B which will list all concerns raised, provide a response, and describe where to find additional information in the EIS. **11-Dec-2014, Workshop:** Responses to questions that have not yet been responded to will be included in the EIS, once assessment information has been finalised.	**Addressed in EIS Appendix 7.2-B:** All issues raised by Cowichan Tribes and responses provided by the VFPA can be found in EIS Appendix 7.2-B, including references to the specific sections in the EIS. **Additional information provided by the VFPA:** IR10-01 provides responses to all comments and concerns raised by all members of the Cowichan Nation Alliance regarding the Project and marine shipping from October 2012 up to December 31, 2017.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Information Requests** Response to Sufficiency Information Request #1 (IR10-01)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA to Penelakut Tribe: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **06-May-2015, RBT2 EIS Orientation Workshop:** In response to this concern, the VFPA provided an EIS orientation presentation in order to provide an overview of the EIS and provide an opportunity for questions about the structure and organisation of the EIS. **19-Apr-2016, Letter from the VFPA to Cowichan Tribes:** Provided the notes from the following workshops: • 06-Jun-14 Aboriginal Groups Valued Components Workshop #1; • 03-Jul-14 Aboriginal Groups Valued Components Workshop #2; • 07-Oct-14 Aboriginal Groups Workshop #1; • 08-Oct-14 Aboriginal Groups Workshop #2; • 22-Oct-14 Cowichan Nation Alliance Workshop #1; • 28-Oct-14 Aboriginal Groups Workshop #3; • 29-Oct-14 Aboriginal Groups Workshop #4; and • 12-Nov-14 Cowichan Nation Alliance Workshop #2.		
PT-8.7	Commented that answers are not sufficient regarding impacts on Penelakut's s. 35 fishing, hunting and gathering rights and title in the local assessment area.	12-Dec-2014, Email from Penelakut Tribe	**11-Feb-2015, Email from the VFPA to Penelakut Tribe:** Explained that Penelakut's questions will be responded to in the upcoming weeks either by letter or email, or done so within the EIS. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 32.2:** The assessment of Current Use was carried out in accordance with the *EIS Guidelines*. The assessment concludes that after the implementation mitigation, a negligible residual effect is anticipated. A determination of significance is not made on negligible residual effects, as the effect is not measurable or detectable. The assessment of impacts on rights can be found in EIS Section 32.2.	**EIS** 32.2 Current Use of Land and Resources for Traditional Purposes
PT-8.8	Stated that consultation has been inadequate and not meaningful. Expressed frustration and dissatisfaction with consultation process. Stated that there has been a lack of consultation regarding impacts on s. 35 fishing, hunting and gathering rights. Stated that Penelakut has not been taken seriously and Penelakut's input has been minimised. Stated that Penelakut wants to meet with VFPA decision makers to have a real and meaningful conversation about actual accommodation for the community. Stated that real consultation includes accommodation (financial compensation for infringement of rights in the area).	13-Aug-2014, Email from Penelakut Tribe 18-Aug-2014, Meeting with Penelakut Tribe 20-Aug-2014, Email from Penelakut Tribe 26-Aug-2014, Email from Penelakut Tribe 05-Jan-2015, Letter from Penelakut Tribe 09-Jan-2015, Email from Penelakut Tribe 24-Feb-2015, Email from Penelakut Tribe 01-Dec-2016, Chief & Council Meeting with Penelakut Tribe	**14-Aug-2014, Email and call from the VFPA to Penelakut Tribe:** Arranged a meeting for 18-Aug-2014 to discuss concerns. **20-Aug-2014, Email from the VFPA to Penelakut Tribe:** Committed to taking Penelakut concerns raised at 18-Aug-2014 meeting back to the VFPA. **22-Aug-2014, Letter from the VFPA to Penelakut Tribe:** Provided participation funding agreement and schedule of consultation activities for Penelakut's early reference. **06-Feb-2015, Email from the VFPA to Penelakut Tribe:** Clarified that the EIS does not attempt to prove Current Use but rather it assesses Current Use as described by Penelakut. Stated that the VFPA and its representatives have approached consultation with Penelakut in good faith and with respect, with the intention of meeting the duty to consult with your community and resolving concerns related to the Project. The VFPA will continue to engage with Penelakut in this manner.	**Addressed in EIS Section 7.2:** EIS Section 7.2 Aboriginal Groups Engagement and Consultation describes the engagement and consultation process undertaken with Indigenous groups. **Addressed in IR10-11:** The VFPA's response to Information Requirements #IR10-11 as requested by the Review Panel describes how Indigenous groups will be involved in the development, implementation and management of the RBT2 follow-up program. **Addressed in IR10-12:** The VFPA's response to Additional Information Requirements #12 (IR10-12) as requested by the Review Panel, further discusses the VFPA's proposed approach to engagement and consultation with Indigenous peoples during and after the environmental review.	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			11-Feb-2015, Email from the VFPA to Penelakut Tribe: Stated that with respect to your concerns related to the preliminary assessment of impacts and the VFPA's responses to your questions raised to date in consultation meetings, please be assured that Penelakut's questions will be responded to in the upcoming weeks either by letter/email or done so within the EIS. Questions not answered during consultation are answered in EIS Appendix 7.2-B. Comments regarding meaningful consultation are addressed in EIS Appendix 7.2-B (#15). **29-Mar-2015, Email from the VFPA to Penelakut Tribe:** *"[The VFPA] is committed to continued consultation with your community and as such, is proposing that we meet, at your earliest convenience, to discuss the items outlined in your email. In advance of meeting, I wanted to respond to some of your comments which we can cover in more detail in person.* *With respect to your understanding of consultation, [the VFPA] is in agreement that consultation should involve meaningful engagement between two parties, two way sharing of information including information requested to understand the potential impacts of the proposed project, discussion of how to avoid and mitigate any potential impacts that are identified, and that your concerns are addressed. Please be assured that [the VFPA] recognizes that aboriginal rights are specific to each aboriginal group and are not necessary limited and defined by regulatory requirements.* *In your email you suggest a fresh start and note that the process to date has felt adversarial with no real engagement with your community. [The VFPA] wishes to continue consultation with Penelakut Tribe in a mutually respectful, inclusive and meaningful way. We are hoping to work with you and the community to achieve this and are happy to plan and implement activities that are the most effective forms of community engagement. We do not share your feelings regarding the nature of consultation to date but do wish to move forward with Penelakut in a positive way."* **01-Dec-2016, Meeting:** Stated that the VFPA does take Penelakut's concerns seriously and is looking at how to minimise impacts and benefit the community. Requests often need to be taken back for consideration; there is no instant answer on big issues and topics. The VFPA will consider anything Penelakut says and work with Penelakut to find areas where Penelakut can see real benefits to the community.		**Information Requests** Response to Sufficiency Information Request #11 (IR10-11) Response to Sufficiency Information Request #12 (IR10-12)
PT-8.9	Stated that Penelakut's request for a meeting around mitigating the impacts of the Project on Penelakut's rights have been refused. Stated that Penelakut does not support the Project and will not consent to it	12-Dec-2014, Email from Penelakut Tribe 24-Feb-2015, Email from Penelakut Tribe	**11-Feb-2015, Email from the VFPA to Penelakut Tribe:** Responded that the VFPA does not agree with this perspective. Stated that the VFPA has been and remains committed to working with Penelakut to address concerns related to the Project, to provide Penelakut with available information and to respond to questions.	**Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project.	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	going ahead in core territory until concerns are properly dealt with.		**01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in this appendix. Some questions, comments and requests were addressed at the workshops or through follow up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. The VFPA continues to be open to hear concerns and will notify Indigenous groups when the EIS is submitted. **Additional information provided by the VFPA:** The VFPA and Penelakut continue to have regular discussions to resolve this issue. In July 2017, the VFPA and Penelakut Tribe started discussions regarding a potential mutual benefits agreement.	Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
PT-8.10	Requested clarification of the VFPA's role in the RBT2 environmental assessment and associated potential land dispositions, particularly as it relates to the Crown's duty to consult and accommodate.	06-Jan-2016, Letter to the VFPA from Penelakut Tribe	**15-Mar-2016, Letter from the VFPA to Penelakut Tribe:** The CEA Agency is the Crown consultation coordinator. The VFPA is conducting Indigenous consultation and engagement as directed by the CEA Agency. On completion of the environmental assessment, if the Project were to proceed, it would require a VFPA project permit. The VFPA would consult and, where appropriate accommodate, Indigenous groups prior to issuing a project permit. Any land dispositions from the Province of B.C. aimed at facilitating the Project, and the associated Indigenous consultation, are the responsibility of the Provincial Crown, in this case the Ministry of Transportation and Infrastructure, the VFPA expects to support the Ministry of Transportation and Infrastructure in Indigenous consultation as required.	**Addressed in EIS Section 1.3:** The VFPA is the proponent of the Project and has developed the EIS and MSA to meet the requirements of the *EIS Guidelines* issued by the CEA Agency. The VFPA's role in the environmental assessment is to support the ongoing review by providing requested information.	**EIS** 1.0 Introduction 1.3 Proponent Description
PT-8.11	Asked how they will be included in the VFPA's reference to "thriving communities" in the vision of sustainability.	01-Dec-2016, Chief & Council Meeting - Penelakut	**01-Dec-2016, Meeting:** Stated that it was a complex process to define what we mean by 'sustainability' and the Sustainability Report provides examples such as the port authority being the first to have an environmental department, requirements for mid-ocean ballast discharge, and the first work in the world to help quiet the ships down. Noted that it also includes thriving communities for the	**Additional information provided by the VFPA:** In 2014, with the input of many stakeholders, the VFPA led the development of a definition of sustainability for the Vancouver gateway, concluding that sustainability is not just about the environment, it is also about ensuring the port is here for future generations and the long-term prosperity of the country is preserved.	

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			port, and those living around it, and economic prosperity through trade. Stated that the vision is to be world's most sustainable port and we believe we can do the things we are asked to do in a sustainable way. Noted that the VFPA is here today to discuss this and what Penelakut Tribe thinks would be appropriate mitigation for the impacts. Stated that part of the RBT2 team's job is to understand the impacts, and when we understand what they are we can mitigate.	The VFPA defines a sustainable port as one that delivers economic prosperity through trade, maintains a healthy environment, and enables thriving communities. Within the three sustainability themes, there are ten focus areas and 22 success statements. For additional information about the VFPA's vision, please visit: https://www.portvancouver.com/about-us/sustainability/	

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Table 9: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-9.1	Asked if it would be a harmonised process with the Province.	05-Mar-2013, Meeting with Cowichan Nation Alliance	**05-Mar-2013, Meeting:** Noted that the process has yet to be determined. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#8):** On November 5, 2014, the B.C. Environmental Assessment Office (EAO) confirmed the Project is reviewable under Part 8 of the Reviewable Projects Regulation, B.C. *Environmental Assessment Act*. On December 19, 2014, the B.C. Minister of Environment issued an order under s. 14 of the Act establishing the Province's procedures and methods for conducting the environmental assessment for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister and potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the EAO will principally rely on the environmental assessment to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and the EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister. The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements. More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial environmental assessment for the Project can be found on the EAO's Project Information Centre (e-PIC) website at http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html	**EIS** 6.0 Environmental Assessment and Permitting Process 6.2 Provincial Involvement and Process Appendix 7.2-B Aboriginal Groups Interests and Issues Table
PT-9.2	Concerned that the EIS meets DFO standards not First Nation standards.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Acknowledged the concern and stated that the Project team is trying to understand other perspectives and wants to make sure that we understand what the effects are to fisheries.	**Addressed in EIS Section 1.0:** The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* prepared by the CEA Agency. Indigenous groups have the opportunity to review the EIS and in that context, raise this comment to the CEA Agency and other agencies as appropriate.	**EIS** 1.1 Purpose of the Environmental Impact Statement
PT-9.3	Noted that the draft Panel Terms of Reference is inconsistent with its reference to "Project". Stated that there are references to "project" and "designated Project". Recommended that all references to the proposed ... project be referred to as the "Project".	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been incorporated."*		
PT-9.4	Stated that the draft Terms of Reference (ToR) should direct the Review Panel to explicitly assess potential Project impacts on Aboriginal and Treaty rights and culture. We note	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provide direction to the Review Panel regarding its role and mandate in conducting the EA. In*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	that the list of factors as set out at section 2.1 provides that the Review Panel must account for the "environmental effects" of the Project, of which term is defined at section 5(1) of the *CEAA 2012* to include effects to Aboriginal peoples and their use of lands and resources for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct reference in the list of factors is warranted.	Cowichan Nation Alliance (CEAR Document #126)	Part 3- Mandate of the Panel *in the Terms of Reference, direction has been provided to the Review Panel on collecting information on behalf of the Crown as it relates to potential impacts of the project to potential or established Aboriginal or Treaty rights."*		
PT-9.5	Stated that the draft ToR fails to provide explicit requirements and guidance for assessing socio-economic impacts in relation to Aboriginal people. Noted that the list of factors provides that the Review Panel must account for the "environmental effects" of the Project, which is defined at section 5(1) of the *CEAA 2012* to include health and socio- economic conditions; however we submit that the Review Panel would benefit from clear guidance on this issue.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Agency is currently considering guidance on this topic."*		
PT-9.6	Stated that it is essential that the Review Panel only recommend mitigation measures that are capable of achieving their stated purposes, and capable of demonstrating measurable success. Accordingly, Cowichan Nation Alliance recommended language that requires the Review Panel to put forward only those recommendations that are capable of demonstrating success in mitigating any significant adverse environmental effects. Recommended amendments to section 2.1 the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Section 2.1 provides direction directly from CEAA 2012 and as mentioned above, the legislation provides clarity about what is meant by mitigation.* *The information related to the success of past project mitigation measures should be included in the EIS as discussed above.* *Your comment on possible environmental effects or impacts to potential or established Aboriginal or Treaty rights has been considered and language has been added to section 3.9 as it relates to the Review Panel's mandate in relation to Aboriginal consultation."*		
PT-9.7	Stated that the scope of factors to be considered in the environmental assessment should not be limited by the content of the EIS guidelines. A review panel should give the requisite authority and discretion to decide for themselves the proper scope of the factors that they are considering, as this will fall under their expertise.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The purpose of the EIS Guidelines is for the proponent to identify the information requirements for the preparation of the EIS. The EIS Guidelines specify the nature, scope and extent of the information required for the EIS. Note that the EIS Guidelines set out the minimum information requirements – it is the proponent's responsibility to provide any additional information as required by the Agency or the*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Recommended amendments to section 2.3 of the draft ToR to address this concern.		*Review Panel, once it has been established, for the assessment of the environmental effects of the Project.* *Under CEAA 2012, the scope of the factors to be taken into account in the environmental assessment by the Review Panel are those in section 19(1)* a) *to* i). *The Minister may require that any other matter relevant to the EA be taken into account by the Review Panel under section 19 (1)* j)*."*		
PT-9.8	Stated that the Review Panel should not be limited to considering information provided solely by the participants – government agencies and departments may also have valuable information to contribute. Recommended amendments to Section 3.5 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your comment has been considered and Section 3.5 has been amended to direct that the "Review Panel shall accept as part of its record and review:" Federal authorities and government are already considered participants in the Review Panel process and henceforth covered by this Section."*		
PT-9.9	Stated that Panel members should have knowledge or experience relevant to the anticipated impacts of the Project on Aboriginal and Treaty rights. Recommended amendments to section 4.1 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Cowichan Nation Alliance members are welcome to submit potential panel candidates to the Agency. Panel Members must be unbiased and free from conflict of interest relative to the Project and have knowledge or experience relevant to the anticipated environmental effects of the project. Please provide suggested names and CVs to [provided contact information]."*		
PT-9.10	Stated that it is critical that those parties that provide the Panel Members with support in a procedural, technical, administrative or advisory manner be unbiased and free from any conflict of interest relative to the Project and, where applicable, have knowledge or experience relevant to the anticipated environmental effects and impacts of the Project. Requested addition to the end of section 4.5: The Secretariat will be unbiased and free from conflict of interest relative to the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Your proposed change has been made."*		
PT-9.11	Requested addition to the end of section 4.18: Any federal authority that assists the Review Panel will be unbiased and free from conflict of interest relative to the Project and will have knowledge or experience relevant to the anticipated environmental effects and impacts of the Project.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Federal experts participate in environmental assessments in accordance with the mandate and areas of responsibility of their departments. Public servants are guided in their work and professional conduct by the Values and Ethics Code for the Public Service."*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-9.12	Stated that it is possible the Review Panel will not be capable of fulfilling its mandate and submit its report to the Minister within 14 months. Recommended that section 4.13 expressly confirm that the Review Panel must ultimately take the time that it requires to properly and completely discharge it mandate subject to the CEAA 2012, which allows the Minister to modify the statutory limits imposed on a review panel (CEAA 2012, subsection 38 (4)). Recommended amendments to section 4.13 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"CEAA 2012 has legislated timelines for the completion of an EA by Review Panel. The Review Panel must fulfill its mandate and provide a report to the Minister within the timelines set out in the legislation and as directed in the Terms of Reference."*		
PT-9.13	Stated that the Review Panel should be required to give more than 30 days' notice of tis public hearing, as many participants must prepare and reschedule other commitments in order to participate. Accordingly, notice of a minimum of 90 days should be required. Stated that the timing and location of the public hearing is of critical importance to our communities; we require an opportunity to comment on the draft document setting out the schedule and location of public hearing prior to finalisation by the Review Panel. Recommended amendments to section 4.22 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Terms of Reference provides a minimum timeframe for the notice of the start of public hearings.* *The Review Panel is responsible for developing procedures for the conduct of the public hearing, including timing, location, format and other logistics. The Panel may, at its discretion, make draft hearing procedures available for comment.* *If members of the Cowichan Nation Alliance have suggestions on the timing or notification required for public hearings, they may provide that information to the Review Panel once it is established."*		
PT-9.14	Stated that the draft ToR should direct the Review Panel to explicitly include their identification of potential impacts on Aboriginal and Treaty rights and culture in the report. Noted that the list of required coverage in the Review Panel's report includes an identification of those conclusions that relate to the environmental effects defined in section 5 of the CEAA 2012, which includes effects to aboriginal peoples and their use of lands and resources for traditional purposes; however, in light of the significance of potential impacts to Aboriginal and Treaty rights from the Project, a more direct	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"The Review Panel has been directed to collect and summarize information provided to it by Review Panel participants about any potential impacts on potential or established Aboriginal or Treaty rights in its report (section 3.10).* *The Minister of the Environment has requested the Review Panel provide its conclusions and recommendations in relation to any environmental effects of the Project on Aboriginal people as set out in section 5 of CEAA 2012 as it is responsible for conducting the EA on the designated project.* *The Crown will maintain the duty to consult throughout the EA process and will conduct an assessment of what the potential project impacts are to the exercise of potential or established Aboriginal or Treaty rights. The Crown has already communicated the preliminary depth of consultation*		

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	reference to the list of required coverage for the report is warranted. Recommended amendments to section 4.27 of the draft ToR to address this concern.		*assessment letters dated January 7th, 2014 as referenced in the first response in this table.* *The Crown will communicate a revised depth of consultation assessment once the Review Panel has issued its report and is willing to discuss this assessment with Cowichan Nation Alliance members at this time. Cowichan Nation Alliance members are encouraged to raise any potential environmental effects, and/or impacts of the Project on potential or established Aboriginal or Treaty rights to the Review Panel to ensure the Crown has a robust understanding of your concerns at the point that the Review Panel issues its report."*		
PT-9.15	Stated that section 4.28 obliges the Review Panel to include in its report "information it has received with respect to the justifiability of those significant adverse environmental effects". If the report is to recognise arguments that seek to justify significant adverse effects, the report must, as a matter of fairness and completeness, recognise arguments that such effects are not justified. Otherwise, the Minister will receive a biased report. Recommended amendments to section 4.28 of the draft ToR to address this concern.	22-Sep-2014, Letter to the CEA Agency from Cowichan Tribes on behalf of Cowichan Nation Alliance (CEAR Document #126)	**17-Apr-2015, Letter from the CEA Agency to Cowichan Tribes (CEAR Document #278):** *"Please see the additional clarity on justification related to likely significant adverse environmental effects added in Section 3.5 which states* "In accordance with sections 47 and 52 of CEAA 2012, if the Minister decides that the project is likely to cause significant adverse environmental effects, the Minister will refer the matter to the Governor in Council (Cabinet) who must decide whether those environmental effects are justified in the circumstances." *The Review Panel will not make the determination on whether likely significant adverse environmental effects may be justified, but if, taking into account the implementation of any mitigation measures, the Review Panel concludes that the project is likely to cause significant adverse environmental effects, the Panel may include in its report information that it has received with respect to whether those significant adverse environmental effects are justified in the circumstances."*		
PT-9.16	Stated that the Penelakut Tribe has a general concern with the VFPA's failure to update its EIS materials on the basis of new information provided by Penelakut. Stated that the MSA should have incorporated new information provided by Penelakut about its marine uses. Instead, the MSA refers back to and relies on the incomplete information provided in the EIS. Penelakut is working with the VFPA to correct this. Asked what the VFPA's response in the MSA "VFPA is considering the new information provided by Penelakut Tribe" means.	08-Dec-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #347) 29-Apr-2016, Meeting with Penelakut Tribe	**12-May-2016, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #401):** *"Penelakut can submit information you wish to correct about your Nation directly to the Panel once they have set out procedures for receiving information. Alternatively, the Agency encourages [the VFPA] and Penelakut to work together to resolve any disagreement in information [the VFPA] has provided about Penelakut."* **30-Jun-2016, Letter from the VFPA to Penelakut Tribe:** *"As noted in the table accompanying the port authority's letter of April 25, 2016, the specific information regarding Penelakut's use of Roberts Bank "as recently as this spring" and in "recent sockeye runs" identified in the comment (and submitted by Penelakut to the port authority by letter dated August 27, 2015) was not available to the port authority at the time the EIS was filed.* *Information relating to Penelakut's recent use of the Project area was included and considered in the Marine Shipping Addendum and in the port authority's responses to Information Requirements issued by [the CEA Agency] and is therefore part of the official record for the Panel's review"*		

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Table 10: Environmental Management Program

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-10.1	Asked if the lessons learned from eelgrass transplants that took place as part of Deltaport Third Berth have been taken into account for RBT2. Noted that eelgrass is very important to Cowichan Tribes. Interested in and request information about the follow-up monitoring work that took place as part of Deltaport Third Berth.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 27-Jan-2017, Meeting with Penelakut Tribe	**22-Oct-2014, Workshop:** Responded that the VFPA recently hosted a workshop that brought together eelgrass experts from the west coast to share knowledge and experience. Noted that prior to 1986 there were a lot of challenges, but since then transplants have had a success rate of over 90%. **27-Jan-2017, Meeting:** Offered to bring a technical expert to a future meeting who can speak to the Adaptive Management Strategy that was part of DP3. **29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3.	**Addressed in EIS Appendix 7.2-B (#201):** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting
PT-10.2	Stated that no Aboriginal involvement with the Scientific Advisory Committee (SAC) and monitoring was a failure to consult with Aboriginal communities for the Deltaport Third Berth Project. Noted the SAC would be a good opportunity to have Aboriginal Traditional Knowledge included and to have First Nations input on the selection of committee members. Added "we would like engagement in the governance of the monitoring program."	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**29-Aug-2017, Workshop:** Noted input on governance for the Follow-up Program and stated that it will be considered in the planning for the RBT2 Follow-up Program governance structure for further discussion in future Follow-up Program meetings.	**Addressed response to in IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 Follow-up Program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
PT-10.3	Stated that they do not believe that the environmental assessment process is effective at assessing risk. Stated that there is no ability to predict outcomes until actual inputs from after a project is built are used in the assessment. Noted they never agreed with the VFPA assessment on level of impact and expect the impacts to be larger. Expressed concern with how the assessment was conducted by the VFPA's consultants. Stated that they want to see a third party environmental monitor involved	27-Jan-2017, Meeting with Penelakut 29-Aug-2017, Follow-up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**27-Jan-2017, Meeting:** Referred to prior development at Roberts Bank (DP3) and noted follow-up studies were undertaken to assess actual versus predicted impacts and the assessment was shown to be fairly accurate. **29-Aug-2017, Workshop:** The VFPA met with members of the Cowichan Nation Alliance to discuss the Follow-up Program and lessons learned from DP3. The VFPA sought input into the Program through asking the following questions at the workshop:	**Additional information provided by the VFPA:** As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. **Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3 as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project.	**EIS** 33.5 Follow-up Program

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	in Follow-up Program implementation that is not involved in the original findings. Suggested the monitoring program be separated from the VFPA jurisdiction.		• What is important to you (Cowichan Nation Alliance) and your community?; • What elements would you (Cowichan Nation Alliance) like to see monitored?; and • How would you (Cowichan Nation Alliance) like to be involved moving forward? Noted comments on monitoring and stated that they will be considered in Follow-up Program planning.	To ensure the program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	

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Table 11: Human Health – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-11.1	Concerned about the determination that the Project is not expected to result in detectable effects on human health.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#149):** The following are highlights of the human health assessment: • Seven potential mechanisms for human health effects were assessed: air emissions, noise and vibration, shellfish contamination, stress and annoyance, employment and income, food security, and health inequity. • Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of environmental management plans and additional mitigation measures. • The Project is not expected to result in any significant adverse residual effects on human health. • The Project is not expected to result in measurable incremental residual cumulative effects to human health. With mitigation, all potential Project-related effects are expected to be negligible (not measurable), with the exception of residual effects on human health related to exposure to air emissions during construction, and exposure to noise during construction and operation. These effects are predicted to be not significant. A rationale for the determination is provided in EIS Section 27.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 27.0 Human Health 27.6 Future Conditions with the Project – Potential Project-Related Effects 27.7 Mitigation Measures 27.8 Characterisation of Residual Effects and Context 27.9 Determination of Significance of Residual Adverse Effects
PT-11.2	Stated that the EIS states: "Despite the importance of understanding traditional food consumption, limited data are available on subsistence harvesting in the local assessment area" (EIS p. 27-35). This represents a clear information gap and should be identified as such in the EIS. Stated that the EIS should provide an explanation of the steps taken by the proponent, to obtain information on subsistence harvesting in the local assessment area and a rationale for proceeding to assess impacts to food security of Aboriginal people despite the absence of this information.	10-Jun-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #210)	**13-Oct-2015, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #310):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 15, #31)."*	**Addressed in responses to IR-7.31.15-31 and AIR-12.04.15-31:** The VFPA's responses to IR-7.31.15-31 and AIR-12.04.15-31 present a summary of baseline reliance on country foods for each Indigenous group. The summary draws on the original information sources used for the development of EIS Section 32.0, including technical studies, as well as correspondence and meeting minutes from engagement with specific Indigenous groups. EIS Section 32.2, examines potential Project-related and cumulative effects that are relevant to traditional food consumption and nutritional health. These potential effects are related to access to preferred locations for harvesting preferred food resources, availability of preferred food resources, and quality of preferred food resources. Based on information considered in EIS Section 32.2, there are no anticipated residual effects to most traditional food sources, including marine vegetation, marine fish, coastal birds, marine mammals, and most marine invertebrates, including bivalve shellfish and Dungeness crab.	**Information Requests** Response to Information Request #31 (IR-7.31.15-31 of CEAR Document #314) Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #388)
PT-11.3	Stated that the EIS is not sufficient to assess environmental effects and requires an assessment of human health impacts that is based on the Penelakut Tribe's shellfish consumption rates instead of on the consumption rates relied upon in the EIS. Rationale: On January 4, 2016, the Penelakut Tribe advised the VFPA that Penelakut shellfish consumption rates were significantly higher than the rates relied on in the EIS for the assessment of human health impacts from contamination. Stated that Penelakut Tribe has provided the VFPA with information about shellfish consumption rates of Penelakut members, which are	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615) 14-Nov-2017, Letter to Panel from Penelakut Tribe (CEAR Document #1092)	**04-Feb-2016, Letter from the VFPA to Penelakut Tribe:** *"In [the VFPA]'s meeting with [Cowichan Nation Alliance] on June 17, 2015, Penelakut Tribe informed [the VFPA] that it relies on the Roberts Bank area for crab harvesting due to contamination present in areas closer to their communities. Penelakut Tribe advised that they secured a total catch of about 2,700 to 3,000 lbs of crab for food, social and ceremonial purposes in this area in April 2015. [The VFPA] included this new information in the [MSA], submitted in October 2015 (see pp. 9.5-107 to 9.5-108)."*	**Addressed in responses to IR-7.31.15-29 and AIR-12.04.15-29:** The VFPA's responses to IR-7.31.15-29 and AIR-12.04.15-29 further discuss potential environmental effects of the Project on the cultural heritage of Indigenous peoples, including proposed mitigation and a determination of significance. **Addressed in responses to IR-7.31.15-30 and AIR-12.04.15-30:** The VFPA's responses to IR-7.31.15-30 and AIR-12.04.15-30 presents additional rationale for the conclusions of the effects assessment for the Current Use by Indigenous peoples where the conclusions are reported as 'no effect' or 'negligible'. **Addressed in responses to IR-7.31.15-31 and AIR-12.04.15-31:** The VFPA's responses to IR-7.31.15-31 and AIR-12.04.15-31 demonstrate how the Current Use assessment (EIS Section 32.2.4) identifies, for each Indigenous group in the LAA, information that these groups have chosen to share with the VFPA, including harvesting locations, timing, frequency, and access or methods, and current consumption reliance. The responses review how such information was gathered through a review of Current Use studies, as well as direct solicitation of information from Indigenous groups, and interviews to collect ITK.	**Information Requests** Response to Information Request #29 (IR-7.31.15-29 of CEAR Document #314) Response to Additional Information Request #29 (AIR-12.04.15-29 of CEAR Document #388) Response to Information Request#30 (IR-7.31.15-30 of CEAR Document #314) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Response to Information Request #31 (IR-7.31.15-31 of CEAR Document #314)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	significantly higher than the rates relied on by the VFPA in its assessments. Requested that the health risk assessment be reconsidered based on Penelakut consumption rates but are not aware of this having been done or of this information having been provided to the Panel.		*"Additional information pertaining to Penelakut Tribe current use of lands and resources for traditional purposes, provided in Penelakut Tribe's January 4, 2016 letter to [the VFPA], as well as the information in the above paragraph, will be incorporated in [the VFPA]'s updated response to Additional Information Requests #29, 30 and 31 from the CEA Agency.* *Upon submittal of these documents to the CEA Agency, it will be [the VFPA's] understanding that all relevant information pertaining to Penelakut Tribe current use of lands and resources for traditional purposes in the Roberts Bank area will have been provided to the CEA Agency."*	**Addressed in response to IR12-02:** The VFPA's forthcoming response to IR12-02 will discuss shellfish consumption rates for Indigenous groups, as well as their implications for the health risk assessment.	Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #388) Response to Sufficiency Information Request #02 (IR12-02)

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Table 12: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

PT-12.1	Asked if the Project is expected to have a negative impact on any other types of employment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:**
			Responded that the VFPA looked at labour market balance as an indicator, and conducted analyses to consider what the effect of the Project's employment and procurement would be, in relation to the availability of workers for other industries.
			01-Apr-2015, Letter from the VFPA to Penelakut Tribe:
			Provided a copy of the EIS Section 19.0 Labour Market.
				Addressed in EIS Section 19.0:
				The Project is expected to result in the following positive effects on the labour market in Metro Vancouver:
				• During the 5.5 year construction phase:
				  ○ 4,150 person-years of direct employment, worth $494 million in wages;
				  ○ 9,724 person-years of total direct, indirect, and induced employment, worth approximately $824 million in wages;
				• During operation:
				  ○ 835 person-years of annual direct employment connected to terminal operations, worth approximately $138 million in wages annually;
				  ○ 1,412 person-years of annual total direct, indirect, and induced employment, worth $169 million in wages annually;
				  ○ A slight lowering of the unemployment rate in Metro Vancouver;
				  ○ A positive effect on the participation rate; and
				  ○ A small boost to median incomes in Delta and Metro Vancouver.
				Training opportunities associated with construction and operation are anticipated to generate positive effects for the Project's direct workforce. Positive changes in employment and labour income are anticipated for the Indigenous population in Metro Vancouver during Project construction and operation. The Project is not expected to result in measurable adverse residual effects to the labour market.
					EIS
					19.0 Labour Market

Penelakut Tribe

Table 13: Light – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-13.1	Concerned that the light study did not consider the night sky with cloud cover as this increases the light effects over the water. Concerned about how the locations for monitoring light effects were selected, with specific reference to Galiano Island and Valdes Island.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the assessment teams for visual resources and light are different. The team carrying out the light assessment work (at night) took a subset of the points of reception (PORs) from the visual resources (day) assessment, because there is less variation expected from point to point. Stated that for both the day and night assessments, PORs were concentrated in areas in closer proximity to the Project site. The POR on Valdes was added later through consultation. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#47):** Measurements of sky glow depend on the visibility of the stars, and were taken on nights with no or low cloud cover, where possible. The rationale for the assessment methods is included in EIS Section 9.4 and the technical report. The rationale for selection of the PORs is included in EIS Section 9.4. The light assessment included a POR on Galiano Island and on Valdes island. The measurements taken from, and predictions made for, these PORs are intended to be representative of surrounding areas.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.2 Assessment Purpose and Approach 9.4.5 Methods Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study, Study Methods Appendix 7.2-B Aboriginal Groups Interests and Issues Table
PT-13.2	Asked if RBT2 would be subject to, or exempt from, Delta bylaws around light, and if not, whether the VFPA would be willing to meet or match their requirements anyway.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for follow-up. Post meeting note shared with Cowichan Nation Alliance in draft meeting notes: There are not any standards or bylaws for light such as there are for noise, for example. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#99 and #45):** A process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. **Addressed in EIS Section 33.0:** The Light Management Plans for construction and operation phases will be developed prior to the respective phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: • Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. Feedback on applicable environmental management plan sub-plans will be solicited from Indigenous groups potentially affected by the Project.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study Appendix 7.2-B Aboriginal Groups Interests and Issues Table 33.0 Environmental Management Program

Table 14: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-14.1	Concerned that the Project could negatively impact fishermen and their livelihoods.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Presented information on the preliminary assessment of potential Project effects and cumulative effects on Commercial, Recreational, Aboriginal (CRA) Fisheries and any proposed mitigation, as well as receive feedback on the draft findings and proposed mitigation. The presentation includes: executive summary, sub-components, indicators, assessment boundaries, the local and regional assessment areas, information sources, an overview of each of the fisheries (CRA), existing conditions for Pacific Salmon, Groundfish, Forage Fish, and Shellfish, expected conditions at Project commencement, potential Project-related effects, proposed mitigation measures, anticipated residual effects, the preliminary determination of significance, and anticipated cumulative effects. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions With the Project - Potential Project-related Effects

Table 15: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-15.1	Concerned that the Project will affect migrating salmon that return from the South to the Fraser River through Canoe Passage. Concerned about mitigation for natural migration patterns that are in the Project area and the impacts to salmon being made that we do not understand yet along with other animal's natural migration.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 18-Aug-2014, Meeting with Penelakut Tribe 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 27-Jan-2017, Meeting with Penelakut Tribe 07-Jul-2017, Meeting with Penelakut Tribe	**03-Jul-2014, Workshop:** Responded that the Regional Study Area has been extended to Hope, which will capture a large portion of that migration and that is actually where the DFO sub-areas stop. Stated that a real effort was made to capture some, if not all, of the migration. Stated that sockeye hold more in the North arm and South arm, but that there are species of Chinook and chum that hold around Canoe Passage, so that area is being included. Canoe Passage is a fairly small distributary of the Fraser but there is still holding there. Sockeye in particular are coming out and heading north, with the exception of the Harrison Lake stock, which DFO thinks might be migrating south. **18-Aug-2014, Meeting:** Noted the comment and stated that this will be addressed in the EIS. **22-Oct-2014, Workshop:** Responded that the options for onsite habitat mitigation do consider fish passage. The primary intent is to soften the shoreline to make it more amenable to salmonid use. Stated that juvenile salmon use eelgrass beds and tidal marsh habitat. Stated that the mitigation measures primarily consider juvenile salmon outmigration and rearing. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **27-Jan-2017, Meeting:** Recorded comment for consideration by the Project team. **07-Jul-2017, Meeting:** Suggested a meeting with the VFPA's technical team to discuss mitigation measures. **27-Nov-2017:** The VFPA held a Follow-up Program meeting with its technical experts and discussed impacts to salmon. Confirmed that the VFPA looked at juvenile salmon and collected information at Roberts Bank to inform the EIS. Stated that it informed the effects assessment.	**Addressed in EIS Appendix 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. **Addressed in EIS Section 13.6.3.1:** The potential effect on the migration behaviour of juvenile salmon from terminal placement and causeway widening was assessed qualitatively. Two effects mechanisms—changes in the light environment and changes in habitat availability—were considered to have the potential to influence migration behaviour of juvenile salmon and result in a minor decrease of juvenile salmon productivity pre-mitigation. With implementation of mitigation measures, including adherence to juvenile salmon fisheries-sensitive window, implementation of a light management plan, as well as offsetting in the form of onsite native eelgrass transplants and reconstructed tidal marsh habitats north of the widened causeway, migration-related changes in juvenile salmon productivity were assessed as negligible. **Addressed in responses to IR5-18 and IR5-22:** Further discussions about terminal placement's potential effects on the migratory behaviour of juvenile salmon is available in the VFPA's responses to IR5-18 and IR5-22.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish **Information Requests** Response to Sufficiency Information Request #18 (IR5-18 of CEAR Document #1153) Response to Sufficiency Information Request #22 (IR5-22 of CEAR Document #1153)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-15.2	Stated that sockeye salmon have not been assessed in the EIS and is an information gap. Stated that the Cowichan Nation Alliance is not satisfied with the explanation provided as to why sockeye is excluded from the assessment. Stated that field studies were conducted at the wrong time of the year. Concerned that there will be negative impacts on sockeye as a result of the Project. Stressed the importance of sockeye to the Cowichan Nation Alliance. Requested for peer review of the work pertaining to sockeye. Reiterated their concerns regarding the impact of the Project on migrating fish and disagreement that the VPFA consultants did not find evidence of sockeye salmon in the local assessment area. Noted they have been fishing in the area for thousands of years and expressed concern that sockeye is not being looked at.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 05-Jan-2015, Letter from Penelakut Tribe 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation and Malahat First Nation	**12-Nov-2014, Workshop:** Responded that the VCs were defined based on the findings of the fieldwork. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but Chinook and chum have more of a presence. Responded that the VFPA understands the importance of the species (sockeye) and more details specific to sockeye can be provided. **11-Dec-2014, Workshop:** Responded that the VFPA thought more information about how sockeye had been considered had been provided to the Cowichan Nation Alliance, and apologised if they have not yet received anything. The EIS will describe more fully how salmon have been assessed. **06-Feb-2015, Email from the VFPA to Penelakut Tribe:** Stated that concerns raised in your letter relate to the assessment of sockeye, and in particular the importance to Indigenous groups, and the impact of the terminal footprint. Noted that sockeye has been considered and will be addressed within the EIS. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **29-Aug-2017, Workshop:** Noted concerns regarding fish, and will include this as ongoing topic for further discussion on representative species and ways to address concerns raised.	**Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. **Additional information provided by the VFPA:** Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in responses to IR5-15 and AIR-12.04.15-09:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye salmon and describes the status and management practices associated with the species. Rationale as to how sockeye salmon were assessed	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.3.1 Spatial Boundaries 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity **Information Requests** Response to Additional Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				via use of Chinook and chum as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect sockeye, as well as effectiveness of mitigation, are presented in the VFPA's response to AIR-12.04.15-09, including Appendix AIR9-A Table 2; and in the VFPA's response to IR5-15. **Addressed in EIS Section 13.3:** The marine fish LAA encompasses an area of approximately 5,416 ha. In determining LAA boundaries, consideration was given to the nature and characteristics of marine fish, and potential exposure of marine fish to various Project influences (e.g., total suspended solids (TSS), sedimentation, and underwater sound levels). Also taken into account were social and cultural considerations, such as community knowledge and ITK, and current land and resource use by Indigenous groups and others. The RAA, which covers an area of approximately 52,456 ha, was established to provide a regional context for the assessment of Project-related effects. The RAA was also established to encompass the area within which the residual effects of the Project on marine fish may combine with the effects of other projects and activities to potentially result in a cumulative effect. Marine and freshwater RAA boundaries were determined based on DFO Pacific Fisheries Management Area limits (see EIS Figure 12-3).	
PT-15.3	Stated that the EIS should consider salmon pooling at the mouth of the Fraser River and investigate Project-related impacts on sockeye salmon in this area. Stated that fishermen report that Canoe Pass is an important holding area for sockeye.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. Referred to trawls being done in the area to determine what species are present in the area; different species can occur in the area, but Chinook and chum have more of a presence. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 13.0:** While there is evidence that adult sockeye pass through the estuary annually en route to the Fraser River to spawn, available information indicates that most stocks enter the Fraser River with little or no delay (i.e., perhaps one day); hence, any potential interaction between the Project and migrating or passing individual adult sockeye salmon would be limited to approximately several days per year. A potential exception is a portion of the late-run timing group, which typically holds in the outer estuary for several weeks prior to starting upriver migration; however, since 1995, large segments of the late-run sockeye have ceased their holding behaviour and entered the Fraser River three to six weeks earlier than historically observed. As noted in EIS Section 13.2.1, there is no scientific evidence that waters at or near Roberts Bank represent holding areas for adult sockeye. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The response also further assesses potential effects of the Project on sockeye directly. As further described in the response to IR5-15, based on existing literature, there is no formally defined holding area	**EIS** 13.0 Marine Fish **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				within the Fraser River estuary for returning adult sockeye. It appears that the brackish layer or plume within which adult sockeye may hold can extend as far north as Gibsons Landing, as far west and south as the Gulf Islands (from Gabriola Island near Nanaimo to Saturna Island at Boundary Passage), and as far east at Point Roberts area. However, since 1995, sockeye holding behaviour appears to have ceased.	
PT-15.4	Asked why people have not been included as one of the species that eats chum salmon in the food web example (slides 12-13, Marine Fish Presentation at 2014 Cowichan Nation Alliance Workshop #2).	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the approach undertaken seeks to understand the ecosystem from a natural perspective, and human interactions are addressed in a different way. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#101):** The Roberts Bank ecosystem model is described in the EIS. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment, and does not incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not included in the food web. However, the existing conditions for species included in the model are reflective of existing harvesting levels by humans; therefore, human interaction within the model is implicit. **Addressed in response to IR3-09:** Dungeness crab fishing at Roberts Bank was investigated using the Roberts Bank ecosystem model in the VFPA's response to IR3-09. Salmon harvesting was not considered, because salmon harvesting occurs over large geographic areas, with only a small proportion of the salmon catch coming from areas in the periphery of or adjacent to Roberts Bank. As such, salmon fishing was considered unlikely to influence model results. Results from the Roberts Bank ecosystem model re-run showed that when Dungeness crab fishing was considered, results were generally the same when compared to those described in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis **Information Requests** Response to Sufficiency Information Request #09 (IR3-09 of CEAR Document #984)
PT-15.5	Concerned that a spill could travel into mouth of Fraser River and impact migratory salmon species.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in Appendix 7.2-B (#185):** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B - Tables
PT-15.6	Asked whether fish are being redirected away from Canoe Pass because of ships and whether that impact will increase with RBT2.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for follow-up. **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** A review of historical and recent air photos, in addition to modelling of sediment deposition at	**Additional information provided by the VFPA:** There is no known evidence that existing shipping activity is affecting movement patterns of fish at Roberts Bank. In MSA Section 8.1, potential effects of underwater noise were considered to be negligible because noise generated by Project-associated marine vessel activity and future	**MSA** 8.1 Marine Fish

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			Roberts Bank (including Canoe Passage) is underway. Historic Canoe Passage discharge channel locations and sediment distribution (e.g., bar formation or build-up of sand) will be documented to assess natural variation pre- and post-terminal construction, and potential changes as a result of the proposed terminal configuration will be assessed. Fish and fish habitat suitability studies are currently underway to assess current fish distribution and abundance, and potential changes in fish presence as a result of the proposed Project will be assessed. Potential changes resulting from the Project during both construction and operations phases will be included in the assessment. Potential effects on marine fish migration behaviour from changes in the light environment and changes in habitat availability are assessed in the EIS. With mitigation, including implementation of a light management plan, and onsite offsetting in the form of eelgrass transplants and tidal marsh creation, changes in productivity of marine fish associated with these rearing habitats is assessed as negligible	cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	
PT-15.7	Stated that the only way to mitigate for impacts to their fishing grounds is to not move ahead with the Project. Suggested that the VFPA not build the Project in response to the VFPA's request for input related to reducing, minimising, or eliminating impacts from the Project.	01-Dec-2016, Chief & Council Meeting – Penelakut 27-Jan-2017, Meeting with Penelakut	**01-Dec-2016, Meeting:** Stated that the VFPA would like to understand how Penelakut would like to be included, and noted the objective of the Project team is to understand impacts and mitigate them. Asked for Penelakut's input on what appropriate mitigation for impacts from the Project would be. Stated that not building the terminal does not address the economic prosperity aspect of sustainability. **27-Jan-2017, Meeting:** Recorded comment.	**Addressed in EIS Section 13.0:** Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish.	**EIS** 13.0 Marine Fish ***Updated EIS Guidelines*** **FINAL Roberts Bank Terminal 2 Project Review Panel Terms of Reference (CEAR Document #176)**
PT-15.8	Requested confirmation on whether there will be a no go zone for fishing vessels on the ocean around the Terminal 2 footprint and the rules that will be put in place in the area for non-Terminal marine vessels.	12-Dec-2014, Email from Penelakut Tribe	**11-Feb-2015, Email from VPFA to Penelakut Tribe:** Attached information regarding no go zones for fishing vessels. Attached two maps of current navigational restrictions in the area. Attached a map showing the proposed expanded navigational closure area for RBT2, and stated that	**Addressed in EIS Section 21.7:** The VFPA is proposing that the existing navigational closure areas in the vicinity of Roberts Bank (as described in EIS Section 21.1) for both commercial and recreational crab harvesting be expanded to help sustain navigation safety during Project construction and operation phases (EIS Figure 21-8). These are proposed expansions and their spatial extent and allowed activities will be further defined	**EIS** 21.0 Marine Commercial Use 21.1 Component Overview and Regulatory Setting 21.6 Future Conditions with the Project – Potential Project-related Effects

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			practices and procedures at the VFPA are pursuant to Section 56 of the *Canada Marine Act* and are designed to promote safe and efficient navigation within the local waters of the VFPA and to protect the marine environment.	through the VFPA's discussions with DFO and the other applicable authorities. The VFPA will work with DFO to ensure that the necessary consultations with crab harvesters and Indigenous groups occur in order to consider these proposed expansions.	21.7 Future Conditions with the Project - Potential Project-Related Effects Figure 21-8 Proposed Navigational Closure Expansion
PT-15.9	Concerned that the Project will impact their ability to fish. Noted that the South and North Arms of the Fraser River, and Canoe Pass and Roberts Bank area are heavily used for salmon fishing and all fishing methods are used including troll, gill net and seine. Stated that the importance of Roberts Bank as an area to access fish is stressed and reiterated. Concerned that the Project will impact their Food, Social and Ceremonial (FSC) licensing in the area. Stated that Penelakut relies on salmon for FSC and does not want the Project to impact salmon stocks.	01-Dec-2016, Chief & Council Meeting - Penelakut	**01-Dec-2016:** Recorded comment for consideration by Project team.	**Addressed in EIS Section 32.2:** The Current Use effects assessment presented in EIS Section 32.2 considered potential effects on: • Access to preferred Current Use locations; • Availability of preferred Current Use resources; • Quality of preferred Current Use resources; and • Quality of Current Use experience. Interactions between Project components and activities and Current Use were considered, as were potential effects and proposed measures to avoid, reduce, or otherwise address the potential effects. Mitigation measures proposed include, but are not limited to: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect Current Use access; and • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during construction and initial operation phases. Following implementation of the mitigation summarised in the table above, adverse residual Project-related effects are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects.	**EIS** 32.2 Current Use of Lands and Resources for Traditional Purposes
PT-15.10	Stated that the EIS identifies that construction of the Project will create elevated concentrations of total suspended solids (TSS) in the local assessment area. The EIS states that "Effects of TSS on Pacific salmon productivity are more likely to be behavioural than injurious, and are therefore difficult to quantify. Both adult and juvenile salmon species will thus likely avoid areas of high TSS concentrations, thereby limiting exposure" (EIS p. 13-86). Given this avoidance behaviour, the EIS should include an assessment of whether avoidance behaviour will have an effect on migratory paths of pacific salmon, in particular the sockeye salmon that migrate through Canoe Passage. Further, the EIS should provide an assessment of the impact of avoidance behaviour on the Aboriginal sockeye fishery.	10-Jun-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #210) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**13-Oct-2015, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #310):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 13.6.2.1:** EIS Section 13.6.2.1 predicts a negligible change in Pacific salmon productivity, given salmon are anadromous and adapted to naturally high background TSS levels as well as large seasonal variations in TSS. Also, dredging and discharge of supernatant are unlikely to affect juvenile salmon as: (i) they typically inhabit surface waters, and therefore are not expected to occur at depths predicted to experience the greatest Project-related TSS concentrations; and (ii) the TSS plume is not expected to extend onto the tidal flats (where juvenile salmon have been documented in high numbers) except for short durations and at low concentrations.	**EIS** 13.0 Marine Fish 13.6.2.1 Changes in Water Quality

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Table 16: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-16.1	Concerned about effects on crabs, particularly in relation to black material observed in crabs harvested in the area. Crab harvesting in the RBT2 Project area results in black (coal polluted crabs), which are not edible. Asked how the VFPA can remediate lands first to deal with coal.	01-Nov-2013, Meeting with Cowichan Nation Alliance 12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**01-Nov-2013, Meeting:** Responded that crabs are part of the baselines studies and the VFPA is looking at current conditions of the baseline studies. **12-Nov-2014, Workshop:** Referred to the black crab study being carried out separately from the environmental assessment. Two black crab samples have been collected, and are currently waiting to be tested. The VFPA will be able to provide an update once that has happened. Tsawwassen First Nation collected the crab samples for this study. **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** Stated that the proposed Project is being designed to exclusively handle containers. There will not be an increase in coal shipments as a result of the Project. The VFPA has undertaken shellfish studies in the Roberts Bank area to assess contamination, and proposes to study crab tissues to assess whether the black material is coal dust, a fungus, or other substance. **07-Aug-2014, Email from the VFPA to Penelakut Tribe:** Provided information on a study that the VFPA is undertaking related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. This black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing. Provided details on the purpose, methodology, study area, and timeframe. **09-Jul-2015, Email from the VFPA to Penelakut Tribe:** Followed up to previous communications and the Dungeness Crab field study notification of August 2014. Attached a letter and memorandum regarding the studies undertaken by Hemmera in response to reports from Indigenous groups to the VFPA regarding blackening of Dungeness crab and concerns related to potential contamination. The memo included a summary of findings. The results of both studies were the same: • There is no evidence of coal contamination, based on the results of sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements;	**Addressed in EIS Section 27.0 and EIS Appendix 27-C:** Addresses potential effects of contaminant-related consumption risks of Dungeness crab, where contaminant analysis of crab tissue and the completion of a human health risk assessment was completed to support the development of the RBT2 environmental assessment. The leg muscle tissue did not contain detectable PAH concentrations, in spite of the use of sensitive laboratory analytical methods. Only arsenic was present in concentrations of potential concern and, consequently, was carried forward in a quantitative human health risk assessment; it was concluded that arsenic-associated health risks from the consumption of Dungeness crab tissue are acceptably low. A second study paralleled the above in terms of methods and analysis, but involved collaboration with Indigenous groups to provide samples of crabs as well microscopic examination of the tissue structures (i.e., histologic) of blackened areas. Again, results yielded no evidence of crab contamination related to coal dust, based on sensitive tissue chemistry analysis testing for PAHs, metals, and trace elements. Results of microscopic examination point to localised physical damage of the exoskeleton and the bacterial shell disease as the underlying cause of blackening. **Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the causes of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available.	**EIS** 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			• Consumption risks are acceptably low and pose no risk to human health; and • The underlying cause of the blackened shells is determined to be shell disease (a common condition due to bacterial infection of existing lesions/damage in the crab shells). **12-Apr-2018, Letter from the VFPA to Penelakut Tribe:** Stated that since concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary; and • IR4-34 - Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	
PT-16.2	Requested more information on sea pens. Asked what is known about the impact and role of orange sea pens in the area. Asked what the per cent decrease in productivity is expected to be.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that sea pens are known to exist in the area; however, from a scientific and ecological perspective, they are poorly understood. The first studies were done in 2002-2003, and more field studies were more recently undertaken in 2011 using an underwater remote vehicle.	**Addressed in EIS Section 12.0:** As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in orange sea pen productivity, and that the level of confidence in this assessment was considered to be moderate.	**EIS** 12.0 Marine Invertebrates **Information Requests** Response to Information Request #24 (IR-7.31.15-24 of CEAR Document #314)

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Asked if the orange sea pen test transplant area has been determined yet to be either successful or unsuccessful. Concerned with the impact of a loss of sea pens on habitat and other species.		Additional recent studies have included people going underwater to count sea pens, to map their distribution, and to identify other species associated with them. One study sought to understand them better in the context of water flows and sediments and other studies looked at transplanting sea pens. If the transplant was not viable or unreliable, the effects would be characterised in a worst-case scenario. In this current status of the assessment, it is anticipated that there will be a moderate impact on the orange sea pens in the area if transplanting is unsuccessful. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Section 12.0 Marine Invertebrates. **07-Feb-2018, Email from the VFPA to Penelakut Tribe:** *Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved the transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled Orange Sea Pen Transplant Pilot and Monitoring Program. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05.*	**Addressed in response to IR-7.31.15-24:** The VFPA's response to IR-7.31.15-24 presents the inter-relations between orange sea pens and other marine species and the predicted effects to other marine species from the Project-related loss of orange sea pen habitat. **Addressed in response to IR5-05:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. **Addressed in response to IR5-06:** The VFPA's response to IR5-06 discusses the confidence in the effect rating for orange sea pens. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere. **Addressed in response to IR5-07:** The VFPA's response to IR5-07 provides an assessment of the potential ecological effects on other components of the environment such as marine invertebrates and marine fish resulting from a decrease in the orange sea pen population due to the proposed Project activities. As noted in the response to IR5-07, the conclusion of no significant effects to marine invertebrates and fish remain unchanged.	Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Request #06 (IR5-06 of CEAR Document #1145) Response to Sufficiency Information Request #07 (IR5-07 of CEAR Document #1145)
PT-16.3	Referred to the food webs showing biomass in the future with and without the Project (slides 17-18 of Marine Invertebrates presentation at Cowichan Nation Alliance Workshop #2), and the bubbles changing in size.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Recorded comment for consideration by Project team.	**Addressed in EIS Section 10.0:** The VFPA used an ecosystem-based approach to assess Project-related effects to the productivity of marine biophysical VCs. Modelling of ecosystem productivity was one of several tools used to inform effects assessments.	**EIS** 10.0 Biophysical Setting Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Requested the exact number of anticipated change for each of the species.		**01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included information on the biophysical setting in Section 10.0.	Productivity is a measure of the amount of plant and animal biological material (or biomass) produced within an area over a given amount of time. A predator-prey food web for the Roberts Bank ecosystem was developed to represent the linkages and interactions between marine vegetation, invertebrates, fish, mammals, and coastal bird species that influence the productivity of the ecosystem. The model calculates productivity changes to 58 functional groups to represent the complex interactions of this ecosystem; productivity changes to each of these groups calculated by the model are presented in EIS Appendix 10-C. The results are presented as changes to biomass in the groups, not species' abundance (number of individuals). The model was also used to predict the productivity of proposed on-site habitat that would be created to offset expected Project-related effects on the productivity of marine biophysical VCs.	
PT-16.4	Concerned with the potential for RBT2 to constrain crabbing areas. Stated that fishing will be confined to a smaller area and there is concern regarding crowding. Stated that their use of the Roberts Bank area has increased recently because crabs in proximity to Penelakut are contaminated by the Crofton Mill. Stated that they rely on crab taken from the RBT2 area to support its food, social and ceremonial fishery and its traditional way of life. Stated that Penelakut harvests crabs in the LAA, and as such, the EIS should determine that there is a significant impact to Penelakut's rights as was done for Musqueam First Nation and Tsawwassen First Nation, and provide accommodation. Stated that Penelakut relies on crab taken from the RBT2 area to support its food, social and ceremonial fishery and its traditional way of life. Stated that much of Penelakut Territory is subject to Fisheries and Oceans Canada consumption advisories due to Dioxin contamination. As a result, RBT2 is the only area within Penelakut Territory where the Penelakut people feel confident that the crab they obtain can be eaten in its entirety. Expressed interest in meeting to discuss the proposed commercial crab closure noting it is a highly constrained fishing area.	17-Jun-2015, Meeting with Cowichan Nation Alliance 04-Jan-2016, Letter to the VFPA from Penelakut Tribe 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615) 01-Dec-2016, Chief & Council Meeting – Penelakut Tribe 07-Jul-2017, Meeting with Penelakut Tribe	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **01-Dec-2016, Meeting:** Recorded comment for consideration by Project team. **04-Feb-2016, Letter from the VFPA to Penelakut Tribe:** In the VFPA's meeting with Cowichan Nation Alliance on June 17, 2015, Penelakut Tribe informed the VFPA that it relies on the Roberts Bank area for crab harvesting due to contamination present in areas closer to their communities; Penelakut Tribe advised that they secured a total catch of about 2,700 to 3,000 lbs of crab for food, social, and ceremonial purposes in this area in April 2015. The VFPA included this new information in the MSA, submitted in October 2015 (see pp. 9.5-107 to 9.5-108). Penelakut Tribe's January 4, 2016 letter includes reference to an Indigenous Fisheries Strategy agreement with DFO that covers the Project area; the VFPA requests that Penelakut Tribe send a copy of the agreement and any other information relating to marine resource harvesting in areas potentially affected by the Project.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures, and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area,	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions With the Project - Potential Project-Related Effects **Information Requests** Response to Sufficiency Information Request #07 (IR10-07)

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			28-Jul-2016, Issues Workshop – Island Nations: The VFPA hosted an issues workshop where concerns raised about project impacts to crab where discussed along with proposed mitigation measures. Explained that the EIS section for current use/rights considers the navigational closure area. FSC harvesters can access this closure area to crab without floats; commercial and other harvesters cannot. That closure area would be expanded to accommodate the new terminal and would increase in size. The idea would be that VFPA would work with DFO to continue the practice to only allow FSC crabbing within that area. We also have identified other consultation mechanisms to continue engagement with Aboriginal groups regarding monitoring/follow up programs regarding resources relied upon by Aboriginal groups. We have identified the opportunity for future VFPA-Aboriginal group collaboration. **07-Jul-2017, Meeting:** Committed to schedule a meeting with Penelakut Tribe to discuss mitigation for the commercial crab closure. **12-Apr-2018, Letter from the VFPA to Cowichan Tribes:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in response to IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	
PT-16.5	Stated that the EIS does not explain how or whether the reduction in sea pen productivity may affect fish, other macro-invertebrate species or Dungeness crab. If this was not considered, the EIS should state this. If no effect is predicted, the rationale for this finding should be provided.	10-Jun-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #210)	**13-Oct-2015, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #310):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 12, #24)."*	**Addressed in response to IR5-07:** The VFPA's response to IR5-07 provides an assessment of the potential ecological effects on other components of the environment such as marine invertebrates and marine fish resulting from a decrease in the orange sea pen population due to the proposed Project activities. As noted in the response to IR5-07, the conclusion of no	**Information Requests** Response to Sufficiency Information Request #07 (IR5-07 of CEAR Document #1145)

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				significant effects to marine invertebrates and fish remain unchanged.	
PT-16.6	Stated that the Proponent should be required to provide quantitative information about marine invertebrate abundance. Questioned the quality of the study.	14-Nov-2017, Letter to Panel from Penelakut Tribe (CEAR Document #1092)	The VFPA has reviewed this letter and provides the following information.	**Addressed in EIS Section 12.0:** EIS Section 12.4 presents information sources used in the marine invertebrate effects assessment, which includes quantitative sources concerning abundance. Additionally, abundance data is also presented in Technical Data Reports presented in the appendices supporting the VFPA's response to AIR-12.04.15-10, including: • RBT2 TDR MI-1: Infaunal and Epifaunal Invertebrate Communities • RBT2 TDR MI-2: Juvenile Dungeness Crabs • RBT2 TDR MI-3: Orange Sea Pens • RBT2 TDR MI-4: Dungeness Crab Productivity Additional information is included in EIS Appendix 27-C.	**EIS** 12.0 Marine Invertebrates 12.4 Information Sources Appendix 27-C: Shellfish Harvesting Potential and Contaminant-Related Consumption Risks at Roberts Bank **Information Requests** Response to Additional Information Request #10 (AIR-12.04.15-10 of CEAR Document #388)

Penelakut Tribe

Table 17: Marine Water Quality

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-17.1	Asked if a change in salinity can have an effect on marine mammals, marine fish, and marine vegetation such as eelgrass.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Stated that there will be extensive discussion around all of the VCs and how they relate to these ICs. **12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2:** Presentations on marine mammals, marine fish, and marine vegetation were provided to Cowichan Nation Alliance in Workshop #2. The VFPA presented that Roberts Bank is dynamic, highly variable, estuarine environment and that biofilm has adapted to a wide range of salinity variability. Explained that the VFPA will monitor and evaluate to confirm changes in water quality (salinity) and sediment erosion and deposition patterns through its Follow-up Program.	**Addressed in EIS Appendix 7.2-B (#50):** Changes in hydrology are predicted to affect salinity and turbidity levels, and increase sediment deposition as a result of the Project, but these changes are anticipated to be minimal relative to existing natural variability. These localised indirect effects of changes in hydrology on habitat are evaluated in the marine biophysical component effects assessments, including marine vegetation, marine invertebrates, marine fish, and coastal birds.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.6 Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish 13.6.2 Negligible Effects 14.0 Marine Mammals 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.4 Potential Effects of the Project on Steller Sea Lions 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting

Penelakut Tribe

Table 18: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-18.1	Concerned with cumulative effects to Aboriginal rights associated with marine shipping. Stated that increases in shipping will result in "death by a thousand cuts". Concerned that the draft Current Use Summary does not include effects from malfunctions or accidents, as well as cumulative environmental effects.	17-Jun-2015, Meeting with Cowichan Nation Alliance 09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for follow-up. **02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** Explained that the document shared by the VFPA on July 27, 2015 included a draft summary of CNA's current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. Noted that these topics will be addressed in the Report to be submitted to the Canadian Environmental Assessment Agency ("CEAA") in the fall of 2015. **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the MSA for the proposed Project, which included its assessment of cumulative effects in MSA Section 6.0.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping a without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
PT-18.2	Stated that Canada, B.C., Parks and First Nations are working to establish the National Marine Conservation Initiative in the Gulf Islands. Concerned with impacts from shipping to this initiative and conservation areas.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Appendix 5-B (#26):** The conservation areas within the marine shipping area are described in MSA Section 2.1.2 and shown on MSA Figure 2-2. The extent to which potential effects of marine shipping associated with the Project are predicted to occur within conservation areas is addressed within each relevant IC or VC section.	**MSA** 2.0 Geographic Setting 2.1.2 Species at Risk and Conservation Areas Figure 2-2 Conservation Areas in and near the Marine Shipping Area Appendix 5-B Aboriginal Issues and Interests
PT-18.3	Concerned with the impacts of marine shipping to short fishing openings.	17-Jun-2015, Meeting with Cowichan Nation Alliance	**17-Jun-2015, Meeting:** Recorded comment for consideration by Project team. Noted that the VFPA is not involved in setting the regulations for Aboriginal fisheries. **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response.	**Addressed in MSA Section 9.2:** Potential effects of vessel transit from Project-associated shipping on commercial fish and seafood harvesting marine area displacement, access, fish and seafood availability, and gear damage or loss would not be measurable from existing conditions and are therefore considered to be negligible. Potential consequential effects on harvest and associated revenues of commercial fishing and seafood enterprises are also considered to be negligible. When all lines of evidence are considered, the effect of vessel transit on commercial fishing and seafood harvesting is considered to be negligible.	**MSA** 9.2 Marine Commercial Use 9.2.5.1 Negligible Effects
PT-18.4	Stated that the MSA should include an inventory, in tabular form, of Penelakut traditional and cultural resource use sites and their general location relative to International Shipping Lanes.	08-Dec-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #347) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #401):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Penelakut Tribe's rights from the Project and marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel."*	**Addressed in response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential Project effects to sites of physical and cultural importance to Indigenous peoples.	**Information Requests** Response to Sufficiency Additional Information Request #21 (IR10-21)
PT-18.5	Stated that the MSA should provide a rationale for the prediction that the proposed mitigation will address the anticipated adverse effects, including examples of where such measures have proved to mitigate effects.	08-Dec-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #347) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #401):** *"The Agency requested additional information on this topic in AIR #13 Aboriginal and Treaty Rights and Related Interests.* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in response to MSA IR-02.24.16-13:** Table MSA IR13-1 includes a summary of mitigation measures raised by Indigenous groups related to potential adverse impacts of the Project, including marine shipping associated with the Project, on potential or established Aboriginal and treaty rights and related interests. The specific measures noted in the Table MSA IR13-1 were those raised during consultation on marine shipping associated with the Project, but may relate to the Project or marine shipping.	**Information Requests** Response to Additional Information Request #13 (MSA IR-02.24.16-13 of CEAR Document #386)

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in response to IR10-09: The VFPA's response to IR10-09, as requested by the Review Panel, provides further discussion of proposed mitigation measures to reduce the potential effects of the proposed Project on the access, availability, and quality of preferred Current Use resources and the quality of the Current Use experience.	
PT-18.6	Stated that Penelakut should have seen the entire MSA not just portions of the report.	19-Oct-2015, Letter to the VFPA from Penelakut Tribe	**09-Nov-2015, Letter from the VFPA to Penelakut Tribe – Letter 1:** The VFPA shared a summary of Cowichan Nation Alliance's Current Use in the marine shipping area with Penelakut Tribe to verify that information relating to Cowichan Nation Alliance's Current Use was represented correctly and completely in the MSA. The MSA has been submitted to the CEA Agency and a hard copy will be provided to Penelakut Tribe for review. Penelakut Tribe will have the opportunity to review and comment on the entirety of the MSA during a comment period led by the CEA Agency. **09-Nov-2015, Letter from the VFPA to Penelakut Tribe – Letter 2:** Provided Penelakut Tribe's copy of the MSA for the proposed Project, which was submitted by the VFPA to the CEA Agency on October 26, 2015.		
PT-18.7	Concerned with the increase in shipping traffic and impacts to small fishing vessels in a very intensive fishing area. Penelakut is already experiencing food insecurity due to contamination in other areas, and relies heavily on areas traversed by marine shipping. Stated that vessel traffic associated with construction and operation of the terminal will increase navigational conflicts for Penelakut Tribe members engaged in marine harvesting at Roberts Bank	03-Jul-2015, Email from Penelakut Tribe 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**03-Jul-2015:** Provided information on the Project traffic, stating that "The estimated 520 container ship movements per year would estimate roughly 2 to 4% of the total anticipated traffic in 2030 depending on the specific area of the Marine Shipping Area considered." Explained that these figures are based on Automatic Identification System (AIS) marine traffic data, which includes all vessels with satellite tracking.	**Addressed in MSA Section 4.0:** MSA Section 4.0 contains vessel traffic numbers related to vessel traffic occurring outside the VFPA's jurisdiction. **Addressed in response to IR4-04:** The VFPA's response to IR4-04 provides updated vessel movements for all marine shipping area segments in 2012 and projected movements in 2030. **Addressed in MSA Section 9.2:** Potential effects of vessel transit from Project-associated shipping on commercial fish and seafood harvesting marine area displacement, access, fish and seafood availability, and gear damage or loss would not be measurable from existing conditions and are therefore considered to be negligible. Potential consequential effects on harvest and associated revenues of commercial fishing and seafood enterprises are also considered to be negligible. When all lines of evidence are considered, the effect of vessel transit on commercial fishing and seafood harvesting is considered to be negligible. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the	**MSA** 4.0 Activity Description Appendix 5-B Aboriginal Issues and Interests 9.1 Human Health 9.2 Marine Commercial Use 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Response to Sufficiency Information Request #04 (IR4-04 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios.	
PT-18.8	Asked for more information about the assumptions about increase in ship movements.	03-Jul-2015, Email from Penelakut Tribe	**03-Jul-2015, Email from the VFPA:** The AIS is a vessel tracking system that automatically provides updates on a vessel's position and other relevant ship voyage data to a marine vessel traffic operator. It is mandated under the Navigation Safety Regulations and applies to the following vessels: 1. Every ship of 150 tons or more that is carrying more than 12 passengers and engaged on an international voyage shall be fitted with an AIS. 2. Every ship, other than a fishing vessel, of 300 tons or more that is engaged on an international voyage shall be fitted with an AIS. 3. Every ship, other than a fishing vessel, of 500 tons or more that is not engaged on an international voyage shall be fitted with an AIS AIS data used in our reporting was obtained from the Canadian Coast Guard. With respect to the vessel movement estimates, there is data from 2012 showing approximately 9,000 - 21,000 vessel movements per year in the marine shipping a (approximately 9,000 in Haro Strait, 19,000 near Victoria, and 21,000 in the Strait of Georgia). The variation in movements across areas reflects local variations such as ferry traffic and container ship movements to U.S. or Canadian (or both) ports. Based on this 2012 data, an increase of 520 vessel movements associated with RBT2 would account for up to 6% of the total vessel traffic in 2012. Again, total vessel traffic does not include vessels that are not captured by AIS (fishing boats, small recreational traffic). [For comparison, we had reported the 2030 figures as approximately 12,000 per year near Haro Strait, 23,700 near Victoria and 22,400 in the Strait of Georgia.] These numbers are all preliminary at this point, and final numbers will be published in the MSA.	**Addressed in MSA Section 4.0:** MSA Section 4.0 contains vessel traffic numbers related to vessel traffic occurring outside the VFPA's jurisdiction. **Addressed in response to IR4-04:** The VFPA's response to IR4-04 provides updated vessel movements for all marine shipping area segments in 2012 and projected movements in 2030.	**MSA** 4.0 Activity Description **Information Requests** Response to Sufficiency Information Request #04 (IR4-04 of CEAR Document #1051)

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Table 19: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-19.1	Concerned with the potential effects of the Project on eelgrass habitat for crabs and other species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 28-Jul-2016, Issues Workshop – Island Nations	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **28-Jul-2016, Workshop:** Explained that the EIS predicted a negligible effect on eelgrass overall. There is a negligible effect which is offset through transplants. The placement of the terminal will also create a wave shadow causing more optimal conditions for eelgrass growth. We don't believe there will be eelgrass mediated effects to crabs.	**Addressed in EIS Appendix 7.2-B (#68):** Potential effects on eelgrass habitat, as well as on crabs and other species that use eelgrass habitat, are described in the EIS. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass is a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 11.7.2 Reduction and Off-setting Measures 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 12.7.2 Mitigation #1 for Direct Mortality
PT-19.2	Concerned with the conclusions of significance for biofilm including for the cumulative effects assessment. Asked about the certainty of confidence modelling and whether it is possible to see the results from an independent third party review on the marine vegetation effects assessment.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Responded that the confidence for biofilm is relatively high. Studies were not limited to modelling; the Roberts Bank ecosystem model is not being relied upon for the confidence prediction. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **24-Apr-2017, Email from the VFPA to Cowichan Tribes:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	**Addressed in EIS Appendix 7.2-B (#63):** In January 2014, the federal Minister of Environment referred the Project for an environmental assessment by an independent review panel. The entire EIS, including the marine vegetation assessment, will be subject to an independent review. The scope and methods of the marine vegetation study are presented in EIS Section 11.0. The assessment of marine vegetation focused on eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Studies were informed by engagement with the Shorebirds-Biofilm TAG and regulatory agencies. The LAA included Roberts Bank, and the RAA included Roberts Bank, Roberts Bank North, the lower Fraser River, Canoe Passage, and Boundary Bay. Existing conditions were characterised for representative species for each of eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Existing conditions for marine vegetation are influenced by previous developments, including the development of the Roberts Bank and BC Ferries terminals, the dynamic natural environment, and species that forage on marine vegetation. Overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of environmental management plans and the creation of habitat. The overall productivity increase is due to sheltering of the intertidal zone shoreward of the terminal, which would optimise physical conditions for marine vegetation. During Project construction and operation, changes in productivity of eelgrass, biofilm, and biomat are predicted to be negligible (i.e., not measurable or detectable), while increases in productivity of intertidal marsh is expected. Productivity of rockweed, a macroalgae, is predicted to decrease during construction and operation. This decrease can	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				be mitigated through the creation of onsite subtidal rock reef habitat. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity but is expected to return to existing conditions outside of the annual freshet period. The assessment concludes that there are no significant adverse residual effects from the Project to marine vegetation, as it will continue to maintain its existing ecological functions. The Project is not expected to result in any incremental cumulative effects to marine vegetation. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing; • Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
PT-19.3	Asked for clarification on the statement that biomat and biofilm are relatively new to science. Asked if there could be other things that the biologists are not aware of.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that biofilm is relatively new to science in that it was first discovered at Roberts Bank in 2003, in association with work being undertaken for the DP3 project. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses **24-Apr-2017, Email from the VFPA to Cowichan Tribes:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014, and 2016, will strengthen the existing understanding of biofilm	**Addressed in EIS Section 11.0 and EIS Appendix 7.2-B (#65):** Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment, and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biomat is described as microbial mat, which can take different forms and be composed of a variety of single and multi-cellular organisms, which for the purposes of the marine vegetation effects assessment, is defined as blue-green algae and associated diatoms. Biomat, located in the upper intertidal area of Roberts Bank, is a primary producer and is likely consumed by higher trophic levels. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing;	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6. Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	• Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpipers.	
PT-19.4	Concerned about the role of offsetting within the determination of residual effects. Requested more information related to habitat offsetting.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Stated that the potential effect would be site-specific to RBT2. This presentation does not discuss any offsetting work that the VFPA would consider in conjunction with the Project. This assessment looks at whether there are any potential effects, and considers how they could be avoided or mitigated. If they cannot be avoided or mitigated and there is a residual effect that is when offsetting would be considered. The VFPA is undertaking an extensive program for offsetting. For marine vegetation, there are two potential Project-related effects. The first is decreased productivity, for which mitigation measures (including offsetting) are anticipated to result in there being no residual effects. The VFPA referred to slide 17 (of Marine Vegetation presentation, Cowichan Nation Alliance Workshop #2), which is a table of the marine vegetation sub-component species and their expected difference in productivity between future conditions without the Project and future conditions with the Project. There is an onsite habitat mitigation program, where work would be expected to be conducted right at and near the terminal. It is anticipated that work will be successful. Some measures may be able to be done in advance, and we will know whether or not they are successful. There is also a commitment to monitor. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#28):** Project-related effects on marine biophysical VCs that cannot be fully mitigated through avoidance or reduction or other mitigation measures will be addressed through offsetting. Offsetting proposed for this Project is focused on the creation and enhancement of biophysical habitats that currently support species of the Roberts Bank ecosystem. The concepts proposed are consistent with current legislation and policy and are based on well-established techniques that have been successfully implemented at Roberts Bank, elsewhere in B.C., and in the Pacific Northwest. The EIS includes a description of onsite habitat concepts to offset potential decreases in productivity, including the identification of beneficial habitat types for each of the VC sub-components, and representative species and groups where applicable. **Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The five habitat types considered for onsite offsetting include: • Intertidal marsh: Important for shoreline stabilisation, gas and nutrient regulation, contaminant filtering, and nutrient supply, as well as providing structural habitat used for shelter and food by organisms. Some of the species that use intertidal marsh habitat at Roberts Bank include bivalve shellfish, Dungeness crabs, juvenile Chinook salmon, shiner perch, sand lance, and waterfowl. Approximately 15 ha of intertidal marsh is proposed along the widened causeway and in the S-bend of the new terminal. • Sandy gravel beach: Provides spawning area for forage fish, including surf smelt, Pacific herring, and sand lance. Two sandy gravel beaches, totalling approximately 4.5 ha, are proposed along the widened causeway. The beaches are intended to provide attachment-type habitat and substrate suitable for marine vegetation and invertebrates, and to benefit some of their predators (e.g., juvenile Chinook salmon, waterfowl, and American wigeon). • Mudflat: Plays a role in dissipating wave energy and supports large numbers of birds and fish. Mudflats also support biofilm, an important component of the food web in estuarine and coastal ecosystems. Approximately 4.5 ha of mudflats is proposed along the widened causeway and in the S-Bend of the new terminal. Biofilm,	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3 Offsetting Potential Effects 17.3.2 Offsetting Potential Effects, Offsetting Framework

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				invertebrates, waterfowl, and shorebirds will benefit from this habitat. • Subtidal rock reefs: Support rockfish populations and assist in meeting fisheries management objectives to alleviate historic declines of regional populations. The creation of approximately two hectares of reef habitat will benefit macroalgae vegetation, and provide refuge, feeding, and spawning habitat for invertebrates, fish, and birds. • Eelgrass: Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS.	
PT-19.5	Concerned that the assessment excludes marine vegetation that is culturally important to Cowichan Nation Alliance and could be impacted by the Project. Requested that 'coastal terrestrial vegetation' be identified as a distinct Valued Component.	09-May-2014, Letter from Cowichan Tribes acting in alliance with the Stz'uminus, Penelakut, Hwlitsum and Halalt communities	**09-May-2014:** Recorded comment for consideration by the Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** The VFPA hosted two workshops for Indigenous groups on the VCs providing them with an opportunity to comment on the proposed VCs. For coastal terrestrial vegetation, there is no interaction with the Project and the terrestrial environment, either directly or indirectly, due to the marine-based nature of the Project, and therefore no effects are anticipated.	**Addressed in EIS Section 8.0:** The process for selecting VCs is described in EIS Section 8.0. Rationale for not selecting terrestrial vegetation as a VC is provided in EIS Appendix 8-A. Terrestrial vegetation on the Roberts Bank causeway to the track tie-in location (a less than 1 ha area with in the British Columbia Rail (BCR) right-of-way) is characteristic of highly disturbed sites. Terrestrial vegetation of ecological value does not occur proximal to the Project. Additionally, the Project area does not contain any wetlands above the high water level. Wetlands below high water level are included in the marine vegetation VC.	**EIS** 8.0 Effects Assessment Methods Appendix 8-A Valued Component Selection Rationale Table 8-A2 Rationales for Candidate Component Exclusion Decisions and Other Considerations

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Table 20: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-20.1	Asked what the rationale is for including fish refugia in the caisson design.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for follow-up. **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The upper portions of the caissons are not filled with ballast rock, only water. In previous projects, such as DP3, a decision was made to provide an opening into every 2nd or 3rd caisson to allow fish and marine creatures to seek refuge inside this water filled area of the caisson. This fish refugia concept was carried over in the design for the proposed Project. It is an accepted DFO habitat development concept.	**Addressed in EIS Sections 4.0 and 13.0:** A mitigation opportunity for marine fish during operation of the terminal includes provision of refuge habitat in the caissons. To increase the availability and connectivity of refuge habitat for marine fish, and to provide a diversity of potential food sources, design options for the caisson face have been considered (EIS Section 4.0) and are described further in EIS Section 13.7.1.3.	**EIS** 4.0 Project Description 13.0 Marine Fish 13.7.1.3 Caisson Fish Habitat
PT-20.2	Asked what the mortality rate during crab salvage efforts would be during molting season.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Stated that mortality related to construction activities has not been quantified. Assumptions would have to be made around density, which could be done; the VFPA is hoping that the mitigation will be good enough in that crabs will be trapped and removed from the construction area, and timing windows would be respected to reduce mortality.	**Addressed in response to IR5-04:** The VFPA's response to IR5-04 discusses the planned approach for crab salvage during the construction of RBT2. Salvages are planned for all Project activities that have the potential to cause direct mortality to legal-sized male and gravid female Dungeness crabs. A list and schedule of proposed Project activities is provided in Table IR5-04-1; the activities for which Dungeness crab mortality or injury may occur are indicated, and for those activities that may cause mortality or injury, plans for salvages are also indicated.	**Information Requests** Response to Sufficiency Information Request #4 (IR5-04 of CEAR Document #1209)

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Table 21: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information

PT-21.1	Concerned about potential noise effects from shunting to wildlife and humans.
	Stated that members are affected and interrupted by the shunting.
	Asked if the numbers (of noise events) presented are an expected average over a 24-hour period.
		22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:**
			Recorded comment for consideration by Project team.
			01-Apr-2015, Letter from the VFPA to Penelakut Tribe:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.
			19-Apr-2016, Letter from the VFPA to Cowichan Tribes:
			Shared meeting notes from the 22-Oct-2014 workshop, which included the following post-meeting note: Stated that the number of noise events is predicted on a per-hour basis.
				Addressed in EIS Appendix 7.2-B (#43):
				The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS.
				The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use.
				The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic.
				The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration.
				Mitigation measures related to noise are included in the human health assessment (EIS Section 27.9.2).
				The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration.
				The assessment concluded that:
				• Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible.
				• The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors.
				• Some changes in noise conditions that could be perceptible include:
				  ○ Increased noise during periods of peak construction activity.
				  ○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals.
				  ○ Increased noise in marine areas is expected to be perceptible close to the terminal.
				  ○ The construction and operation of the marine terminal and causeway is not expected to result in perceptible increases in levels of ground-borne vibration.
				Suggested mitigations were considered in the development of proposed mitigation for Project-related changes in noise. Noise Management Plans would be developed for construction and operation phases and would integrate with the VFPA's existing noise monitoring programs.
				Mitigation of construction-related noise would include:
				• Scheduling of higher-noise generating activities during weekdays, and during the daytime;
				• Shutdown of equipment and vehicles when not in use;
				• Utilisation of equipment that produces less noise; and
					EIS
					Appendix 7.2-B Aboriginal Groups Interests and Issues Table
					9.3 Noise and Vibration
					9.3.6 Methods
					9.3.7 Existing Conditions
					9.3.9 Future Conditions with the Project
					9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities
					9.8 Underwater Noise
					13.0 Marine Fish
					13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity
					14.0 Marine Mammals
					14.6 Future Conditions with the Project
					15.0 Coastal Birds
					15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity
					27.0 Human Health
					27.6 Future Conditions With the Project - Potential Project-Related Effects:
					27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise
					27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance
					27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity
					27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects
					27.9.2 Significance Determination

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				• Awareness and training for construction crews. Mitigation for operation-related noise would include: • Optimised tonality of equipment alarms to limit audibility on shore while meeting safety requirements; • Operator awareness and training; and • Regular maintenance of equipment (e.g., lubrication of pulleys and other moving parts, replacement of deteriorated exhaust mufflers, maintaining efficiencies of engines through servicing).	
PT-21.2	Noted that Penelakut has a village site at the north end of Galiano Island at Porlier Pass. Asked if studies were done on the west side of Porlier Pass and the Gulf Island passages.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2	**12-Nov-2014, Workshop:** Referred to the work carried out by acoustician that determined the areas identified in the slide is where noise is expected to go. Stated that sound does not necessarily travel with currents. Rather, it bounces off of surfaces. There is likely to be noise in that area, but not Project noise, which is what the slides are referring to. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#44):** The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3. The marine study area includes all marine areas within 10 km of the proposed terminal, including areas at the mouth of the Fraser River and Canoe Passage, north of the northern tip of Westham Island. The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.3 Noise and Vibration

Table 22: Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries – Valued Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-22.1	Stated that the EIS has not considered potential impacts to the following fisheries: eulachon, sturgeon, shrimp and octopus. The rationale for not considering these impacts is that the CRA assessment focuses on "fisheries that are most likely to interact with the Project or for which there is sufficient site-specific data of presence and habitat use at Roberts Bank to permit an assessment" (EIS p. 16-7). Stated that this is not a sufficient rationale to justify the failure to assess specific fisheries. Stated that for each of the eulachon, sturgeon, shrimp and octopus fishery, the proponent should explain specifically why impacts were not assessed. Asked if it is because there is no likely interaction with the Project, or if is it because there is not sufficient data. Stated that if it is because there is not sufficient data, then what the rationale for not obtaining sufficient data is. Concerned with potential impacts to sturgeon from the Project.	10-Jun-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #210) 09-Nov-2015, Meeting with Penelakut Tribe 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**13-Oct-2015, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #310):** *"The Agency did not request additional information for this item since there is already some information/rationale provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **09-Nov-2015:** Recorded comment for consideration by Project team.	**Addressed in Information Request Package 5 – Response to Information Requests Relating to Represented Species:** Representative species are considered in terms of the biological and ecological similarities they share with other species within the sub-component, and for potential similarities in how the Project may interact with and affect them. In some cases, biological attributes may differ within a sub-component grouping, but their interactions with the Project and mechanisms contributing to potential effects from the Project are considered to be analogous. As a result, the VFPA selected representative species for each sub-component for which sufficient information is known, in order to provide an assessment that considers all potential interactions and Project-related effects. For example, substantial information exists for the southern resident killer whale (the representative species used for toothed marine mammals) and much less so for the transient killer whale. While there are some biological differences between the two, they are considered the same species; both rely on underwater noise for prey detection; and potential Project effects and mitigation measures are the same. In this example, it would be both impractical and inefficient to undertake an assessment on both species as the conclusions of the assessment would be the same. Moreover, in selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. This approach was taken as it would be impractical to characterise existing conditions and assess effects on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions. Eulachon, sturgeon, shrimp, and octopus are assessed via representative species in EIS Sections 12.0 and 13.0. • Eulachon were assessed through representative forage fish species. • Sturgeon were assessed through the use of Chinook and chum salmon representative species. • Shrimp were assessed through the use of Dungeness crab representative species. • Octopus were assessed through the use of Dungeness crab representative species.	**EIS** 12.0 Marine Fish 13.0 Marine Invertebrates **Information Requests** Information Request Package 5 – Response to Information Requests Relating to Represented Species

Penelakut Tribe

Table 23: Port Operations

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-23.1	Asked where ships currently re-fuel in the VFPA's jurisdiction.	01-Nov-2013, Meeting with Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Recorded comment for follow-up. **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** Container ships cannot re-fuel at Roberts Bank. Container ships are on a tight schedule and will arrange to pick up fuel at a location where they will be at berth for a longer time (home port) and where fuel is less expensive, usually in Asia. Vessels within the VFPA's jurisdiction that need to re-fuel will typically take on fuel in Burrard Inlet, alongside at berth or at one of the designated anchorages in the inlet. The fuel is delivered to the vessels by barge, either from the Stanovan Marine Terminal (Chevron) in Burnaby or the Shellburn Marine Terminal (Shell Canada), also in Burnaby. Tugs used to guide the container ships during arrival and departure, bunker at the Chevron marine fuelling station in Burrard inlet.	**Addressed in EIS Section 4.4.2.1:** Facilities to support bunkering of ships do not exist at Roberts Bank, nor does the Project include any facilities to support bunkering. Container ships usually bunker at one of their home ports.	**EIS** 4.4.2.1 Container Ship Manoeuvres
PT-23.2	Concerned about traffic and increased use of anchorages around the Gulf Islands. Concerned about increased number of large ships anchoring in Cowichan Tribes territory. Stated that increased shipping traffic from the proposed Project would likely increase the frequency of these freighters anchoring in Cowichan Bay. Concerned with sewage effluent and ships moored and anchored south of Penelakut and north of Thetis Island. Stated that ships are dumping effluent and it is impacting their beaches. Stated that they are there for two weeks and does not know why they would not be in the Fraser River. Asked if the ships at anchorage around Penelakut Island are waiting to enter the Port of Vancouver. Requested confirmation whether the anchorages referred to in the VFPA's October 2, 2015 letter are anchorage at the direction of the VFPA or all anchorage of ships bound to and from the Delta Port terminal. Requested data for a broader range of years. Stated that Penelakut has seen a submission by Gabriolans Against Freighter Anchorages identifying concerns with overflow anchorage along the coast of Gabriola Island. Asked what the VFPA's response is to the concerns set out in that letter. Questioned the exclusion of anchorages from the assessment.	17-Jun-2014, Technical Working Group Meeting #4 27-Aug-2015, Letter to the VFPA from Penelakut Tribe 19-Oct-2015, Letter to the VFPA from Penelakut Tribe 27-Jan-2017, Meeting with Penelakut Tribe 07-Jul-2017, Meeting with Penelakut Tribe 07-Nov-2017, Cowichan Nation Alliance Meeting with Federal Agencies 14-Nov-2017, Letter to the Panel from Penelakut Tribe (CEAR Document #1092) 18-April-2017, Chief & Council Meeting – Cowichan Nation Alliance	**17-Jun-2014, Meeting:** Recorded comment for consideration by Project team. **27-Aug-2015:** Recorded comment for consideration by Project team. **02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** Referred Cowichan Nation Alliance to Section 3.3.2 of the Marine Shipping Overview document sent to Cowichan Nation Alliance on May 26, 2015: There are no plans, or foreseen terminal operating requirements, for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Container ships operate on a scheduled service, usually between Asia and the west coast, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement. Exception to this could occur in the event of an extreme storm event in the Pacific Ocean, resulting in a refuge anchorage requirement for safety reasons or to accommodate unexpected ship-specific maintenance personnel, or operation issues that may arise. Container ship anchorages for Deltaport Terminal in 2012 and 2013 were	**Addressed in EIS Appendix 7.2-B:** The scope of the Project, as defined in the *EIS Guidelines* issued by the CEA Agency, includes vessel movements within VFPA jurisdiction, including approach, berthing, unberthing, and departure from the terminal. The assessment does not include the anchoring of ships in the Gulf Island area. The MSA includes an assessment of the impacts of Project-associated marine shipping outside the VFPA's jurisdiction. For questions regarding island anchorages, please contact the CEO of the Pacific Pilotage Authority at [email address]. **Addressed in MSA Appendix 5-B (#3):** Anchorage is discussed in MSA Section 4.0. Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. The assessment of marine shipping associated with the Project is based on a routine vessel transit scenario. Because anchorage only occurs in rare circumstances,	**EIS** 4.4.2.1 Container Ship Manoeuvres Appendix 7.2-B Aboriginal Groups Interests and Issues Table **MSA** 4.0 Activity Description 4.2.2.2 Anchorage Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #01 (IR5-01 of CEAR Document #1078) **TC IR-07 of CEAR Document #982 from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017** **Interim Protocol for the Use of Southern B.C. Anchorages. Available at:**

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that the VPFA ought to disclose how many of the vessels bound for or departing from Roberts Bank have anchored in the past, and where, and its estimates for how this number may increase with the increased shipping associated with RBT2 or its justification for why this is number is not anticipated to increase despite the increased shipping associated with RBT2. Reiterated their concerns and frustrations with the number of anchorages in the Gulf Islands and the cumulative impacts to the Aboriginal communities. Noted that decommissioning anchorages to remove the impacts to their beaches and aquaculture endeavors would be mitigation they would like to see.		rare, with a frequency range of three to four per year out of an approximate annual total of 270 ship calls to Deltaport Terminal in each of those years. The same frequency can be assumed for marine shipping associated with RBT2, resulting in approximately three to four unforeseen container ship anchorages per year. As defined in the *EIS Guidelines*, issued by the CEA Agency, the scope of the Project includes marine transportation within the VFPA's jurisdiction. Ship traffic through the Gulf Islands is outside of the scope of the Project. The MSA includes an assessment of potential effects associated with marine shipping outside the VFPA's jurisdiction. The spatial boundaries are included in the noise and vibration (EIS Section 9.3) and underwater noise (EIS Section 9.8) assessments. Project-related changes to noise and vibration, both above water and underwater, are not expected to extend from the Project area into this area. The appropriate authority for comments related to island anchorages is the Pacific Pilotage Authority (contact information provided). **19-Oct-2015:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA to Cowichan Tribes:** The data provided by the VFPA regarding container ship anchorages for Deltaport in 2012 and 2013 pertained to anchorages occurring within the VFPA's jurisdiction. The VFPA does not have information on anchorages occurring outside the VFPA's jurisdiction. For additional information regarding anchorages occurring around the Gulf Islands, including concerns with overflow anchorage along the coast of Gabriola Island, you may contact the Pacific Pilotage Authority [contact name and information provided]. The VFPA has not prepared a response to the letter submitted by Gabriolans Against Freighter Anchorages, as this letter was addressed to the CEA Agency and concerns anchorages occurring outside the VFPA's jurisdiction. **30-Nov-2016, Email from the VFPA to Penelakut Tribe:** Provided Penelakut with a map of the VFPA's jurisdictional boundaries.	anchorage is not assessed as an activity related to marine shipping associated with the Project. **Additional information provided in response to IR5-01:** The VFPA's response to IR5-01 generally discusses aspects of anchorage outside of the VFPA's jurisdiction. Notably, it references detailed information regarding anchorages in Transport Canada's response to Panel information request TC IR-07 from Transport Canada to the Review Panel. Transport Canada's response to information request TC IR-07 tabulates detailed information regarding anchorages and minimum, mean, and maximum number of days in Appendix D (Pacific Pilotage Authority Anchorage Usage Data 2012 – 2016 for the Pacific Pilotage Authority Marine Shipping Area). As shown in these tables, a total of 124 anchorages occurred between 2012 and 2016 for container vessels destined for VFPA jurisdiction, and the mean number of anchorage days was 2.69, with a minimum of 0.05 days and a maximum of 83.64 days. **Additional information provided by the VFPA:** Information regarding an interim protocol for the use of Southern B.C. Anchorages can be found on Transport Canada's website. The following text is an excerpt from the *Interim Protocol for the Use of Southern B.C. Anchorages webpage*: An interim protocol for the use of Southern B.C. anchorages has been developed by Transport Canada in collaboration with the Chamber of Shipping of BC, the Shipping Federation of Canada, the Pacific Pilotage Authority, the VFPA, and the Port of Nanaimo (working group members). It also takes into account comments provided to Transport Canada by coastal communities about the impact of increased use of anchorages in their surrounding waters. Drafts of the interim protocol were also shared with coastal communities and Indigenous groups. Under the protocol, the VFPA assigns anchorages as equitably as possible, subject to individual anchorage size restrictions, using their computerised queueing system, which takes into account the dimensions of the vessel and specific anchorage usage over the previous 30 days. The objective of this approach is to balance the usage, so that no single anchorage is in constant use, and that that there is an equitable rotation of use through all suitable anchorages. Noise and Lights: All vessels, while at anchor, should minimise noise levels and light usage in consideration of local residents. The following guidelines apply:	**https://www.tc.gc.ca/en/services/marine/ports-harbours/interim-protocol-use-southern-bc-anchorages.html**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			27-Jan-2017, Meeting: Responded that the Pacific Pilotage Authority would know best about what ships are anchoring where. **20-Jun-2017, Letter from the VFPA:** Provided Penelakut Tribe with a memo on the use of Gulf Island Anchorages. "Historically, the vast majority of commercial vessels that anchor in the Gulf Islands have been bulk carriers (mostly grain, but some coal, potash and sulphur), while the remaining few are container vessels. Use of these anchorages by vessels bound for the Port of Vancouver depends on the fluidity of the supply chain… The Gulf Islands are outside of the Vancouver Fraser Port Authority's jurisdiction and the port authority does not have direct influence when it comes to managing ships that would want to anchor in these areas…" **18-April-2017, Meeting:** Recorded comment for consideration. **07-Jul-2017, Meeting:** Committed to follow-up with Transport Canada on Penelakut Tribe's questions regarding anchorage and ship numbers. Stated that the VFPA would ask if Transport Canada can attend a meeting with Penelakut Tribe to discuss. **07-Nov-2017, Meeting:** Cowichan Nation Alliance met with federal agencies, including the CEA Agency, Transport Canada, ECCC, Health Canada, DFO, NRC, and the Canadian Coast Guard. Transport Canada committed to connect Cowichan Nation Alliance with a representative of Transport Canada to discuss anchorage concerns further. **16-Nov-2017, Email from the CEA Agency to Penelakut Tribe:** Provided draft meeting notes from the 07-Nov-2017 meeting, which included a link to IR5-01 that discusses aspects of anchorage outside of the VFPA's jurisdiction and TC IR-07.	Noise: • Generator usage should be reduced to the minimum required generator(s) to operate essential services and systems; • External doors and hatches to machinery spaces must be kept closed as often as possible; and • Use of power tools and chipping hammers must be kept to a minimum and is not permitted on deck on weekends, nor between 1900 and 0700 hours on weekdays. Lights: • While the vessel is to be lit in compliance with the Collision Regulations, deck lights must be kept to a minimum, and • Lighting used to illuminate. Concerns with any of the specifics related to the responsibilities of ships at anchor (e.g., noise, light) within the protocol, can be reported to the VFPA Operations Centre. The VFPA Operations Centre will relay the complaints to the vessel agent with a copy to the Chamber of Shipping of BC, the Shipping Federation of Canada, and Transport Canada with the request to follow up with the vessel. The Interim Protocol is a temporary and voluntary measure that addresses some of the concerns Canada and the Port have heard in recent years. The Oceans Protection Plan, National Anchorage Framework will be undertaking the studies and consultation necessary to develop principles that determine the location and management practices for anchorages outside of ports in the future. In 2017, Transport Canada announced the Oceans Protection Plan's Anchorages initiative. The Anchorages Initiative will engage governments, marine industry, Indigenous groups, community organisations, and stakeholders to: • Develop a process to identify potential anchorage locations; • Analyse and respond to environmental, economic, cultural, safety and security concerns now and over the long-term; • Draft a "best practices at anchor" manual; and • Propose oversight/management options for anchorage locations outside the port authority's boundaries. The comprehensive review will use an evidence-based approach, and includes hearing feedback on issues from Indigenous groups, coastal communities, other levels of governments, and industry. Results and lessons learned from the Interim Protocol will help inform the national Anchorages Initiative.	

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-23.3	Related concerns regarding: • Pollution impacts from anchoring ships to shellfish; • Ships not following proper bilge water regulations; • Invasive species of clams being introduced and varnish clams disappearing; and • Invasive species of mussels (blue) being introduced to Penelakut territory. Asked about requirements for vessels to empty their bilges. Stated that invasive species introduced from vessels at anchor directly impacts their economic development opportunities related to aquaculture.	17-Jun-2014, Technical Working Group Meeting #4 01-Dec-2016, Chief and Council Meeting - Penelakut	**17-Jun-2014, Meeting:** There are regulations currently in place that prevent the discharge of bilge water in VFPA jurisdiction. Similarly, vessels that enter VFPA jurisdiction are not permitted to release raw sewage effluent. If required, untreated sewage can be discharged at least 12 miles (19.3 km) from shore with the ship moving faster than 4 knots. If sewage is comminuted (i.e., blended or pulverised), discharges can take place 3 miles (4.8 km) from shore. For ships equipped with approved treatment plants there are also limits to the permissible coliform counts **01-Dec-2016, Meeting:** Stated that vessels are required to empty their ballast water 200 nautical miles (500 km) offshore in water that is at least 2,000 m deep	**Addressed in EIS Section 13.6.2.1:** Potential operation-phase changes from wastewater (sewage) and stormwater discharges, and discharges from ships (bilge water and ballast water) are not expected to affect marine vegetation due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures described in EIS Section 4.2.1, and the implementation of regulatory requirements and guidelines (refer to EIS Section 9.7.8 for more information). **Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. *Spartina* Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.6.2.1 Changes in Water Quality

Table 24: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-24.1	Asked who is responsible for the cost of clean-up in the event of a spill and who is responsible for compensation of lost food sources for First Nations people. Stated that the VFPA should be held accountable, not just the shipper. Asked how the VFPA is bolstering WCMRC capacity to respond. Asked whether the VFPA contributes to WCMRC. Asked if Canada's compensation regime for impacts from a major container vessel casualty from its containers, debris, and/or wreckage fully compensate for natural resource damages, as well as to Cowichan Nation Alliance subsistence (non-commercial) and traditional fisheries. If yes, what are these compensation avenues?	07-Oct-2014, Aboriginal Groups Workshop #1 22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**07-Oct-2014, Workshop:** Explained that with WCMRC, each vessel (i.e. the shipping company), the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project in the first place, must have a formal agreement with WCMRC, and pay into the fund/service, and then WCMRC responds to the spills. **22-Oct-2014, Workshop:** Stated that the framework of responsibility is based on the polluter pays principle. Each vessel, the terminal operator (the company responsible for the loading and unloading of ships), and the company responsible for constructing the project, must have a formal agreement with Western Canada Marine Response Corporation (WCMRC), and pay into the fund/service, and then WCMRC responds to the spills. Stated that the VFPA would be responsible for the safe access and transit to or from the site, and implementing changes to navigation patterns to keep people clear of a potential spill. Increased traffic and risk of collision is considered in the assessment. The review panel will need to consider the VFPA's role in such an incident. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.*	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on liability on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: http://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm **Additional information provided by the VFPA:** The *Canada Shipping Act (2001)* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions 30.3.3 Port Metro Vancouver Practices and Procedures Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
PT-24.2	Concerned that the assessment for accidents and malfunctions should consider extreme weather events, not only ideal/normal weather patterns.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that the VFPA is taking a conservative and worst-case scenario approach, so weather extremes are considered. The worst weather condition might also be overlaid with the timing of something such as spawning season, for the purposes of the assessment.	**Addressed in EIS Appendix 7.2-B (#213):** A description of how local conditions and natural hazards, such as severe or extreme weather conditions and weather-related events, could adversely affect the Project, and how these in turn, could affect the environment, is presented in EIS Section 31.0. Project design and management measures capable of mitigating the effects of extreme weather conditions on the Project also will effectively address any potential effects associated with ideal/normal weather patterns. As described in EIS Section 9.1, climate is recognised as one of the primary drivers in shaping the Roberts Bank ecosystem. The influence of weather patterns typical for	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.1 Climate, Coastal Conditions, and

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA to Penelakut Tribe: Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	south coast B.C. and Roberts Bank are considered as an aspect of the Project's physical setting in existing conditions, expected conditions, and future conditions in the assessment of Project-related effects on the ICs and VCs.	Geotechnical Considerations 31.0 Effects of the Environment on the Project 31.2.1 Extreme Weather and Weather-related Events
PT-24.3	Requested a list of hazardous materials/dangerous goods that are shipped in containers. Asked if there has been an assessment done on which hazardous materials are currently being handled in the Port.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 01-Dec-2016, Chief & Council Meeting - Penelakut	**22-Oct-2014, Workshop:** Responded the Port has records and statistics on the contents of containers Noted that more information on the contents of containers would be provided in the EIS. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response. **01-Dec-2016, Meeting:** Committed to follow-up and provide information about the nature of hazardous materials shipped in containers. **22-Jun-2017, USB:** Provided a USB stick with EIS Section 30.0, including EIS Appendix 30-A, Table B-4, which lists the composition and number of Hazardous and Noxious Substances Containers at Deltaport in 2012.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx. The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 10.0 Potential Accidents or Malfunctions
PT-24.4	Asked if shipping of hydrocarbons in containers has been included in the assessment, as hydrocarbons are being increasingly shipped by rail, resulting in incidents. Asked if there is an increase in the movement of coal contemplated in the Project.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Responded that there have not been plans or projections for a change in the distribution of contents of containers. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Interests and Issues Table
PT-24.5	Concerned about the increased tanker traffic including oil spills, spill response, vessel safety, invasive species and cumulative effects.	01-Nov-2013, Meeting with Cowichan Nation Alliance 01-Dec-2016, Chief & Council Meeting - Penelakut	**01-Nov-2013, Meeting:** Recorded comment for follow-up. **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The proposed Project is being designed to exclusively handle containers. There will be no additional tankers as a result of the Project. The proposed Project will undergo a thorough and independent environmental assessment, which will include a component that will look at	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			potential cumulative effects and potential for spills. **01-Dec-2016, Meeting:** Stated that the federal government's recent decision to approve the TMX project is referenced and it is noted that safety is a big part of the work, permitting, and consultation to be done on the project. Traffic from the TMX project was included in the cumulative effects study for RBT2.	North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS.	Quantitative Risk Assessment
PT-24.6	Concerned that bunker fuel or cargo spill would be distributed by ocean currents - not just in shipping lanes.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** The document shared by the VFPA on July 27, 2015 included a draft summary of Cowichan Nation Alliance's Current Use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the report to be submitted to the CEA Agency in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with Cowichan Nation Alliance on May 26, 2015, or the *Updated EIS Guidelines*, issued by the CEA Agency on April 17, 2015.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario. **Addressed in MSA Section 10.0:** The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation
PT-24.7	Concerned with the safety of those participating in Tribal Journeys. Concerned with the safety of small boats, including harvesters.	17-Jun-2015, Meeting with Cowichan Nation Alliance 09-Nov-2015, Meeting with Penelakut Tribe	**17-Jun-2015:** Recorded comment for consideration by Project team. **09-Nov-2015:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0, as well as EIS Appendix 30-A. Data collected by DFO between 2008 and 2012 for vessels in DFO sub-areas encompassing Canadian and U.S. waters transited by ships bound for Roberts Bank was reviewed. These data indicated that daily fishing vessel numbers in the area are low (i.e., no vessels per sub-area on most days; maximum of six vessels on one day in the largest sub-area). On this basis, the quantitated risk assessment estimated the	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision Appendix 30-A Marine Vessel Incidence Prediction Inputs to the

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			issues and interests and provided the VFPA's response.	return period for a collision involving a container ship and a fishing vessel as 1 in 50 years, equivalent to a 'very low' probability in this assessment. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues. **Addressed in MSA Sections 9.5 and 10.0:** MSA Section 9.5 considers the risk of collision and perceptions of safety in the assessments of access to preferred Current Use locations, and quality of Current Use experience. The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of a plausible worst-case collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for the following VCs: marine commercial use, outdoor recreation, and human health, as well as Current Use. MSA Section 9.5 considers cultural practices, such as the acquisition of traditional foods and the transmission of traditional knowledge. Perceptions of safety, as well as access to preferred harvesting locations and visual or auditory disturbances, are covered in the assessment of potential changes to the following: • Access to preferred Current Use locations; and • Quality of Current Use experience. **Addressed in response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the Project.	Quantitative Risk Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions **Information Requests** Response to Sufficiency Information Request #15 (IR10-15)
PT-24.8	Asked if there will be timely and adequate rescue and tow of a disabled container vessel that is undertaken by a tug of adequate. If yes will these be commercial tugs of opportunity or a dedicated response tug operated by trained and experienced crew for high seas rescue.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.9	Asked if there will be timely and adequate salvage capability provided for a container vessel threatened or stricken with structural failure and needing hull patching and/or container cargo removal? If yes, will the salvage services be from a company sourced internationally, or will services be provided by a salvor representative whose office resides in B.C. and has repositioned equipment	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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	strategically located for rapid deployment? What will the timelines be for each salvage service (stability analysis, fire-fighting, hull patching, towing, cargo/fuel removal, shore clean-up) within the marine study area?				
PT-24.10	Asked if there will be planning and collaboration by Transport Canada with the Cowichan Nation Alliance on potential places of refuge within our Traditional Territory Stated that if yes, what are Transport Canada's intentions and approaches?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada's response to information request TC IR-07 discusses planning and collaboration in the development of new places of refuge. In its response, Transport Canada notes it "recently led a review and update of the Pacific regional POR [place of refuge] plan. The plan provides guidance in regional POR planning and decision-making for federal, provincial, First Nations, municipal and non- government partners, and includes a more comprehensive and cooperative mechanism for risk assessment and decision-making. As the federal government retains responsibility for marine shipping, if the urgency of the situation requires immediate action, Transport Canada and Canadian Coast Guard will initiate action under the *Canada Shipping Act, 2001* and engage with other partners (e.g., Province of BC, Public Safety Canada, Parks Canada, Environment and Climate Change Canada, First Nations, municipalities) as soon as possible thereafter using the plan, including the Incident Command System and Unified Command. Under the Oceans Protection Plan, places of refuge engagement will be expanded to the rest of the Pacific coast to enhance the plan with new sub-regional annexes, including for the South Coast, summarising the navigation criteria, in balance with the environmental, socio-economic and cultural values of First Nations and local communities that may be exposed to some risk from a POR decision. These new annexes will modify and/or update current pre-surveyed places of refuge, from the existing regional plan dated 2009. It should be noted that "pre-surveyed" doesn't mean "pre-designated". Actual assignment of a place of refuge anchorage is undertaken in accordance with this plan, using a cooperative risk assessment and decision-making process whenever time and operational imperatives allow. Engagement with other First Nations and coastal communities will ensure these annexes are developed in a balanced and fully informed manner."	**TC IR-07 (CEAR Document #982) from Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017**
PT-24.11	Asked if there are regions and periods whereby sea conditions for daylight oil spill and/or container-debris response are not safe or ineffective within our Traditional Territory. If yes, what would be the frequency of limiting factors such as: waves, wind, fog, currents, etc. within the marine study area?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.12	As a precautionary approach are current and future environmental impact assessments for vessel casualty scenarios and associated means	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with*	**Additional information provided by the VFPA:** The methods used to assess the potential accidents and malfunctions are consistent with the *EIS Guidelines* issued by the CEA Agency. **Additional information provided by the VFPA:**	***Updated EIS Guidelines*** **Transport Canada Response to the Review Panel's April 4, 2018 Information**

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	for mitigation to be based on worst-case analysis rather than relying on statistical analysis to render consequences and preparedness lower as "credible" or "plausible" worst-case scenarios? For risk determination and emergency preparedness purposes, what direction does Transport Canada provide to the shipping industry and for federal impact assessments in defining the nature, scale and scope of major vessel casualty's consequences?	Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	*respect to this information to inform its sufficiency review."*	Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Requests (CEAR Document #1204)**
PT-24.13	Asked if heavy fuel oils (bunker) used by the project's container vessels - if spilled in BC's marine temperate waters - submerge (over wash) and/or sink anywhere within the marine study area? If yes, then what is the current capability within industry and government with regards to having specialized equipment and trained personnel to realistically track and recover such oil? How is this specialized equipment and operations evaluated by regulatory agencies?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 10.4:** MSA Appendix 10-B provides qualitative evaluations of the physical fate and transport of potential spills. The evaluation focuses on the Boundary Passage region where the probability of an accident or malfunction and associated spill to the marine environment is greater and the environmental consequence likely higher. The identified residual adverse environmental effects are unlikely to occur, because of the very low probability of the accident scenarios. MSA Section 10.4 discusses existing emergency response mechanisms and arrangements with Response Organisations within the spatial extent of marine shipping associated with the Project. MSA Section 10.4.4.1 specifically discusses the capabilities of WCMRC, the Response Organisation within the marine shipping area. WCMRC maintains a team of full-time and part-time employees, and trains on average 150 to 200 marine contractors and fishers in spill response each year. In addition to formal training, WCMRC conducts a program of equipment deployment and desktop exercises over the three-year certification cycle. WCMRC meets the equipment requirements for certified Response Organisations by maintaining the following: • A dedicated fleet of specialised oil spill response vessels, with a combined skimming capacity of 468 tonnes/hour; • More than 35,500 m of boom; • The capacity to clean-up 1,500 m of shoreline/day; • 8,100 tonnes of primary storage capacity; • Four sweep systems for on-water oil collection; • Incident Command Post kits containing all the materials and equipment required to establish and operate a complete Incident Command Post. Three of these kits are currently stored in trailers ready to be mobilised in Burnaby, Duncan, and Prince Rupert, B.C.; • A communications network that includes fixed and portable repeaters and a mobile communications vehicle for supporting remote operations; • Equipment or Office warehouses in Burnaby, Duncan, and Prince Rupert; and • Equipment caches in Haida Gwaii, Kitimat, Shearwater, Port Hardy, Campbell River, Sunshine Coast, Port Alberni, Nanaimo, Deltaport, Fraser River, and Esquimalt.	**MSA** 10.4 Mitigation Measures 10.4.4.1 Western Canada Marine Response Corporation Capabilities Appendix 10-B Marine Fate of Shipping Spill-type Accidents

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PT-24.14	Asked if there will be a requirement to heat recovered heavy bunker fuels in BC's temperate waters in order to facilitate its transfer from recovery vessels to transport barges then to land for disposal? If yes, then what is the current capability in industry and government with regards to having specialized equipment and trained personnel to heat and transfer highly viscous, weathered bunker oil? If present, how is this specialized equipment and operations evaluated by regulatory agencies?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.15	Asked if ambient-temperature water flushing and deluge systems commonly used for sediment-type shore treatment be singularly effective for weathered heavy fuel oil (bunker) stranded on shore? If not effective, will these water-systems require augmenting by heated water or shore-washing agents? For container-debris is there a systematic process to field assess shoreline impacts and then to identify mitigation measures (i.e., clean-up tactics) -such as modelled after the well-established Shoreline Clean-up Assessment Techniques (SCAT) for stranded oil? If yes, where is this guideline and who has been trained?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management. **Addressed in response to IR11-12:** The VFPA's response to IR11-12, as requested by the Review Panel, will provide information concerning Geographic Response Plans (GRP) mapping for shorelines adjacent to and down-current from potential marine accidents and malfunctions associated with the proposed Project.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)** **Information Requests** Response to Sufficiency Information Request #12 (IR11-12)
PT-24.16	As a container-debris generally results in a wide-range of types and amounts of HNS (e.g., hazardous materials/dangerous goods), asked who will provide this specialized services for both on-shore and on-water recovery, and who will manage this mitigation measure.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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PT-24.17	Asked if there will there be an adequate number of willing shoreline workers to undertake a major clean-up of a wide-spread bunker oil spill and/or container debris field. Asked who is prepared to source, register, train, equip, supervise and pay for a workforce that could be in the order of several hundred to a thousand people. Asked if a regional or provincial survey been done to determine public availability, receptiveness, and composition for oil and for container debris clean-up.	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.18	For bunker oil and/or container debris clean-up, asked if there will there be adequate logistical support such as vehicles, vessels, planes, camps to transport a large shoreline workforce to remote areas within the marine study area. If yes, who will provide and manage these logistical services for a container vessel? Does provision of such services depend on if there is an oil spill?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.19	Asked if there are waste management solutions for final disposal of oily wastes, container debris of both from a container vessel casualty. If yes, what waste volumes have been considered in oil and in debris, and where are the facilities located for each of these waste streams?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.20	Asked if there has been any provincial or national exercises and plans for managing a major loss of containers and resulting debris-field from a container vessel casualty that entails: salvage services, waste management, logistics, incident	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

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	management, workforce establishment, hazardous material management, etc. If yes, when, where, and by who?	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)		Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	
PT-24.21	Asked if there will be financial risks for participants in Unified Command (agencies and First Nations) once a ship-owner (the Responsible Party) reaches its legal limit of financial responsibility that results in the incident's management and further expenditures being transferred to government. If yes, what are these risks?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.22	Asked if the federal and provincial government will be receptive to a formalized government-to-government arrangement with the Cowichan Nation Alliance to guide in major vessel waterway management, cumulative impact assessments, and vessel casualty preparedness and response. If yes, what is the forum in which this can be done?	13-Jan-2016, Letter to the CEA Agency from Cowichan Tribe on behalf of Cowichan Nation Alliance (CEAR Document #385) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency to Cowichan Nation Alliance (CEAR Document #398):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
PT-24.23	Stated that there are discrepancies in the the EIS and that Penelkaut Tribe is required to cross the international shipping lanes to harvest crab and fish at Roberts Bank, to visit T'lqitnus. Concerned that increased freighter creates increased hazards to the small vessels needed to cross that corridor. Stated that marine shipping traffic will also increase navigational conflicts for Penelakut Tribe members travelling to marine harvesting sites at Roberts Bank, as this requires crossing the Salish Sea and the shipping lanes.	27-Aug-2015, Letter from Penelakut Tribe 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** Requested to meet with Penelakut to discuss comments received on the draft EIS. Stated that eh content discrepancies in the EIS will be incorporated into the MSA before submission to the CEA Agency. Explained that the document shared by the VFPA on July 27, 2015 included a draft summary of CNA's current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. Noted that these topics will be addressed in the Report to be submitted to the Canadian Environmental Assessment Agency ("CEAA") in the fall of 2015. **09-Nov-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing	**Addressed in MSA Appendix 5-B (#73):** MSA Section 9.5 considers the risk of collision and perceptions of safety in the assessments of access to preferred Current Use locations, and quality of Current Use experience. The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of a plausible worst-case collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for the following VCs: marine commercial use, outdoor recreation, and human health, as well as Current Use. MSA Section 9.5 considers cultural practices, such as the acquisition of traditional foods and the transmission of traditional knowledge. Perceptions of safety, as well as access to preferred harvesting locations and visual or auditory disturbances, are covered in the assessment of potential changes to the following: Access to preferred Current Use locations; and Quality of Current Use experience. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers the Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 9.5.1.1 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights 9.5.5 Potential Interactions and Effects of Vessel Transit on Current Use

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			all the issues and interests raised by Indigenous groups and the VFPA's response.	Potential effects on Current Use as a result of Project associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
CT-24.24	Stated that an accident or malfunction at the terminal could result in additional impacts on substrates, marine vegetation and marine invertebrates. An accident or malfunction that results in mortality of valued marine species.	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	The VFPA has reviewed this letter and provides the following information.	**Addressed in EIS Section 30.0:** EIS Table 30-8 summarises the potential residual effects to VCs that could occur as a result of an interaction with each of the plausible worst-case accident or malfunction scenarios. No adverse residual effects are anticipated with respect to either the road worst-case scenario or the rail worst-case scenario. Although the potential for significant residual adverse effects to marine mammals, coastal birds, and Current Use was identified with respect to the marine worst-case scenario (i.e., an allision involving a container ship at RBT2 of sufficient energy to puncture the hull and damage a fuel tank), due to its 'extremely low' probability, these effects are considered unlikely. Given that none of the residual adverse effects identified in this assessment are considered likely, they were not considered in the assessment of potential cumulative effects of the Project.	**EIS** 30.0 Potential Accident and Malfunctions

Table 25: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-25.1	Concerned that the community profile for Cowichan Tribes does not include their Aboriginal interests in the mainland, including the Project area. Concerned that the description of Cowichan Nation Alliance's members' historical village (Tl'uqtinus) and use of the area is inaccurate and not respectful. Stated that Cowichan Nation Alliance will review the information and identify information gaps. Provided a list of recommended revisions to EIS Section 32.0. Concerned with the VFPA's understanding of Penelakut's asserted rights and title. Stated that the community profile fails to properly identify Penelakut's use and occupancy of the Roberts Bank area. Requested that the VFPA redact information contained in the EIS. Requested a written report reassessing the potential impacts of RBT2 on the Penelakut Tribe. Criticised that the description of Penelakut Tribe in the EIS as inaccurate and insufficient. Disagreed with EIS conclusions that impacts to Penelakut rights will be insignificant. Stated that Penelakut anticipated that the VFPA would amend the EIS to include an appropriate description of Penelakut's territory, but this has not happened. Enclosed a description of Penelakut to be used when considering who Penelakut Tribe is and how the project may impact Penelakut.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 15-Jan-2015, Letter from the Cowichan Nation Alliance 27-Aug-2015, Letter to the VFPA from Penelakut Tribe 09-Nov-2015, Meeting with Penelakut Tribe 04-Jan-2016, Letter to the VFPA from Penelakut Tribe 04-May-2016, Letter to the VFPA from Penelakut Tribe	**11-Dec-2014, Workshop:** Stated that the information presented is an excerpt from the Kennedy (2014) report. Stated that the information could be made clearer. Requested additional clarification in writing from the Cowichan Nation Alliance. **25-Mar-2015, Letter from the VFPA to the Cowichan Nation Alliance:** Responded to the Cowichan Nation Alliance's requested revisions and demonstrated how they had been considered in the draft. **02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** Requested to meet with Penelakut to discuss comments received on the draft EIS. Stated that in regards to content discrepancies related to use of marine resources and terrestrial locations by the Cowichan Nation Alliance and Penelakut Tribe, the suggested alterations will be incorporated into the [MSA] before submission to the CEA Agency. **09-Nov-2015, Meeting:** Apologised that description is not accurate. The assessment in the EIS was conducted on the basis of the information provided to the VFPA prior to filing of the EIS, and the summary was provided to Penelakut for review before submission to the CEA Agency. Offered to forward information from Penelakut to the CEA Agency. Requested that Penelakut provide additional information if it is available. Stated that the VFPA does not define or assess rights and title, and does not have control over depth of consultation. The CEA Agency determines consultation requirements. Stated that the VFPA has provided money for participation and continues to meet with Penelakut to discuss concerns and benefits. Asked how Penelakut would like to see the consultation process unfold. **04-Feb-2016, Letter from the VFPA:** In your letter, you express concern with the community profile for Penelakut Tribe in EIS Section 32.1.1.10. This section was intended to provide background information on each Indigenous group, including the location of reserves, communities, and traditional territories, and maps where available. The community profile for Penelakut Tribe provides a reference to Figure 32.5 in the EIS, which depicts both the "core" and "marine" traditional territory collectively asserted by the Hul'qumi'num Treaty Group. EIS Figure 32.5 is also referred to in EIS Section 32.2.4.5, where it is stated that the Hul'qumi'num Treaty Group traditional territory "fully	**Addressed in EIS Appendix 7.2-B (#178):** The VFPA provided draft summaries of past and current use and community information within EIS Section 32.0 for review by each Indigenous group and comments received were incorporated. EIS Section 32.1.1.5 presents Stz'uminus First Nation's community profile information. EIS Section 32.2.4.5 presents information in relation to Tl'uqtinus. **Additional information provided by the VFPA:** On April 24, 2014, the VFPA and Cowichan Nation Alliance, which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum First Nation, signed a funding agreement to support a RBT2-specific use study. On July 11, 2014, the VFPA provided Penelakut Tribe with a draft of the Community Profile Extract for the opportunity to review and provide comments. On October 16, 2014, the Cowichan Nation Alliance provided the VFPA with a report titled *Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use.* The VFPA met the Cowichan Nation Alliance on December 11, 2014 to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and Treaty Rights and Related Interests and Current Use of Lands and Resources for Traditional Purposes; and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by the Cowichan Nation Alliance, and preliminary conclusions of the assessment. On December 9, 2014, the VFPA provided the Cowichan Tribes with an advance draft of the existing conditions section for "Potential or Established Aboriginal and Treaty Rights and Related Interests, and including current use of lands and resources for traditional purposes" of the EIS. The VFPA requested that Cowichan Tribes confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections were received from the Cowichan Nation Alliance on January 15, 2015. On March 25, 2015, the VFPA provided the Cowichan Nation Alliance with a table outlining all Cowichan Nation Alliance's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.1.1.10 Penelakut Tribe 32.2.3 Information Sources 32.2.3.1 Project-Specific Studies 32.2.4.5 Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation) 32.4 References

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			overlaps the LAAs for the marine vegetation, marine invertebrates, marine fish, and coastal birds VCs, and the marine mammals LAA portion north of the international border" (p. 32-71). The purpose of EIS Section 32.2.4.5 was to present a summary of use and occupation in relation to the Project area, in order to address the information requirements laid out in EIS Sections 9.1.8 (emphasising Current Use) and 9.2 (emphasising rights) of the *EIS Guidelines*. EIS Section 32.2.4.5 included information available to the VFPA at the time of EIS submission regarding the Penelakut Tribe's use and occupancy in relation to the Project area. This section includes reference to the importance of the Fraser River estuary, Tl'uqtinus, and several other sites in the Roberts Bank area to Cowichan Nation Alliance member nations, as well as Cowichan Nation Alliance's expressed desire to resume harvesting at several sites. The EIS represents the VFPA's perspective on the predicted degree of effect the Project may have on Current Use, and Aboriginal right based on the information available to the VFPA at the time the EIS was submitted. In the VFPA's meeting with Cowichan Nation Alliance on June 11, 2015, Penelakut Tribe informed the VFPA that it relies on the Roberts Bank area for crab harvesting due to contamination present in areas closer to their communities, Penelakut Tribe advised that they secured a total catch of about 2,700 to 3,000 lbs of crab for food, social and ceremonial purposes in this area in April 2015. The VFPA included this new information in the MSA, submitted in October 2015 (see pp. 9.5-107 to 9.5-108). Penelakut Tribe's January 4, 2016 letter includes reference to an Aboriginal Fisheries Strategy agreement with DFO that covers the Project area, the VFPA requests that Penelakut Tribe send a copy of the agreement and any other information relating to marine resource harvesting in areas potentially affected by the Project. Additional information pertaining to Penelakut Tribe Current Use, provided in Penelakut Tribe's January 4,2016 letter to the VFPA, as well as the information in the above paragraph, will be incorporated in the VFPA's updated responses to AIR-12.04.15-29, AIR-12.04.15-30, and AIR-12.04.15-31. Upon submittal of these documents to the CEA Agency, it will be the VFPA's understanding that all relevant information pertaining to Penelakut Tribe Current Use in the Roberts Bank area will have been provided to the CEA Agency. If Penelakut Tribe would like any additional information on the record for the Panel to consider, it can be sent to the Crown Consultation Coordinator at the CEA Agency. Please copy the VFPA on any correspondence to this effect. The VFPA looks forward to working with Penelakut Tribe to ensure all relevant information is included in the federal Panel review of the Project.		

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			30-Jun-2016, Letter from the VFPA: Provided responses to the concerns raised in Penelakut Tribe's letter of 04-May-2016. The port authority response to IR-7.31.15-2 (enclosed) responds to your concern regarding the description of Penelakut traditional territory in the EIS. This response confirms that the traditional territory for the Cowichan Nation Alliance, or the Statement of Intent boundary for the Hul'qumi'num Treaty Group, was used as the basis of all analysis in the EIS pertaining to Penelakut. The response to IR-7.31.15-2 is posted on the CEA Agency registry and is part of the official record. In addition, Penelakut may submit information directly to the Review Panel to be posted on the public registry and considered by the Review Panel in its assessment of the Project. The summary of Current Use for Penelakut in the EIS was prepared using information submitted by the Cowichan Nation Alliance on behalf of Penelakut, including: • Cowichan Nation Alliance Current and Planned Use: Roberts Bank Terminal 2 (Hwitsum Consulting 2014); and • Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Occupation and Use (Bouchard and Kennedy Research Consultants 2014). Penelakut was provided opportunities to review and respond to the content pertaining to Penelakut in the EIS. Penelakut commented on the draft materials, and the EIS was revised in response to comments from Penelakut. As noted in the table accompanying the port authority's letter of April 25, 2016, the specific information regarding Penelakut's use of Roberts Bank "as recently as this spring" and in "recent sockeye runs" identified in the comment (and submitted by Penelakut to the port authority by letter dated August 27, 2015) was not available to the port authority at the time the EIS was filed. Information relating to Penelakut's recent use of the Project area was included and considered in the MSA and in the port authority's responses to information requests issued by the CEA Agency and is therefore part of the official record for the Panel's review.		
PT-25.2	Stated that they disagree that the Project is not anticipated to have impacts on the exercise of asserted rights of the Cowichan Nation Alliance to harvest marine fish, invertebrates, and mammals, and coastal birds and ducks. Stated that the Project will change the use of the area and open the ocean to industrial use and have impacts. Criticised the statements that say there is no reported current use of resources by the Cowichan Nation Alliance within the Project assessment area. Cultural protocols are part of	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance 09-Nov-2015, Meeting with Penelakut Tribe 01-Dec-2016, Chief & Council Meeting with Penelakut Tribe	**11-Dec-2014, Workshop:** Responded that the EIS is the VFPA's assessment, and the Minister of Environment will make the final decision based on the Review Panel's report. Stated that if there are mistakes or omissions in the information, it is helpful for the VFPA to know as soon as possible. **09-Nov-2015, Meeting:** Stated that the VFPA made its assessment on the information available. Stated that if Penelakut has more information, the VFPA will need to look at it and reassess if required.	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. Based in part on the findings of the assessment of marine biophysical VCs, potential Project-related effects on resource harvesting of traditional species are assessed in EIS Section 32.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
	the reason there are apparent gaps in information around current use. Stated that the Cowichan Nation Alliance will supply additional information articulating why there is information unavailable for current use.	27-Jan-2017, Meeting with Penelakut Tribe	**01-Dec-2016, Meeting:** Recorded comment for follow-up. **27-Jan-2017, Meeting:** Stated that the Review Panel will want to hear Penelakut's point of view and what impacts Penelakut thinks there will be from the Project.	**Addressed in responses to IR-7.31.15-08 and MSA IR-02.24.16-4:** How ITK was utilised in the EIS and MSA is described in the VFPA's responses to IR-7.31.15-08 and MSA IR-02.24.16-4. The VFPA's response to IR10-02, as requested by the Review Panel, provides tables similar to those presented in CEAR Document #572 and CEAR Document #930 to summarise how all available ITK was incorporated into the EIS and MSA.	**Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #02 (IR10-02)
PT-25.3	Stated that the VFPA is always stating that the Project will have no impacts and is not interested in mitigating effects.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Stated that the VFPA is open to hearing suggestions for mitigation measures.	**Addressed in EIS Appendix 7.2-B (#5):** The EIS considers clear, enforceable measures that are technically and economically feasible that would mitigate any adverse effects of the Project, as required by the *EIS Guidelines*. The approach to considering mitigation measures for adverse effects is described in EIS Section 8.0. The proposed approach for mitigation to address Project-related effects to marine biophysical VCs is described in EIS Section 17.0. **Addressed in EIS Appendix 7.2-B (#197):** The VFPA has adopted the use of the following mitigation hierarchy to address Project effects: 1. Avoidance, such as through Project placement and design, and adherence to fisheries-sensitive windows; 2. Reduction, such as through the implementation of standard management practices and Environmental Management Plans; and 3. Offsetting, which involves the creation and enhancement of biophysical habitats that support species of the Roberts Bank ecosystem. Marine sub-components or representative species that undergo decreases in productivity will be offset to the extent feasible using onsite offsetting.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 8.1.6 Mitigation Measures 17.0 Mitigation for Marine Biophysical Valued Components 17.1 Avoiding Potential Effects 17.2 Reducing Potential Effects 17.3.2 Offsetting Framework 17.5 Mitigation Summary for Potential Marine Biophysical Valued Component Productivity Losses
PT-25.4	Concerned that the timing and funding offered by the VFPA to support a TUS study was inadequate. Stated that the VFPA was not provided with the whole breadth of information related to current use, given the timeline and funding provided.	11-Dec-2014, Health & Aboriginal Rights Workshop - Cowichan Nation Alliance	**11-Dec-2014, Workshop:** Explained that if the Current Use study had not been provided to the VFPA, the authors would have been relying on other sources of information, and there may not have been any content in the Current Use report. Stated that there is a lot of value to what is provided by Indigenous groups. If there are major concerns with the way information is being presented in terms of conclusions or content, the VFPA invites Cowichan Nation Alliance to comment.	**Addressed in EIS Appendix 7.2-B (#175):** The VFPA provided funding to the specified Indigenous groups to support consultation. Additionally, the VFPA provided funding to support completion of traditional use studies to these Indigenous groups and all groups provided a traditional use study. Further information, provided during fall 2014 consultation and in writing, has been incorporated into the EIS. The VFPA will continue to consult with appropriate Indigenous groups and there will be further opportunities to provide information through the CEA Agency process.	**EIS** 7.0 Engagement and Consultation Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-25.5	Concerned that current use assessment precludes an assessment of future use. Stated that commercial harvesting, government regulations and legislations have made participation in commercial fishing challenging. Stated that Cowichan Nation Alliance plans to be fishing in the Project area in the future. Stated that the Cowichan Nation Alliance will supply information about how they see future use fitting into the assessment. Stated that current use is not something that exists on a balance sheet. It ebbs and flows over time. Concerned that the EIS process is not creating accurate information.	11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 05-Jan-2015, Letter to the VFPA from Penelakut Tribe	**11-Dec-2014, Workshop:** Stated that the rights portion (EIS Section 32.0) of the assessment incorporates past use as well as interest in future use. **05-Jan-2015:** Recorded comment for consideration by Project team. **11-Feb-2015, Email from the VFPA to Penelakut Tribe:** Responded that Penelakut's questions will be responded to in the upcoming weeks either by letter/email or done so within the Environmental Impact Statement. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#174):** The methods used to assess the potential effects of the Project on Current Use are consistent with existing federal guidance, including the *EIS Guidelines* issued by the CEA Agency. The rationale for the determination of negligible residual effects to Current Use is included in the EIS. Information sources used in EIS Section 32.0 are listed in EIS Section 32.2.3, with Project-specific studies appearing in EIS Section 32.2.3.1. A full list of references cited appears in EIS Section 32.4. **Addressed in response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.3 Information Sources 32.2.3.1 Project-Specific Studies. 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis 32.4 Existing Conditions ***Updated EIS Guidelines*** **Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
PT-25.6	Concerned that Draft Report of Current Use does not include cumulative effects.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."*	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out.	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
PT-25.7	Concerned that the Draft Report of Current Use does not include effects from malfunctions or accidents.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** *"The document shared by the VFPA on July 27, 2015 included a draft summary of [Cowichan First Nation's] current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. These topics will be addressed in the Report to be submitted to the [CEA Agency] in the fall of 2015. For more information regarding factors considered in the assessment of effects of marine*	**Addressed in MSA Appendix 5-B (#87):** MSA Section 10.0 includes consideration of a collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for VCs marine commercial use, outdoor recreation, human health, and Current Use. MSA Section 9.5 considers the risk of collision and perceptions	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			shipping associated with the Project, please see the Marine Shipping Overview document shared with [Cowichan First Nation] on May 26, 2015, or the updated EIS guidelines, issued by [the CEA Agency] on April 17, 2015."	of safety. MSA Section 10.0 considers plausible worst-case spill scenarios. **Addressed in MSA Section 10.0:** MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
PT-25.8	Concerned that Draft Report of Current Use emphasizes Cowichan activities in the international shipping lanes only.	09-Sep-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance	**02-Oct-2015, Letter from the VFPA to Cowichan Tribe:** *"Your letter additionally includes an expression of concern related to the VFPA's definition of the [marine shipping area]. The [marine shipping area] is defined to include activities that take place between the 12 nautical mile limit of Canada's territorial sea to the limit of the VFPA's care and control. The [marine shipping area] is defined more broadly*	**Addressed in MSA Section 9.5:** The spatial boundaries for the assessment are summarised in MSA Table 9.5-1 and shown in MSA Figure 9.5-1 through MSA Figure 9.5-11. The LAA for each Indigenous group was selected to conservatively define the area within which Project-associated shipping has the potential to affect the Current Use activities of that	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			than the international shipping lane, and is intended to include areas that could potentially be impacted by marine shipping associated with RBT2. It includes the trans-boundary inland marine waters in this area, as well as numerous islands and islets belonging to either the Gulf Islands or San Juan Islands."	Indigenous group. The RAA for each Indigenous group was established to provide a regional context for that Indigenous group for the assessment of effects from Project-associated shipping.	
PT-25.9	Stated that the EIS identifies "Outdoor Recreation" and "Labour Market" as "Valued Components", saying "Valued components are the focus of the environmental assessment for the purposes of evaluating Project-related effects". But the EIS classifies "Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes" as an "Other effects assessment" undertaken "in addition to the assessment of intermediate and valued components". Explain the rationale for this distinction: Why is the Protection of Aboriginal Rights not a VC? Asked why cumulative effects on the ability of First Nations to exercise Aboriginal rights was not identified as a VC.	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	The VFPA has reviewed this letter and provides the following information.	**Addressed in EIS Section 32.1:** Section 32.1 of the EIS explains that the assessment of the current use of lands and resources for traditional purposes (Current Use) is subject to different requirements in the EIS Guidelines than the assessment of potential impacts on the exercise of asserted or determined Aboriginal and treaty rights (pp. 32-1 to 32-2). **Additional information provided by the VFPA:** The identification of a component as a VC is based on the definition of environmental effects in Section 5 of CEAA 2012, not on whether a component is valued. The distinction between the assessment of environmental effects defined under Section 5 of CEAA 2012 versus the assessment of potential impacts to Aboriginal and treaty rights comes down to statutory versus common law requirements, which are reflected in the structure of the EIS Guidelines. Section 5 of CEAA 2012 identifies factors for which environmental effects must be assessed under that statute, including under subsection 5(1)(c), which relates to the effects of a change to the environment on Aboriginal people. If residual effects to these factors are identified, the significance of these residual effects must be determined, and cumulative effects assessed, per Section 19(1) of CEAA 2012. The EIS Guidelines identified how Section 5 environmental effects were to be assessed in sections 10.1, 11.1, 12.1, and 13.1. The requirements for the assessment of Section 5 environmental effects (statutory requirements) do not apply to the assessment of rights. Rather, the requirements for the assessment of potential impacts to the exercise of rights stems from common law requirements relating to the Crown's duty to consult and accommodate. The EIS Guidelines lays out the requirements for the rights assessment in sections 9.2, 10.2, 11.2, 12.2 of the Guidelines, which are different from those relating to Section 5 factors (as above, sections 9.1, 10.1, 11.1, 12.1, 13.1). The determination of significance and assessment of cumulative effects, while required for Section 5 factors per Section 19(1) of CEAA 2012, are not required for rights. While Current Use is a Section 5 CEAA 2012 factor (under subsection 5(1)(c)), and was accordingly assessed using the VC methodology to meet the requirements of the EIS Guidelines, the VC methodology was not applied to the rights assessment; however, because the Current Use	**EIS** 32.1 Component Overview and Regulatory Setting

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				and rights assessments were embedded within the same EIS chapter, but subject to different assessment methods, the chapter was not referred to as a "VC" assessment, even though a part of the chapter was assessed using the VC methodology, and the results drawn forward for application to the rights assessment.	
PT-25.10	Concerned that data collection in the Local Assessment Area has been manipulated to deny the reality of the planned infringements.	12-Dec-2014, Email from Penelakut Tribe	**11-Feb-2015, Email from the VFPA to Penelakut Tribe:** Responded that the VFPA does not agree with this perspective. Stated that the VFPA has been and remains committed to working with Penelakut to address concerns related to the Project, to provide Penelakut with available information and to respond to questions.	**Addressed in EIS Section 1.4:** During Project planning, preliminary design, and preparation of the EIS, the VFPA gathered and integrated information from a wide range of sources, including the following: • Academic experts; • Federal authorities with specialist or expert scientific information, advice, and knowledge relating to projects of this nature; • Other levels of government with expert and specialist knowledge; • Indigenous groups; • Communities; • Existing information relevant to the Project, including ITK; and • Professional practitioners (e.g., registered professional biologists, air quality specialists, geomorphologists). **Additional information provided by the VFPA:** The Project is undergoing a federal environmental assessment by an independent review panel, under *CEAA, 2012*.	**EIS** 1.4 Use of Information
PT-25.11	Stated that the conclusions of the VFPA's experts that the impacts on the marine environment will be either non-existent or immaterial is at odds with the fact that the terminal will displace at least 117 hectares of marine area that was previously a useable fishing/marine resource. Stated that the impact is always determined to be negligible, and presentations do not acknowledge the impact that will occur. Stated that it is Penekalut's view there is an obvious net loss of area upon which to exercise Aboriginal title or rights as a result. Concerned that despite providing the VFPA with new information about Penelakut's practices in the LAA and RAA, the VFPA continues to say that there will be no measurable impacts on the ability of Penelakut Tribe to exercise asserted aboriginal rights as a result of RBT2.	12-Nov-2014, Cowichan Nation Alliance EIS Workshop #2 27-Aug-2015, Letter from Penelakut Tribe 04-Jan-2016, Letter from Penelakut Tribe	**12-Nov-2014, Workshop:** Shared preliminary results from the environmental assessment, provided information about the proposed mitigation of Project effects, and sought input from members of the Cowichan Nation Alliance. **02-Oct-2015, Letter from the VFPA to Penelakut Tribe:** Requested to meet with Penelakut to discuss comments received on the draft EIS. Explained that the document shared by the VFPA on July 27, 2015 included a draft summary of CNA's current use in the marine shipping study area, and therefore did not include accidents and malfunctions or potential effects. Noted that these topics will be addressed in the Report to be submitted to the Canadian Environmental Assessment Agency ("CEAA") in the fall of 2015. **09-Nov-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the MSA for the proposed Project, which included MSA Appendix 5-B listing all the issues and interests raised by Indigenous groups and the VFPA's response. **04-Feb-2016, Letter from the VFPA:** "The EIS represents [the VFPA's] perspective on the predicted degree of effect the Project may have on current	**Addressed in EIS Section 8.0:** The methods used to assess the potential effects of the Project, including mitigation measures, residual effects, and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and consistent with existing guidance documents, including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012* and Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide, and the Guideline for the Selection of Valued Components and Assessment of Potential Effects, among others.	**EIS** 8.0 Effects Assessment Methods 8.1 Environmental Assessment Methods 8.1.6 Mitigation Measures 8.1.7 Characterisation of Residual effects and Context 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment

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			use of lands and resources for traditional purposes, and Aboriginal rights based on the information available to [the VFPA] at the time the EIS was submitted. In [the VFPA]'s meeting with [Cowichan Nation Alliance] on June 17, 2015, Penelakut Tribe informed [the VFPA] that it relies on the Roberts Bank area for crab harvesting due to contamination present in areas closer to their communities, Penelakut Tribe advised that they secured a total catch of about 2,700 to 3,000 lbs of crab for food, social and ceremonial purposes in this area in April 2015. [The VFPA] included this new information in the [MSA], submitted in October 2015 (see pp. 9.5 107 to 9.5-108). Penelakut Tribe's January 4, 2016 letter includes reference to an Aboriginal Fisheries Strategy agreement with Fisheries and Oceans Canada that covers the Project area, [the VFPA] requests that Penelakut Tribe send a copy of the agreement and any other information relating to marine resource harvesting in areas potentially affected by the Project. Additional information pertaining to Penelakut Tribe current use of lands and resources for traditional purposes, provided in Penelakut Tribe's January 4, 2016 letter to [the VFPA], as well as the information in the above paragraph, will be incorporated in [the VFPA's] updated response to Additional Information Requests #29, 30 and 31 from the [CEA Agency]. Upon submittal of these documents to [the CEA Agency], it will be [the VFPA's] understanding that all relevant information pertaining to Penelakut Tribe current use of lands and resources for traditional purposes in the Roberts Bank area will have been provided to [the CEA Agency]."		
PT-25.12	Stated that the Penelakut Tribe is comprised of descendants of the historic Cowichan Nation, with a Traditional Territory that encompasses the Project site. Stated that the EIS misrepresents this when it states: "The Penelakut Tribe's asserted traditional territory is located on the central side of Vancouver Island and includes Penelakut Island, Galiano Island, Tent Island, and the area near the mouth of the Chemainus River" (s. 32.1.1.10, EIS p. 32-14).	10-Jun-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #210)	**13-Oct-2015, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #310):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 1, #2). Additionally, the Penelakut Tribe could ensure that the correct information is available for the Panel by providing this information directly to the Panel Secretariat at RobertsBank@ceaa-acee.gc.ca."*	**Addressed in response to IR-7.31.15-02:** As noted in the VFPA's response to IR-7.31.15-02, the VFPA provided, in July 2014, maps of each traditional territory, where asserted or established, to the applicable Indigenous group, along with a community profile, for review and comment. In November and December 2014, the VFPA provided each Indigenous group with the summary of existing conditions for that Indigenous group presented in EIS Section 32.2.4 and requested that each Indigenous group review and comment on that summary. Again, maps of traditional territories used as the basis for the spatial boundaries and the assessment were provided to each Indigenous group with their applicable summary. The steps outlined above were followed for the Penelakut Tribe. The VFPA consulted the Penelakut Tribe directly and through the Cowichan Nation Alliance. Opportunities to comment on the territory map were provided to Penelakut Tribe both directly and through the Cowichan Nation Alliance, as part of the July 2014 and November to December 2014 requests for review and comment. The territorial boundary used in the assessment for the Penelakut Tribe, and for the Cowichan Nation Alliance, was the Statement of Intent boundary submitted to the	**Information Requests** Response to Information Request #2 (IR- 7.31.15-02 of CEAR Document #314)

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				BC Treaty Commission by the Hul'qumi'num Treaty Group, of which the Penelakut Tribe and other members of the Cowichan Nation Alliance are or have been a member. During the process outlined above, the VFPA received comments from Penelakut Tribe and the Cowichan Nation Alliance and these comments were incorporated; however, the VFPA did not receive any comments from Penelakut Tribe or the Cowichan Nation Alliance indicating that a different traditional territory other than the one asserted by the Hul'qumi'num Treaty Group should e used as the basis of the assessment.	
PT-25.13	Given that the Penelakut Tribe harvests crabs in the LAA, the EIS should include a rationale for the conclusion that the Penelakut Tribe will not be impacted by the potential adverse effect during construction and operation on access to preferred or domestic FSC crab harvesting locations in the marine invertebrates LAA. Further, the EIS should provide a rationale for why no accommodation should be provided to the Penelakut Tribe for this effect as a mitigation measure (Table 32-6, EIS p. 32-120). Finally, the EIS should provide a rationale for why the potential adverse effect, during construction and operation, on access to preferred or domestic FSC crab harvesting locations in the marine invertebrates LAA does not amount to a potential impact on the Penelakut Tribe aboriginal right to harvest crab (s. 32.3.2.2 , EIS p. 32-136).	10-Jun-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #210)	**13-Oct-2015, Letter from the CEA Agency to Penelakut Tribe (CEAR Document #310):** *"The Agency has requested additional information on this item in its letter of July 31, 2015 to [the VFPA] (page 14, #30)."*	**Addressed in response to IR-7.31.15-30:** The VFPA's responses to IR-7.31.15-30 and AIR-12.04.15-30 provide rationale for the conclusions of the effects assessment for the Current Use by Indigenous peoples.	**Information Requests** Response to Information Request #30 (IR-7.31.15-30 of CEAR Document #314) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)
PT-25.14	Stated that the EIS should include a description and a map of Penelakut (Hul'q'umi'num Fisheries Society) Aboriginal and commercial fishing areas and a description of their relative importance.	08-Dec-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #347) 26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	**12-May-2016, Letter from the CEA Agency Letter from the CEA Agency to Penelakut Tribe (CEAR Document #401):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Penelakut Tribe's rights from the Project and marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel."*	**Addressed in EIS Section 32.2.4.5:** EIS Section 32.2.4.5 discusses marine resource use by the Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation), including fish and invertebrate harvesting.	**EIS** 32.2.4.5 Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation)
PT-25.15	Stated that the CEA Agency did not provide enough information for us to know how the CEA Agency arrived at the determination that the depth of consultation required with Penelakut Tribe is at the moderate end of the consultation spectrum. From Penelakut Tribe's point of view, however, this determination is wrong.	08-Dec-2015, Letter to the CEA Agency from Penelakut Tribe (CEAR Document #347) 04-Apr-2016, Letter to the CEA	**12-May-2016, Letter from the CEA Agency (CEAR Document #401)** *The Crown is still working on your request to re-assess the preliminary depth of consultation for Penelakut.* **15-Sep-2016, Letter from the CEA Agency (CEAR Document #911):** *"As requested, the Agency has reconsidered the preliminary depth of consultation assessment for Penelakut. The depth of*		

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	Stated that in January 2013, the Cowichan Nation Alliance provided its claim of aboriginal title to Tl'uqtinus lands, which demonstrates that they had a village on the south Arm of the Fraser River, which they accessed regularly via Canoe pass. Requested that the Consultation Plan be updated to reflect a change in consultation scope.	Agency from Penelakut Tribe 27-Jul-2016, Letter to the CEA Agency from Penelakut Tribe	*consultation assessment is an iterative process based on two main factors: (i) potential or established Aboriginal rights; and (ii) potential adverse impacts of a project on those rights. This preliminary assessment allows the Agency to determine the appropriate depth of consultation for a proposed project, and the consultation activities that are commensurate with that depth, and is revised throughout the environmental assessment as new information is acquired…* *Taking into account our preliminary understanding of the strength of claim and potential seriousness of adverse impacts of the Project and associated shipping set out below, the Agency has made a policy decision to revise its preliminary depth of consultation assessment and consult with Penelakut at the deeper end of the consultation spectrum."*		
PT-25.16	Stated that the EIS is not sufficient to assess environmental effects and requires an assessment of the impacts of RBT2 on the Penelakut Tribe's current use of land and resources that uses spatial boundaries that are consistent with the marine portion of the Penelakut Tribe's Core Territory.	26-Oct-2016, Letter to Panel from Penelakut Tribe (CEAR Document #615)	The VFPA has reviewed this letter and provides the following information.	**Addressed in response to IR-7.31.15-02:** As noted in the VFPA's response to IR-7.31.15-02, the VFPA provided, in July 2014, maps of each traditional territory, where asserted or established, to the applicable Indigenous group, along with a community profile, for review and comment. In November and December 2014, the VFPA provided each Indigenous group with the summary of existing conditions for that Indigenous group presented in EIS Section 32.2.4 and requested that each Indigenous group review and comment on that summary. Again, maps of traditional territories used as the basis for the spatial boundaries and the assessment were provided to each Indigenous group with their applicable summary. The steps outlined above were followed for Penelakut Tribe. The VFPA consulted Penelakut Tribe directly and through the Cowichan Nation Alliance. Opportunities to comment on the territory map were provided to Penelakut Tribe both directly and through the Cowichan Nation Alliance, as part of the July 2014 and November to December 2014 requests for review and comment. The territorial boundary used in the assessment for Penelakut Tribe, and for the Cowichan Nation Alliance, was the Statement of Intent boundary submitted to the BC Treaty Commission by the Hul'qumi'num Treaty Group, of which Penelakut Tribe and other members of the Cowichan Nation Alliance are or have been a member. During the process outlined above, the VFPA received comments from Penelakut Tribe and the Cowichan Nation Alliance and these comments were incorporated; however, the VFPA did not receive any comments from Penelakut Tribe or the Cowichan Nation Alliance indicating that a different traditional territory other than the one asserted by the Hul'qumi'num Treaty Group should be used as the basis of the assessment.	**Information Requests** Response to Information Request #2 (IR- 7.31.15-02 of CEAR Document #314)
PT-25.17	Stated that Penelakut Tribe will provide a Shellfish Consumption Study to the VFPA. Provided a shellfish report, "Risk Assessment of Shellfish Consumption in Coastal Communities	09-Nov-2015, Meeting with Penelakut Tribe	**09-Nov-2015, Meeting:** Accepted the "Risk Assessment of Shellfish Consumption in Coastal Communities in British Columbia (aka Shellfish Safety Project) – Report Prepared for Penelakut First Nation	**Addressed in EIS Section 21.0:** Potential Project effects on marine commercial use include potential displacement of commercial crab harvesting during construction and operation, resulting in	**EIS** 12.0 Marine Invertebrates

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	in British Columbia (aka Shellfish Safety Project) – Report Prepared for Penelakut First Nation December 2015" to the VFPA. Stated that the report demonstrates that the shellfish consumption rates for the Penelakut Tribe are about double the consumption rates relied on in the EIS. Stated that following Canada's revised assessment of the scope of consultation, Penelakut Tribe will be requesting funding from the VFPA to cover the cost of providing cumulative impacts mapping on the Penelakut Tribe's fishing and crabbing areas and will advise of the VFPA's response. Stated that Penelakut members have a greater dependence on shellfish than other communities and referenced a shellfish consumption study demonstrating a higher level of dependence than expected. Stated that Penelakut is a marine-resource dependent community and there are cumulative impacts in their territory. Stated that Penelakut relies on crab for FSC and they are worried about impacts to crab stocks. Stated they want to discuss a cumulative effects assessment. Provided a cost estimate from for a marine based cumulative impacts assessment within Penelakut Core Territory to the VFPA. Concerned that the VFPA is applying the wrong spatial boundaries to assessing impacts to the Penelakut Tribe. Stated that a firm understanding of available shellfish areas in Penelakut Territory is needed to inform how the impacts to shellfishing at Roberts Bank will impact Penelakut Aboriginal rights and current shellfishing practices. Provided a proposal for Cumulative Impacts Study to VFPA. Committed to revise proposal to remove references to the RBT2 Project. Stated that Penelakut agrees with the focus of the study being Dungeness crab. Stated that Penelakut is concerned with the study being managed and the property of the VFPA therefore is concerned with it being undertaken through the VFPA RFP process.	04-Jan-2016, Letter from Penelakut Tribe 04-Apr-2016, Letter to the CEA Agency from Penelakut Tribe 29-Apr-2016, Meeting with Penelakut Tribe 04-May-2016, Meeting with Penelakut Tribe 27-Jul-2016, Letter from Penelakut Tribe to VFPA 27-Jul-2016, Letter from Penelakut Tribe to the CEA Agency 26-Sep-2016, Meeting with Penelakut Tribe 26-Oct-2016, Letter from Penelakut Tribe to the CEA Agency 01-Dec-2016, Chief & Council Meeting – Penelakut Tribe 27-Jan-2017, Meeting with Penelakut Tribe 20-Apr-2017, Meeting with Penelakut Tribe 02-Aug-2017, Meeting with Penelakut Tribe 22-Aug-2017, Email from Penelakut Tribe 29-Aug-2017, Email from Penelakut Tribe	December 2015" provided by Penelakut Tribe for review and consideration by the Project team. **04-Feb-2016, Letter from the VFPA:** *"In [the VFPA's] meeting with CNA on June 17, 2015, Penelakut Tribe informed [the VFPA] that it relies on the Roberts Bank area for crab harvesting due to contamination present in areas closer to their communities, Penelakut Tribe advised that they secured a total catch of about 2,700 to 3,000 lbs of crab for food, social and ceremonial purposes in this area in April 2015. [The VFPA] included this new information in the Marine Shipping Supplemental Report, submitted in October 2015 (see pp. 9.5-107 to 9.5-108).* *Penelakut Tribe's January 4, 2016 letter includes reference to an Aboriginal Fisheries Strategy agreement with Fisheries and Oceans Canada that covers the Project area, [the VFPA] requests that Penelakut Tribe send a copy of the agreement and any other information relating to marine resource harvesting in areas potentially affected by the Project. Additional information pertaining to Penelakut Tribe current use of lands and resources for traditional purposes, provided in Penelakut Tribe's January 4, 2016 letter to [the VFPA], as well as the information in the above paragraph, will be incorporated in [the VFPA's] updated response to Additional Information Requests #29, 30 and 31 from the Canadian Environmental Assessment Agency ("CEAA")."* **29-Apr-2016, Meeting:** Committed to discuss Penelakut's request internally and suggested a follow-up meeting date. The VFPA asked Penelakut Tribe to send information on budget and timing Committed to reviewing the cumulative effects mapping completed by West Moberly Nation for Site C. **04-May-2016, Meeting:** Requested more information regarding the purpose of the study and what aspect of the RBT2 assessment the proposed study would support, along with how it fits within the Project's TOR. **13-May-2016, Email from the VFPA:** Provided a draft Consultation Plan for Penelakut's review which included "Discuss Penelakut's request for cumulative effects mapping study". **30-Jun-2016, Letter from VFPA to Penelakut Tribe:** *"In the port authority and Penelakut's meeting of April 29, 2016, Penelakut requested funding from the port authority for a cumulative effects Mapping Project. Further to this meeting, Penelakut provided the port authority with information regarding scope and cost associated with the Mapping Project on May 5, 2016. The port authority has considered the request from Penelakut, and has determined that assessment of cumulative effects associated with past developments (that may interact with the residual effects of the Project) has been completed and can be found in the RBT2 EIS. Supplemental* information can be found in *the port*	a change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in EIS Section 12.0:** Potential Project-related effects on Dungeness crabs are assessed in EIS Section 12.6.3.3. Mitigation is described in EIS Section 12.7. To minimise direct mortality and physical injury effects of construction activities, dredging guidelines have been established by DFO for the protection of marine resources. To protect gravid Dungeness crab females, the guidelines include a fisheries-sensitive window from October 15 to March 30 below −5 m CD. In concordance with this window, dredging is scheduled to occur only from April 1 to October 14 at depths below −5.0 m CD. Where possible, Dungeness crabs will be salvaged prior to dredging and infilling containment dykes (i.e., terminal and causeway). The salvages will use crab traps or SCUBA divers to capture individuals and relocate them to nearby suitable areas undisturbed by the Project. This mitigation was used for DP3, and is considered to be effective at minimising the number of individuals exposed to and affected by construction activities. **Addressed in MSA Section 9.5:** MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine	12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 12.6.3.3 Changes in Productivity of Dungeness Crabs 12.7 Mitigation Measures 21.0 Marine Commercial use **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

Penelakut Tribe

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	Provided feedback on the Penelakut Tribe Shellfish Study Funding Agreement. Noted the revised Penelakut Tribe Shellfish Study Funding Agreement did not reflect their comments regarding time constraints on the Project and requested additional information in regards to the number of RFP. Confirmed that Penelakut Tribe found a second company to provide a proposal for the RFP. Stated that Penelakut is still awaiting a proposal from the second company bidding on the RFP. Provided the VFPA with proposals, from Madrone Environmental Services LTD and EDI for the VFPA's review. Requested a quote from QARS for the shellfish study in addition to the quotes Penelakut currently has. Requested to modify the Shellfish Study Funding Agreement to include the other members of the Cowichan Nation Alliance (CNA). Committed to contacting the VFPA following a meeting the next day with CNA to discuss a scope, cost and timeline for a CNA shellfish study to replace the current Penelakut shellfish study. Confirmed that the CNA met and discussed revised scope for the Penelakut study. Requested that additional funding be added for each additional member Nation participating in the study – Halalt, Stz'uminus and Cowichan Tribes. Advised that they had not yet received a quote from QARS.	14-Sep-2017, Letter from Penelakut Tribe to VFPA 31-Oct-2017, Email from Penelakut Tribe 09-Nov-2017, Email from Penelakut Tribe 21-Dec-2017, Email from Penelakut Tribe	*authority's response to the Agency's IR #13 and Additional IR #13.4.* *The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including effects on local and Indigenous communities. The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in the EIS in Section 8.0 Effects Assessment Methods, and these methods are consistent with existing federal guidance."* **26-Sep-2016, Meeting:** Recorded comment for consideration by Project team. **03-Nov-2016, Letter from the VFPA to Penelakut Tribe:** *"Currently, a component of the draft RBT2 Consultation Plan is in further discussion related to Penelakut Tribe's request to undertake a cumulative effects study as outlined in your letter to the port authority on July 27, 2016. While we consider the proposed study to be outside the scope of the RTB2 environmental assessment, we do wish to discuss a possible study and related terms that the port authority would be willing to support. We wish to discuss this with you in an effort to find a mutually acceptable way forward that will demonstrate our commitment to working productively with Penelakut as well as contribute in a positive manner to the Penelakut community."* **01-Dec-2016, Meeting:** Explained that the VFPA cannot address past impacts but will work with Penelakut to understand the impacts from the Project and discuss ways in which those can be addressed. **27-Jan-2017, Meeting** Noted that Penelakut and the VFPA have yet to reach agreement on the study scope. Stated that the scope originally proposed was specific to shellfish. Noted that when an agreement on scope is established, the VFPA could send it to three consultants/contractors. The VFPA committed to provide funding for the study. **20-Apr-2017, Meeting:** Discussed the RFP process for the Cumulative Impacts Study. Explained that this wouldn't be a RBT2 study. Stated that the intention is to look throughout Penelakut Tribe territory to identify areas for harvesting. Stated it could feed into aquaculture revitalization funding – could define areas where Penelakut could have improvement or new locations.	shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** The VFPA and Penelakut Tribe have been discussing the terms of a shellfish study since late 2015. In 2018, the scope of the study changed to include the other members of the Cowichan Nation Alliance. Subsequently, Penelakut Tribe advised the VFPA that the study would now involve Penelakut Tribe alone. The VFPA and Penelakut Tribe have agreed to a proposal from Trailmark Systems and participation funding has been provided to complete the shellfish study by January 2019. The VFPA is continuing to work with Penelakut Tribe in relation to the study.	

Penelakut Tribe

			25-Jul-2017, Phone call: Penelakut and the VFPA discussed the RFP for the study via phone call. **02-Aug-2017, Meeting:** Penelakut and the VFPA discussed the RFP for the study again. **21-Aug-2017, Letter from the VFPA to Penelakut Tribe:** The VFPA provided Penelakut Tribe with a Shellfish Study Funding Agreement. **22-Aug-2017, Emails between the VFPA and Penelakut Tribe:** Penelakut provided comments on the funding agreement and VFPA undertook to revise the agreement. VFPA suggested text from the agreement could be used for the study scope in the RFP and Penelakut agreed. **28-Aug-2017, Email from the VFPA:** VFPA provided Penelakut Tribe with a revised Penelakut Tribe Shellfish Study Funding Agreement based on feedback from Penelakut. **05-Sep-2017, Email from the VFPA:** The VFPA confirmed they require three quotes for RFPs but would allow for two quotes for the Shellfish Study. The VFPA indicated flexibility in terms of the timeframe for the study to be completed to allow for it to be undertaken in a manner Penelakut has indicated it needs to be done. **19-Oct-2017, Letter from VFPA to Penelakut Tribe:** *"Thank you for your letter of September 14, 2017 regarding the Penelakut Tribe Shellfish Study, in your letter you request that the Vancouver Fraser Port Authority ("VFPA") waive the requirement for obtaining two quotes in Penelakut Tribe Shellfish Study Agreement dated August 27, 2017 ("the Agreement").* *As discussed through negotiation of the agreement, the VFPA had originally asked that Penelakut Tribe obtain three quotes for the study, and ultimately the VFPA and Penelakut Tribe agreed to a minimum of two quotes. The VFPA does not believe a contract of this value is appropriate to award on a sole source basis when there is adequate time to select a qualified contractor and to complete the work.* *As almost two months have passed since the Agreement was signed, the VFPA agrees to extend the time outlined in the agreement to provide Penelakut Tribe an additional three months to provide the Shellfish Study."* **25-Oct-2017, Email from the VFPA:** Requested an update from Penelakut on the progress of the RFP. **08-Nov-2017, Email from the VFPA:** Requested an update from Penelakut on the progress of the RFP.		

Penelakut Tribe

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			05-Jan-2018, Email from the VFPA: Requested a meeting to discuss next steps regarding the Shellfish study. **21-Feb-2018, Email from the VFPA:** Requested an update from Penelakut on their internal review of the proposals. **01-Mar-2018, Phone call:** The VFPA suggested moving forward to select a researcher or to have discussions related to additional knowledge/input from the other Cowichan Nation Alliance members. Noted they will require information from CNA on the study prior to increasing funding for an increased study scope. **14-Mar-2018, Phone call:** The VFPA noted there are currently two quotes for the study and asked if Penelakut would be getting an additional quote. Noted that if no additional quote is going to be requested they would like a update on the outcome of Penelakut's evaluation of the current proposals. **05-May-2018, Email from the VFPA:** Followed-up with Penelakut Tribe to discuss the proposal by Trailmark. Confirmed a meeting to discuss the proposal on 22-May-2018. **22-May-2018, Email from the VFPA:** Noted that the VFPA called Penelakut Tribe as per their discussions, but Penelakut Tribe was not available. Rescheduled the call for 25-May-2018. **04-Jun-2018, Email from the VFPA:** The VFPA provided edits on the Trailmark Shellfish Study proposal to Penelakut Tribe. **06-Jun-2018, Phone call:** Confirmed that Penelakut Tribe received the VFPA's edits to the Shellfish Study proposal.		

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Table 26: Project Overview and Description

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-26.1	Requested to know how much of Roberts Bank is taken up by the Project. Requested the dimensions and area of the proposed Terminal 2.	05-Mar-2013, Meeting with Cowichan Nation Alliance 12-Dec-2014, Email from Penelakut Tribe	**05-Mar-2013, Meeting:** Committed to following up. **07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** The total marine footprint of the terminal will be approximately 117 ha. The orientation of the proposed terminal has been designed to facilitate the berthing of container ships, and to minimise disturbance to marine physical components (e.g., water and sediment) processes. The environmental assessment will include an analysis of potential effects on water areas. **11-Feb-2015, Email from the VFPA:** Provided information on the Project area, stating that the entire Project area is 186 ha.	**Addressed in EIS Appendix 7.2-B (#1):** The engineering design of the Project components, as well as construction phase activities are described in detail in EIS Section 4.0. EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. The proposed Project consists of three main components: 1. A new three-berth marine container terminal; 2. A widened causeway to accommodate additional road and rail infrastructure; and 3. An expanded tug basin to accommodate a second tug operations contractor. The marine terminal would be located immediately west of the existing Roberts Bank terminals, approximately 5.5 km from the east end of the causeway. The terminal would be rectangular in shape, approximately 1,700 m long and 700 m wide, and would support moorage of three container ships on the south side, container storage in the centre, and rail intermodal yards on the north side. The total usable above-water area of the marine terminal would be 108 ha. The Roberts Bank causeway would be widened to link existing road and rail networks to the marine terminal and to accommodate additional road and rail infrastructure. Widening would range from 0 m to approximately 140 m at the widest point. **Addressed in Project Construction Update:** As requested by the RBT2 Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018. The report updates EIS Table 4-1, presenting minor changes to the Project footprint.	**EIS** 4.0 Project Description 4.4.1 Construction-phase Activities 4.2.2 Project Component Details, Widened Causeway 4.2.3 Expanded Tug Basin 5.0 Alternative Means of Carrying out the Project Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Project Construction Update (PCU; CEAR Document #1210)**

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Table 27: Project Benefits

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-27.1	Asked what is being proposed for accommodation. Recalled that accommodation for the Deltaport Third Berth (DP3) Project was extended to Musqueam and Tsawwassen, with other nations receiving participation funding only. Asked about the revenue from the Project. Interested in discussions around a Mutual Benefits Agreement.	01-Nov-2013, Meeting with Cowichan Nation Alliance 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance 16-Jan-2015, Letter to the VFPA from Cowichan Tribes on behalf of Cowichan Nation Alliance 10-Nov-2015, Meeting with Cowichan Nation Alliance 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Stated that the VFPA will provide the Cowichan Nation Alliance with more information regarding economic opportunities at a later date. **11-Dec-2014, Workshop:** Noted interest in joint venture partnership and revenue sharing. Stated that this will be an ongoing discussion. **10-Nov-2015, Meeting:** Recorded comment for consideration by Project team. **18-Apr-2017, Meeting:** Discussed the development of a mutual benefits agreement with Cowichan Nation Alliance and asked for input on what could be included – business, contracting, employment, etc. **16-Jun-2017, Letter from the VFPA to Penelakut Tribe:** Stated that further to the meeting of April 20, 2017 and in response to Penelakut Tribe's request for funding, and to support the involvement of Penelakut Tribe in activities related to negotiating a Mutual Benefits Agreement for the Project, the VFPA will provide Penelakut Tribe with funding on the terms and conditions set out in this letter.	**Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project. **Additional information provided by the VFPA:** Stz'uminus First Nation, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting. Discussions regarding Legacy Benefits are also ongoing.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table
PT-27.2	Interested in skills training and employment opportunities. Concerned with the challenges of accessing employment opportunities due to location and educational attainment. Requested for an early list of procurement and employment opportunities. Concerned with the current lack of Project-specific employment information and asked if that information will be determined before the RFP is issued for the terminal operator.	01-Nov-2013, Meeting with Cowichan Nation Alliance 17-Jun-2014, Technical Working Group Meeting #4 03-Jul-2014, Aboriginal Groups Valued Components Workshop #2 11-Dec-2014, Health & Aboriginal Rights Workshop – Cowichan Nation Alliance	**01-Nov-2013, Meeting:** Referred to the InterVISTAS Study and how there is information on the jobs contained within that report. Stated that all jobs will not be unionised and that the VFPA cannot even say there will be a union at the RBT2 terminal. That is not a VFPA decision. These are early days and we are about 7 to 10 years out from being finished. There is an opportunity to identify jobs and skills needed to build it. Talked about support businesses, direct and indirect jobs such as: trucking, logistics centres, and rail business. There is an opportunity to identify jobs and to look at long-term opportunities around employment. Committed to prepare a written response regarding job opportunities, skills, and training.	**Addressed in EIS Appendix 7.2-B (#215):** During a five-and-a-half-year construction period, the Project would generate significant employment benefits for B.C. Project construction would generate a total of 12,719 person-years of direct, indirect, and induced employment of B.C. workers, and approximately $1 billion in wages: • 4,150 person-years of direct employment, with wages of $494 million; • 6,264 person-years of indirect employment, with wages of $374 million; and • 2,305 person-years of induced employment, with wages of $129 million. Of the Project's direct spending on materials, goods, and services for construction,	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
		10-Nov-2015, Meeting with Cowichan Nation Alliance 18-Apr-2017, Chief & Council Meeting - Cowichan Nation Alliance	**07-Jan-2014, Letter from the VFPA to Penelakut Tribe:** Terminal workers are expected to be unionised through the International Longshore and Warehouse Union (ILWU), although a limited number of non-union positions may be made available. As with all large construction projects, certain positions will utilise unionised labour (e.g., electricians). However, there will likely be a number of positions that do not meet this requirement. A list of foreseeable employment opportunities is currently being developed as part of the economic and socio-community impact assessment. However, final numbers of expected positions will not be available until a detailed design and construction schedule has been completed and pending Project regulatory approval. **17-Jun-2014, Workshop:** Stated that skills and training requirements will be considered under the proposed labour market VC, and the VFPA is interested in discussing this in more detail. A discussion is needed on the importance of flagging training relevant to upcoming Project-related jobs. The VFPA is aware of the importance of giving communities time to prepare for employment opportunities. **03-Jul-2014, Workshop:** Stated that the VFPA is trying to access the historical data, in relation to Indigenous versus non-Indigenous employment related to port activities. Stated that the VFPA does have data on what we call labour force characteristics (age, educational level, skill training level, in what particular industries the Indigenous workforce is working). This helps us profile the Indigenous population generally within our study area, which is the area that we are concerned about. Stated that ultimately the goal is to be able to present what we call benefit enhancement recommendations, that is linked integrally to the labour market strategy that will be put forward through the Project, that not only talks quantitatively about how many jobs, but also how, and what sort of target initiatives could be put forward to enable certain segments of the population to take advantage. **11-Dec-2014, Workshop:** Asked for information on the benefits and opportunities the Cowichan Nation Alliance may be interested and noted that discussions are just beginning. **10-Nov-2015, Meeting:** Recorded comment for consideration by Project team. **12-May-2016, Letter from the VFPA to Cowichan Tribes:** Enclosed an Information Sheet specific to Employment. Stated that the VFPA would like to meet to discuss employment opportunities related to the Project.	approximately $862 million, or an average of $157 million per year, would be spent on materials, goods, and services in B.C. An additional $482 million would be spent on production inputs to make or provide the direct materials, goods, and services. The total gross revenues for businesses in B.C. supplying materials, goods, and services for Project construction is estimated as $1.3 billion, with $837 million of this revenue accruing to businesses in Metro Vancouver. During the operation phase, Project activities on the marine terminal, widened causeway, and expanded tug basin would generate an annual total of 1,553 person-years of direct, indirect, and induced employment, and total wages of approximately $185 million: • 928 person-years of direct employment connected to terminal operations, with wages of approximately $153 million; • 625 person-years of indirect and induced employment to support terminal operations, with wages of approximately $32 million. During the operation phase, the annual average goods and services revenues for B.C. due to terminal operations spending are estimated at $23.3 million with an additional $10.0 million in goods and services revenues for upstream supply industries. The total gross revenues for businesses supplying B.C. materials, goods, and services for terminal operations are estimated as $33.3 million annually. Approximately $31 million of this revenue would accrue to businesses in Metro Vancouver. The VFPA proposes to assist Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribes, Hwlitsum, and Métis Nation British Columbia in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and	34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
				employment opportunities related to the Project are described in EIS Section 32.3.3. **Addressed in EIS Appendix 7.2-B (#112):** As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. **Additional information provided by the VFPA:** Stz'uminus, Halalt First Nation, and Cowichan Tribes have agreed to negotiate a Mutual Benefits Agreement collectively. Penelakut Tribe is negotiating with the VFPA separately. Discussions include opportunities for skills, training, employment and contracting.	

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Table 28: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-28.1	Asked about the effects of truck traffic on sediment along the causeway with respect to contaminants.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#202):** There is not anticipated to be a Project interaction between air emissions from truck traffic on the causeway, and uptake of contaminants in soils, plants, or species relying on soils and plants. Rationale for this conclusion is included in EIS Appendix 27-A.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health Appendix 27-A Air Quality HHRA Technical Report
PT-28.2	Asked about potential heavy metals, PCBs, hydrocarbons, contaminants, and pollutants in sediment along the causeway and around the Project area. Asked which contaminants the sediment samples tested for and for the baseline results. Asked if the conclusions of the assessment are based on the averages of those samples. Concerned about the potential effects on clams and other shellfish.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** There were approximately 57 different metals the samples were tested for, and stated that the full list will be in noted in the EIS. Slide 10 says the assessment is focused on areas where there will be disturbance. The results have not been rolled into an average. The EIS will include a detailed table that shows results for each of the data points. There were no PCBs or hydrocarbons present in the areas that were surface sampled. Sampling at the actual terminal site was of a higher intensity because that is where the greatest disturbance is expected, because of disposal at sea (DAS) and dredging activities. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. Baseline levels of heavy metals and other contaminants along the causeway are included in EIS Section 9.6. Specific listings of studied contaminants—and how the analyses were completed—are available in EIS Appendix 9.6-A. Overall, sediment quality within the study area is within the range of levels expected in an estuarine environment and without local contamination sources. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. The shellfish consumption human health risk assessment in EIS Appendix 27-C addresses this scenario by examining tissue contaminant concentrations in existing areas of Roberts Bank with higher concentrations of coal dust contaminants. Any construction-related sediment re-suspension will result in sediment contaminant concentrations that are lower than the assessed existing conditions since (i) once re-suspended, the re-settled sediments will be a mixture of the historical deposits and new sediment contributions from Fraser River outflows; and (ii) there is no plausible mechanism for the geochemical focusing of the contaminants of potential concern as a result of the re-suspension scenario. **Addressed in EIS Section 12.6.2.1:** While contaminants are present at Roberts Bank, they are closely associated with fine sediment and have therefore accumulated in locations outside those that will be disturbed by Project activities, such as the upper intertidal zone north of the causeway. No appreciable sediment contamination was observed in Project areas. Because sediments that will be re-suspended and deposited as a result of construction phase activities are not contaminated, changes in contaminant concentrations bioavailable to the food chain are not anticipated. Overall, contaminant re-suspension is not considered to affect marine invertebrate productivity because: (i) there are no Project-related inputs of contaminants in the LAA; (ii) no appreciable sediment contamination was observed in Project areas; and (iii) where contaminants are present, concentrations are either below applicable thresholds in sediments or below consumption thresholds in bivalve shellfish and Dungeness crab tissue based on rigorous human health risk assessment (EIS Sections 12.5.2.5 and 12.5.3.5). Project-related contamination is therefore unlikely to occur.	**EIS** 9.6 Physical Setting, Surficial Geology and Marine Sediment Appendix 9.6-A Sediment and Water Quality Characterization Studies 12.5.2 Bivalve Shellfish 12.5.3 Dungeness Crabs 12.6.2.1 Changes in Water Quality Appendix 27-C Human Health Risk Assessment

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-28.3	Concerned with the potential effects of disposal at sea on the sea bed. Concerned with any disposal at sea proposed in proximity to Porlier Pass.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 29-Apr-2016, Meeting with Penelakut Tribe	**22-Oct-2014, Workshop:** Explained that the DAS would occur at 3 locations along the -45 m contour line directly off the berth face of the planned terminal. Stated that the VFPA is working on that matter and it will be included in the EIS. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#55):** Dredging and DAS-related activities are described in the EIS and considered in the assessment of potential effects on marine physical and biophysical components. As described in the EIS, the physical and chemical characteristics of sediments that will be affected by construction activities, including sediments that will be re-suspended during dredging activities, were investigated and results were compared to recommended quality guidelines and regulatory criteria. DAS activities will occur subject to Environment Canada's DAS permit requirements under the *Canadian Environmental Protection Act, 1999*. Outcomes from the marine water quality assessment regarding total suspended sediment concentrations associated with dredging and dumping activities informed the assessment of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, ongoing productivity of commercial, recreational, and Aboriginal fisheries, and outdoor recreation. See EIS Section 9.6.8 and EIS Appendix 9.6-C for more information. **Addressed in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40:** As noted in in Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40, based on information provided by ECCC (CEAR Document #564), discharge of supernatant containing unsettled fines from the containment dykes during filling is not expected to be subject to DAS permitting. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project Description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations, or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 4.0 Project Description 4.4.1 Project Activities, Construction Phase Activities Table 4-5 Source and Quantities of Material Requiring Disposal at Sea Figure 4-21 Intermediate Transfer Pit and Disposal at Sea Candidate Locations Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Table 8-1 Intermediate Component and Valued Component Linkages 9.0 Physical Setting 9.6 Physical Setting, Surficial Geology and Marine Sediment 9.6.5 Methods 9.6.6 Surficial Geology and Marine Sediment, Existing Conditions 9.6.8 Future Conditions with the Project Appendix 9.6-C Roberts Bank Terminal 2 Technical Report, Dredging Studies – Dispersion Modelling 9.7 Physical Setting, Marine Water Quality **Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928) **PCU (CEAR Document #1210)**

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Table 29: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
PT-29.1	Asked if above-ground noise is transmitted under water.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1	**22-Oct-2014, Workshop:** Above ground noise is not anticipated to propagate into the water to result in behavioural effects to marine mammals and was determined to be a negligible effect.		
PT-29.2	Stated that different species experience different perceptions of noise. Asked how much is known about the different ways species perceive noise. Asked about the effect of impulsive noise events on fish and other marine species.	22-Oct-2014, Cowichan Nation Alliance EIS Workshop #1 12-Nov-2014 Cowichan Nation Alliance EIS Workshop #2	**22-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised: • Human generated underwater noise can affect fish and marine mammals (assessed separately as VCs) with representative species for each VC that may experience noise differently; • The VFPA conducted extensive state-of-art field and modeling studies for RBT2, using most up to date science on how different species hear and respond to underwater noise, conducted new studies on what levels of underwater noise may affect southern resident killer whales; • Existing underwater noise conditions relatively high, primarily due to commercial vessel traffic, including ferry traffic; • RBT2 will produce underwater noise (construction and operations); no impulsive noise is planned during construction (i.e., impact piling not anticipated, only vibratory piling); and • Preliminary results of studies indicate RBT2 noise levels will be minor to moderate. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project
PT-29.3	Requested more information on the types of mitigations implemented for underwater noise.	03-Jul-2014, Aboriginal Groups Valued Components Workshop #2	**03-Jul-2014, Workshop:** Recorded comment for follow-up. **12-Nov-2014, Workshop:** This topic was discussed during a presentation on underwater noise and vibration. The presentation summarised mitigation	**Addressed in EIS Section 33.3.7:** The Underwater Noise Management Plan will describe measures to manage underwater noise and over-pressure waves generated during pile driving and other construction activities as necessary to avoid or reduce potential effects on marine mammals, diving coastal birds, and aquatic life. Key components of the plan will	**EIS** 33.3.7 Underwater Noise Management Plan

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#	Interest / Concern Raised	Date(s)/Methods Raised	Response	Additional Information	Document and Section providing Additional Information
			measures to address potential effects of underwater noise during construction. • Project placement and design; • Best management practices and standards; • Industry practices; • Equipment maintenance and noise reduction; • Timing or seasonal windows; • Marine mammal observers and hydrophone; • Monitoring of zones of potential injury or disturbance; and • Onsite juvenile Chinook habitat restoration. **01-Apr-2015, Letter from the VFPA to Penelakut Tribe:** Provided a copy of the EIS, which included information on the Underwater Noise Management Plan.	include use of underwater noise reduction and dampening methods and technologies. The plan will incorporate measures described in Best Management Practices for Pile Driving and Related Operations, prepared by the B.C. Marine and Pile Driving Contractors Association and DFO (2003). Compliance monitoring parameters for underwater noise will be addressed as part of the Construction Compliance Monitoring Plan.	

APPENDIX IR10-01-C11

MÉTIS NATION BRITISH COLUMBIA: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-1.1	Asked if air quality test results spike in July and August when the temperature is hotter.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Responded that air quality is a very general term, and we need to talk in terms of specific pollutants. Ozone tends to spike in the spring and early summer. That is partly because of an increase in the amount ozone from the upper part of the atmosphere (the stratosphere) being brought down. Sometimes a spike in ozone will also be observed on hot days at the end of July and in August. That is only one pollutant; for example, a spike in SO_2 or particulate would not necessarily be expected. Particulate matter sometimes spikes because of matter that is being brought across the ocean from China and India; there have been studies to show that spikes in the whole Pacific Northwest region sometimes have nothing to do with local sources. Spikes also occur in the spring and summer time from forest fires; some of the biggest air quality impacts in the last few years in the Lower Fraser Valley were from forest fires, over which there is no control. That has been observed at the T39 station in Tsawwassen, where in 2010 the highest readings that exceeded the air quality objectives came during an air quality advisory caused by forest fires in the general region, which had nothing to do with emissions in the Valley.	**Addressed in EIS Section 9.2:** EIS Section 9.2 presents modelled results of the Roberts Bank Terminal 2 Project's (RBT2 or Project) effects to air quality, including results related to criteria air contaminants, trace organic contaminants, greenhouse gases, and black carbon. The overall assessment is considered to provide a conservative evaluation of potential changes in air quality resulting from the Project. The implementation of shore power is expected to decrease predicted future emissions during Project operation. The combination of Project-related emissions with emissions from other certain and reasonably foreseeable projects and activities is expected to make a small incremental contribution to overall air quality levels. Future cumulative ambient air quality concentrations are predicted to be below air quality criteria on land, including populated areas.	**Environmental Impact Statement (EIS, CEAR Document #181)** 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods
MNBC-1.2	Asked whether the study results and predictions take into account federal government and other regulatory CO_2 initiatives.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Responded that initiatives undertaken by the federal government with respect to greenhouse gases are not expected to affect emissions from any of the equipment related to the Project. Noted there may be initiatives in the future, but they have not been accounted for because the details are unavailable. Any such initiatives would likely be aimed at improving fuel economy. Speculated that in the future container vessels may switch from current fuels to liquefied natural gas (LNG), but it is noted related information is not yet firm enough to depend upon reliably for inclusion in the assessment modelling.	**Addressed in EIS Section 9.2.7.1:** Regulatory initiatives and their incorporation in the assessment of future emissions are described for marine engines, cargo handling equipment, and on-road vehicles in EIS Section 9.2.7.1. The calculation of future emissions in 2025 considered technology changes, activity levels, and such regulatory initiatives. Shipping industry and related greenhouse gas initiatives are discussed in the VFPA's responses to IR6-31 and IR6-34. As noted in the response to IR6-31, the International Marine Organization (IMO), responsible for regulating the global shipping sector, mandates improved energy efficiency for ships through the Energy Efficiency Design index (EEDI) and the Ship Energy Efficiency Management Plan (SEEMP). The response to IR6-34 discusses the other mitigation measures applicable to marine shipping.	**EIS** 9.2 Air Quality 9.2.7.1 Regulatory Initiatives **Information Requests** Response to Sufficiency Information Request #31 (IR6-31 of CEAR Document #1188) Response to Sufficiency Information Request #34 (IR6-34 of CEAR Document #1188)
MNBC-1.3	Suggested to rephrase the statement about air quality improving to say that impacts are expected to be small and decrease as innovations and improvements allows. Stated that the VFPA assumption that cleaner fuels and engine technologies will keep up with population growth and project expansion is not a trend we have seen historically, and it should not be used as an excuse to ignore air quality.	15-Jun-2015, Letter to the CEA Agency from Métis Nation British Columbia (CEAR Document #252)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #309):** *"The Agency did not request additional information for this item since there is already information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Project. One of the conclusions of the assessment is that air quality in the region will improve in the future, with or without the Project, as a result of improvements in engine technologies as older equipment is replaced by newer equipment at the three existing marine terminals, and the use of cleaner fuels.	**EIS** 9.2 Air Quality Appendix 7.2-B Aboriginal Issues and Interests

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-2.1	Asked why the area in between the existing causeways is not a suitable option for Project location, noting the area has several advantages compared to the proposed site (already damaged, ship movement from wave reaction would be minimal, tidal effect is minimal).	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Stated that the option was considered, but was determined not to be feasible because of the amount of dredging that would be required, to enable ships to get in and manoeuvre. There was also concern that flow coming off and dropping into the berth pocket would create something called dendritic channels, which could lead to significant and additional erosion in the area. As a result, the preferred means is in deeper water. Referred to a letter sent from Fisheries and Oceans Canada (DFO) around the time of the Deltaport Third Berth Project (DP3) review that essentially said the area was not a viable alternative for the reasons described. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Table 5-10 on Alternative Means.	**Addressed in EIS Section 4.0:** The engineering design of the Project components, as well as construction phase activities addressed in EIS Section 4.0. See Project website for more information: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. **Addressed in EIS Section 5.0:** The W1 (0 m) terminal layout is the preferred configuration for a terminal at Roberts Bank due to fewer direct and indirect environmental effects relative to other alternatives considered. In addition to reducing impacts in the intertidal area, the W1 (0 m) alternative was determined to have the least amount of dredging required. Following selection of Option W1 (0 m) as the preferred alternative, further engineering studies were conducted to optimise the preliminary terminal design, which resulted in rounding the northwest corner to further reduce Project-related effects of bed scour post construction. The optimised configuration incorporated into the preliminary Project design is shown on EIS Figure 5-4. The reduction of Project-related effects as a result of this optimisation is discussed in EIS Section 5.4.1.3. The widened causeway without the lagoon was determined to be the preferred option as it will minimise intertidal habitat loss amongst the alternatives considered, and will have the least amount of indirect habitat change from altered coastal geomorphic processes. The widened causeway was further optimised by varying widths to minimise effects to the known biofilm intertidal habitat at the east end of the causeway. The preferred alternative for the intermodal yard is on the marine terminal. The preferred alternative for the rail tie-in is to have one of the two tracks join the main rail network outside the Vancouver Fraser Port Authority's (VFPA's) jurisdiction to reduce intertidal habitat loss (by approximately 0.32 hectares (ha)) with a narrower width at the northeast end of the causeway. The tie-in to the existing road corridor at Roberts Bank Way North via a new overpass and access road to the marine terminal was the only technically and feasible alternative considered. The preferred option for the location of the tug basin is to expand the existing tug basin with a configuration adjacent to the existing Deltaport Terminal. If the tug basin was placed on the north shore of RBT2, the footprint would affect higher-valued intertidal habitat than at the existing Roberts Bank tug basin location, and the shoreward tug basin expansion layout at the existing tug basin would result in a higher potential for alterations in tidal flow and the potential for water ponding between the tug basin and Deltaport Terminal. For construction, no alternatives for dredging, temporary sand storage, or construction of supporting land were considered technically or economically feasible. The caisson wharf structure is the preferred alternative to pile and deck wharf due to the reduced noise effects, public opinion, improved seismic performance, and costs. Disposal of sediments at the Project-specific location is the preferred alternative to reduce transportation-related effects and costs. Lastly, as tug wharves constructed using the fill or pile and deck options would result in greater effects to habitat from a larger footprint, the floating pontoons and piles option is preferred. The preferred alternative for each category is described in detail in EIS Section 4.0. The detailed assessment of the preferred alternative (i.e., the Project) is presented in subsequent sections of the EIS. Additional information concerning alternatives and alternative means is provided as part of the VFPA's responses to IR1-06 to IR1-11.	**EIS** 4.0 Project Description 4.2 Project Component Details 4.2.2 Widened Causeway 4.2.3 Expanded Tug Basin 4.4.1 Construction-phase Activities 5.0 Alternative Means of Carrying out the Project Description 5.7 Identification of the Preferred Means Table 5-10 Summary of Preferred Alternative Means **Information Requests** Response to Sufficiency Information Request #6 (IR1-06 of CEAR Document #897) Response to Sufficiency Information Request #7 (IR1-07 of CEAR Document #897) Response to Sufficiency Information Request #8 (IR1-08 of CEAR Document #897) Response to Sufficiency Information Request #9 (IR1-09 of CEAR Document #897) Response to Sufficiency Information Request #10 (IR1-10 of CEAR Document #897) Response to Sufficiency Information Request #11 (IR1-11 of CEAR Document #897)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-2.2	Concerned that terminal design will create tide-rips and start a whirlpool, create back eddies when tide goes in and out, and in turn impact fishing activities. Asked whether running a line from Westshore Terminals to RBT2 and filling in the area to connect the terminals was considered.	23-May-2014, Meeting with Métis Nation British Columbia	**23-May-2014, Meeting:** Stated that EIS Section 5.0 provides a summary and analysis of the various layouts that were considered and the anticipated effects of the options that were deemed to be technically and economically feasible. Stated that EIS Section 9.5 provides the analysis of coastal geomorphologic processes that will be influenced by the terminal layout, including changes to waves and currents and indirect changes to water quality. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 5.0 on Alternative Means of Carrying out the Project and Section 9.5 on Coastal Geomorphology.	**Addressed in EIS Section 9.5:** As noted in EIS Section 9.5.8, tidal currents in the Strait of Georgia flood to the northwest and ebb to the southeast in deep water. The tidal flow direction is altered over shallower waters so that at Roberts Bank the flow is dominantly onshore–offshore on the tidal flats. RBT2 will be positioned across this dominant flow direction and will divert both flooding and ebbing water to the west around the end of the structure. The development of whirlpools that impact fishing activities as a result of changed tidal flows was not predicted. The consideration of alternative design configurations and construction approaches resulted in the preferred Project design presented and assessed in EIS Section 5.0. A number of location, orientation, layout, and configuration alternatives were considered and assessed for the marine terminal (including berth pocket and marine approach areas), causeway, rail and road corridors, and the tug basin. The effects of feasible alternatives were considered based on their potential to directly or indirectly affect natural and human environment components. The anticipated effects were considered key factors when comparing and determining preferred means.	**EIS** 5.0 Alternative Means of Carrying out the Project 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Coastal Geomorphology, Future Conditions with the Project

Table 3: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-3.1	Concerned that expansion of the terminal at Roberts Bank could interfere with bird migration, as the terminal is on the migration route of many birds. Such interference could result in restricting the right to hunt migratory birds. Bird habitat generally might also be affected, with resulting rights impacts.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"Information shared in your memo related to Métis Aboriginal rights and environmental concerns will be incorporated into the final [MSA] to be submitted to the [CEA Agency].* *[The VFPA] will provide a response to many of the specific concerns expressed in your letter in the [MSA].* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 15.0 Coastal Birds.	**Addressed in EIS Section 15.0:** EIS Section 15.0 presents the results of the assessment of potential Project-related and cumulative effects on coastal birds. The assessment indicates that the Project has the potential to result in minor decreases in overall bird productivity and to contribute to bird disturbance. Mitigation measures proposed for disturbance (e.g., sound attenuation devices, lighting valances, vessel speed limits) are expected to address potential disturbance effects, and no residual effects are predicted. With regard to productivity, during construction minor decreases are predicted for all sub-components, while during operation minor decreases are predicted only for waterfowl and diving birds. Mitigation measures proposed for potential productivity losses include implementation of construction Environmental Management Plans (EMPs), Light Management Plan, Underwater Noise Management Plan, Land and Marine Traffic Management Plan, working collaboratively with appropriate transportation and regulatory authorities to reduce mortality by vehicle collisions, and offsetting through the creation of eelgrass, tidal marsh, sandy gravel beach, mudflat, and subtidal rocky reef habitat. **Addressed in EIS Section 32.0:** The assessment of current use of lands and resources for traditional purposes (Current Use; EIS Section 32.0) includes an assessment of potential effects on Current Use activities related to harvesting of marine birds. As discussed in EIS Section 32.2.4.8, Métis Nation British Columbia has identified coastal bird harvesting sites within the coastal birds local assessment area (LAA), as well as in other areas. Minor decreases in overall bird productivity are predicted as a result of the Project; however, EIS Section 32.2.6.2 concludes that these predicted decreases are not expected to affect the ability of the Métis Nation British Columbia to harvest these species in preferred areas. Other wildlife species identified as being harvested by Métis Nation British Columbia are terrestrial and freshwater resources, and would be located in upland areas. Current Use in these areas is not expected to be affected by the Project. Consequently, the Project is not expected to impact the ability of the Métis Nation British Columbia to exercise the right to harvest wildlife, including coastal birds.	**EIS** 15.0 Coastal Birds 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

Table 4: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-4.1	Commented on changes in flow in Canoe Pass, and an initiative to dig it out to increase flow. Stated that decreased flow has been detrimental to marshland in the area.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Stated that the blockage at the end of Canoe Passage is not being addressed as part of the Project. However, the VFPA will record this issue and try to determine if there is enough information available to consider it. Responded that in regards to the marshland, the marine vegetation section in the EIS studied the changes over time. In the context of coastal geomorphology, changes to marsh habitat that far away would not change the conclusions in the Project area. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or build-up of sand) were modelled to assess variation pre and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphic processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on valued components (VCs) are considered in each VC section the EIS.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.5.6 Existing Conditions 9.5.8 Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint

Table 5: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-5.1	Requested details on the sampling methods used to determine the numbers for direct employment. Stated that in one of the source reports, InterVISTAS 2012 VFPA Economic Impact Study: Final Report, the primary sampling for direct employment derived from interviews with over 400 businesses. Asked what the selection criteria were for these businesses, what the confidence level is for this number and how this influences the findings in the Environmental Impact Statement. Stated that the data collection method needs to be clearly identified and the reliability of the data stated.	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA has reviewed this letter and provides the following additional Information.	**Additional information provided by the VFPA:** The InterVISTAS 2012 VFPA Economic Impact Study: Final Report is available publicly here: http://www.robertsbankterminal2.com/wp-content/uploads/2012-port-metro-vancouver-economic-impact-study.pdf The study's methods are described in Section 3 of the report and its various appendices. The report's Appendix 3: Employment Survey provides an overview of the methods used in sampling, including a broad selection criteria of port-related businesses. As noted in the appendix, the VFPA provided to InterVISTAS Consulting a list of port contacts and tenants, referred to the Yellow Pages phone directory and previous studies at the port to supplement the list provided by the VFPA. As noted in EIS Section 20.4, multiple secondary sources were used to inform the assessment.	**EIS** 20.0 Economic Development 20.4 Information Sources Appendix 20-A - Economic Impact Roberts Bank Terminal 2 Technical Report
MNBC-5.2	Asked if the changes in employment, income, and local revenue generation affect the Aboriginal population, and if so, how. Stated that without an analysis of the impact of the project on the Aboriginal labour force and Aboriginal businesses, it is difficult to reasonably assess the impact from employment income to the health of Aboriginal populations in the local assessment area and the regional assessment area.	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA has reviewed this letter and provides the following additional Information.	**Addressed in response to IR10-28:** The VFPA's response to IR10-28, as requested by the Review Panel, provides further discussion of anticipated effects on the participation of Indigenous Peoples in the labour market resulting from changes in the environment from the proposed Project and marine shipping associated with the Project.	**Information Requests** Response to Sufficiency Information Request #28 (IR10-28)

Table 6: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-6.1	Asked about whether cumulative effects will be assessed as part of the marine shipping work.	09-Jun-2015, Meeting with Métis Nation British Columbia	**09-Jun-2015, Meeting:** Stated that a cumulative effects assessment will be conducted. The VFPA is using data from existing ship movements in addition to 7 to 8 projects predicted for the future. Effects from shipping associated with RBT2 will be similar to the effects associated with current traffic through this area, but qualified this statement by noting that the effects assessment has not yet been conducted. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each intermediate component (IC) and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out.	**Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
MNBC-6.2	Stated that the marine fish and fish habitat category is extremely broad, and the sub-components selected are poorly justified. Many of the sub-components of the over-riding VCs are missing details surrounding the adverse effects of the project on these components. Stated that adverse effects should be clearly conveyed. Eelgrass and Dungeness crabs are two sub-components of valued components for which there is no synopsis of anticipated adverse effects.	16-Dec-2015, Letter to the CEA Agency from Métis Nation British Columbia (CEAR Document #369)	**12-May-2016, Letter from the CEA Agency (CEAR Document #403):** *"The Agency did not request additional information regarding VC selection since there is already some information provided in the marine shipping addendum, in Table 8.1-1.* *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 8.0:** Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for the ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and Indigenous traditional knowledge (ITK), and during consultation and engagement, and assessment planning. **Addressed in Information Request Package 5 – Response to Information Requests Relating to Represented Species:** Biophysical VCs, sub-component species or groups were chosen for their ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. Representative species are also considered in terms of the biological and ecological similarities they share with other species within the sub-component, and for potential similarities in how the Project may interact with and affect them. In some cases, biological attributes may differ within a sub-component grouping, but their interactions with the Project and mechanisms contributing to potential effects from the Project are considered to be analogous. As a result, the VFPA selected representative species for each sub-component for which sufficient information is known, in order to provide an assessment that considers all potential interactions and Project-related effects. For example, substantial information exists for the southern resident killer whale (the representative species used for toothed marine mammals) and much less so for the transient killer whale. While there are some biological differences between the two, they are considered the same species; both rely on underwater noise for prey detection; and potential Project effects and mitigation measures are the	**EIS** 8.0 Effects Assessment Methods 11.0 Marine Vegetation 12.0 Marine Invertebrates **Information Requests** Information Request Package 5 – Response to Information Requests Relating to Represented Species (CEAR Document #1153)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				same. In this example, it would be both impractical and inefficient to undertake an assessment on both species as the conclusions of the assessment would be the same. Moreover, in selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. This approach was taken as it would be impractical to characterise existing conditions and assess effects on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions. **Addressed in EIS Sections 11.0 and 12.0:** As noted in EIS Section 11.0, during Project construction and operation, changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). As noted in EIS Section 12.0, while the Project is predicted to cause losses of productivity of Dungeness crabs the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no significant adverse residual effects from the Project to marine invertebrates.	
MNBC-6.3	Stated that based on the provided guidelines, baseline conditions should include resilience measures. Stated that resilience measures are not addressed for several of the valued components (VC) or VC [sub-] components in the addendum including intertidal marshes, and Dungeness crabs.	16-Dec-2015, Letter to the CEA Agency from Métis Nation British Columbia (CEAR Document #369)	**12-May-2016, Letter from the CEA Agency (CEAR Document #403):** *"The Agency did not request additional information regarding this since there is already some information provided in the marine shipping addendum, in section 6.6.* *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 6.6:** As noted in MSA Section 6.6, the context within which the residual effects are expected to occur is described for each VC. Context considers the integrity of the VC, including how it has been affected by natural processes and by other projects and activities that have been carried out, and is rated in terms of the VC's sensitivity to future changes that may be caused by marine shipping associated with the Project, its resilience, and its ability to recover from adverse effects.	**MSA** 6.0 Effects Assessment Approach 6.6 Residual Effects Assessment
MNBC-6.4	Stated that the guideline states that if "little or no information is available, specific studies will be designed to gather further information on species interrelations to the ecosystem," but noted that the addendum has multiple occurrences where insufficient data exists, and no additional study is explored. Stated that the existing information is inadequate to meet the guideline specifications. Additional investigations should be considered.	16-Dec-2015, Letter to the CEA Agency from Métis Nation British Columbia (CEAR Document #369)	**12-May-2016, Letter from the CEA Agency (CEAR Document #403):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in section 17 of the *Updated EIS Guidelines*:** Section 17 of the *Updated EIS Guidelines* notes: *"It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail."* Consistent with the direction provided in the *Updated EIS Guidelines*, a description of information sources for each marine biophysical VC is provided in MSA Sections 8.1.4, 8.2.4, and 8.3.4.	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.4 Information Sources 8.2 Marine Mammals 8.2.4 Information Sources 8.3 Marine Birds 8.3.4 Information Sources ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-6.5	Stated that Métis Nation British Columbia understands the importance of environmental modelling and that models are beneficial and important in predicting future conditions in the area; however, Métis Nation British Columbia stated a belief that there are limitations to what they can predict. Asked how the models were selected to predict future conditions for this proposed project. Inquired whether the VFPA has used them before and if so, how accurate their predictions were in the past. Asked how these models were calibrated and/or evaluated.	21-Oct-2014, Letter from Métis Nation British Columbia	**21-Oct-2014:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 10.3.3:** As noted in EIS Section 10.3.3, productive potential is a key concept in relation to the Roberts Bank ecosystem model. The Roberts Bank ecosystem model was one of several lines of evidence used to assess potential Project effects, and other lines of evidence were used to address potential effects from construction phase activities. The Roberts Bank ecosystem model output predicts change in productivity using biomass (measured in tonnes) and production (measured in tonnes per year). Predicted changes in biomass are changes in the productive potential of the ecosystem, and not actual increases or decreases. For example, the model output of –1.6 tonnes (t) of biomass for rockfish suggests that, with the Project, the study area could support 9% fewer rockfish than it could without the Project. It cannot be interpreted as 9% of rockfish biomass will be lost as a result of the Project. The difference between potential and realised production may be dependent on how close to carrying capacity a species is, which in turn is dependent on life history, habitat utilisation patterns, and the trophic level of each group. The VFPA obtained input on selecting the appropriate approach to assessing productivity at Roberts Bank through the Productive Capacity Technical Advisory Group (TAG) process. The TAG process recommended uses of the Ecopath and Ecosim (EwE) model, which is well documented in the scientific literature and has been widely used to quantitatively describe marine food webs, fisheries policy exploration (regulatory decisions on managing fisheries), ecosystem-based fisheries management, and a joint B.C.-Canada environmental assessment. The EwE model was developed at the University of British Columbia's Fisheries Centre, and more than 400 ecosystem models applying the software have been published. Thirteen of these publications describe marine areas in B.C., six of which are for the Strait of Georgia. More information on this model can be found at http://www.ecopath.org/. **Addressed in responses to IR3-01 to IR3-24:** Additional information concerning the VFPA's selection and use of the model in the EIS is available in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model. As advised by the Productive Capacity TAG, the Roberts Bank ecosystem model results described in the EIS addressed uncertainty in several ways and on several levels. The VFPA undertook specific model validation and accuracy studies to evaluate the performance of Roberts Bank ecosystem model results. Both a visual validation (EIS Appendix 10-C) of model forecasts and the percent correct classification (PCC) accuracy statistic were presented (CEAR Document #547). Both the visual validation and PCC analysis indicate the model is robust and accurately forecasts the present distributions of habitat forming species at Roberts Bank. In response to questions posed by DFO (CEAR Document #547), the VFPA undertook additional accuracy studies on the Roberts Bank ecosystem model (see VFPA's response to IR3-21). These additional accuracy studies also demonstrate that the model is robust and accurately forecasts productivity at Roberts Bank. Inclusive of the validation method presented in the response to IR3-21, four separate validation and accuracy analyses were performed by the VFPA on the Roberts Bank ecosystem model, all of which demonstrate the model is robust at forecasting productivity at Roberts Bank, and this provides high confidence in Roberts Bank ecosystem model results. Sensitivity analysis is the mechanism the EwE model uses to address potential uncertainty. Numerous sensitivity analyses were undertaken in the Roberts Bank ecosystem model and all are included in EIS Appendix 10-D. Sensitivity analyses were designed to evaluate how potential uncertainty within input variables may affect model results. In summary, a 'key run' of the model was developed (which identified changes in productivity with and without the Project) and evaluated using model sensitivity analyses that included the following: i. Sensitivity to vulnerability setting; ii. Sensitivity to inclusion of abiotic factors; iii. Sensitivity to abiotic factor over/under-estimate; and	**EIS** 10.3 Overview of Assessing Ecosystem Productivity 10.3.3 Ecosystem Model Process Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run **Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				iv. Sensitivity to input assumptions (Monte Carlo analyses where the model is run thousands of times using randomly different values for biotic variables). The sensitivity analyses show the Roberts Bank ecosystem model forecasts are robust to uncertainty in various input data. In response to earlier concerns on confidence limits used in the EIS, the VFPA (CEAR Document #547, question 2.7) increased the confidence limits in the Roberts Bank ecosystem model and as indicated by the DFO Science Branch (CEAR Document #900, p. 20): "the model may be robust to wide ranges of uncertainty in the input variables and parameters".	
MNBC-6.6	Stated that the new CEA Agency guidelines say offshore effects must be considered, but are not determinative (which is unfortunate). Asked if Métis Nation British Columbia submits land use information, what use will be made of it.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"The local study area for the Current Use and rights assessment includes the marine shipping area. The marine shipping area is defined to include activities that take place between the 12 nautical mile limit of Canada's territorial sea to the limit of the VFPA's care and control (referenced Figure 1, appended to the letter). The marine shipping area is intended to include any areas that could potentially be impacted by marine shipping associated with RBT2. Land use information outside the marine shipping area can be included as context in the regional study area for the Current Use section of the MSA."*		

Table 7: Engagement and Consultation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-7.1	Commented that there is not enough time to adequately understand the information being presented, and will need to go back and explain the information to the community. Stated that more consultation is needed.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Stated that it is helpful to think of the information being presented as a preview, and noted that the meeting participants are the first people to see these results. Stated that it is hoped that this will enable better understanding of the full information, which will be made available when the EIS is submitted in early 2015, and hopefully make it more digestible. **06-May-2015, EIS Orientation Workshop:** The VFPA hosted an EIS orientation workshop to: • Provide an update regarding the environmental assessment process and next steps (the CEA Agency); • Provide an overview of and an orientation to the EIS; and • Provide an opportunity for questions about the structure and organisation of the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components, and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigation measures and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in EIS Appendix 7.2-B. Some questions, comments, and requests were addressed at the workshops or through follow-up communications. **Additional information provided by the VFPA:** Since submitting the EIS in March of 2015 and the MSA in October 2015, the CEA Agency and subsequently the Review Panel have provided multiple opportunities for public comment on the Project, the EIS, and the MSA. All comments provided are posted publicly on the RBT2 Registry, maintained by the CEA Agency: http://www.ceaa-acee.gc.ca/050/evaluations/proj/80054?culture=en-CA	**EIS** 7.0 Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table
MNBC-7.2	Requested funding to support their review.	23-May-2014, Meeting with Métis Nation British Columbia	**09-Apr-2014, Letter:** Offered funding for a Traditional Use Study (TUS). **02-Jul-2014, Report:** Métis Nation British Columbia provided a TUS to the VFPA. **29-May-2014, Letter:** Offered funding for ongoing participation. **02-Jun-2014, Letter:** Accepted funding. **22-Aug-2014, Letter:** Offered funding for fall 2014 consultation activities. **15-Jan-2015, Letter:** Accepted funding. **11-May-2015, Letter:** Offered funding for participation in Project-related consultation activities including the MSA. **12-May-2015, Letter:** Accepted funding.	**Addressed in EIS Appendix 7.2-B (#19):** The VFPA has provided or offered funding support to ensure the ongoing participation of Indigenous groups involved in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding Current Use. As a result of these engagement and consultation activities, Indigenous groups have provided traditional use information relating to the Project area. The VFPA participation funding agreements have been negotiated between the VFPA and Indigenous groups, either individually or through associations representing the Indigenous groups. The VFPA has provided participation funding to 12 Indigenous groups or associations representing these groups: Tsawwassen First Nation; Musqueam First Nation; Semiahmoo First Nation; Tsleil-Waututh Nation; Cowichan Tribes; Penelakut Tribe; Halalt First Nation; Stz'uminus First Nation; Lake Cowichan First Nation; Lyackson First Nation; Metis Nation British Columbia; and Hwlitsum.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			07-Mar-2016, Letter: Offered funding to support ongoing involvement in consultation activities. **08-Mar-2016, Letter:** Accepted funding. **24-Oct-2017, Letter:** Offered additional funding for participation in consultation activities for the Project. **26-Oct-2017, Letter:** Accepted additional funding. **09-Feb-2018, Letter:** Offered funding for participation in negotiation discussions of a mutual benefits agreement. **20-Feb-2018, Letter:** Accepted funding.		
MNBC-7.3	Asked what forms of consultation have already taken place with other Métis groups, and other Aboriginal groups. Asked if consultation is required with US agencies or Aboriginal groups.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"The VFPA has met with Métis Nation British Columbia since early 2014 regarding the Project. As part of these discussions, the VFPA has shared information related to the Project, environmental studies, and potential impacts; and Métis Nation British Columbia has shared Current Use information and Métis Nation British Columbia's potential issues and concerns associated with the Project.* *Details on consultation with Indigenous groups to date can be found in EIS Section 7.0. The EIS can be accessed online at the following link: http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482* *The VFPA has not consulted with agencies in the U.S.A. The VFPA has engaged and consulted with Indigenous groups as directed by the CEA Agency in the Updated EIS Guidelines, and has not directly engaged with Indigenous groups in the U.S.A. Where available, information related to Indigenous groups in the U.S.A. has been considered in the MSA."*	**Addressed in EIS Section 7.0:** Details on consultation with Indigenous groups to date can be found in EIS Section 7.0. The EIS can be accessed online at the following link: http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482 **Additional information provided by the VFPA:** The CEA Agency is responsible for Crown consultation under the CEA Agency process, including identification of Indigenous groups for inclusion in the *EIS Guidelines*. The VFPA has engaged and consulted with Indigenous groups as listed in the *Updated EIS Guidelines*. Where available, information related to Indigenous groups in the U.S.A. has been considered in MSA.	**EIS** 7.0 Engagement and Consultation

Table 8: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-8.1	Stated that there are a few areas of the Environmental Assessment that require clarification: (1) The term Aboriginal is used inconsistently. At times this inconsistency results in insufficient data for describing the environments (for example health) of distinct Aboriginal peoples. At other times, it causes confusion as to whether or not the term Aboriginal is being used inclusively and in accordance with Section 35 of the *Constitution Act*.	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA understands that this comment is directed to the Review Panel. The VFPA has reviewed this letter and has no additional information to provide.		
MNBC-8.2	Stated that there are a few areas of the Environmental Assessment that require clarification: (2) The Socio-Economic Effects Assessment provides quantifiable projections of, for example, benefits to the labour market and businesses of the general population. When the Assessment focuses on the economic and labour market benefits for Aboriginal populations in the LAA and RAA there are no quantifiable projections and only vague, unsubstantiated statements about potential benefits. The anticipated economic benefits to the general population could widen the economic gap between Aboriginal businesses and labour market, especially if the noted barriers to fulsome participation are not addressed by the VFPA.	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA has reviewed this letter and provides the following additional Information.	**Addressed in EIS Appendix 7.2-B (#112):** Opportunities for training and employment opportunities related to the Project are described in EIS Section 32.3.3. As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. The VFPA has consulted and will continue to engage with Indigenous groups regarding opportunities to benefit economically and socially from the Project.	**EIS** 20.0 Economic Development 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

Table 9: Environmental Management Program

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-9.1	Stated that waste management plans should also include non-hazardous waste material, including trash and refuse generated through the construction and operation phases to ensure that gulls, crows, and other wildlife are not attracted to trash onsite. Lidded bins and frequent waste removal, as well as clean-up protocols will help offset this issue. Stated that animals that find something accessible and of interest may spread inedible waste materials across the project site, and into surrounding waters.	15-Jun-2015, Letter to the CEA Agency from Métis Nation British Columbia (CEAR Document #252)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #309):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 33.3.13:** A Hazardous Materials and Waste Management Plan will describe how hazardous materials used and wastes generated during Project construction are to be managed. **Additional information provided by the VFPA:** The VFPA will ensure that non-hazardous waste management practices (that avoid human-wildlife conflicts) are included in the Hazardous Materials and Waste Management Plan.	**EIS** 33.3.13 Hazardous Materials and Waste Management Plan
MNBC-9.2	Asked which "other Aboriginal groups" are included in the communications plan. Asked how the VFPA is determining which other Aboriginal groups will be included in this plan? (Reference to section 33.3.16 of EIS).	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA will determine interested parties through consultation as the plan is developed.	

Table 10: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-10.1	Asked about the health data for Métis. Asked which studies have been considered to articulate the health profile of Métis in the local assessment area. Stated that the First Nations Regional Health Longitudinal Study is an excellent analysis of First Nations health. However, the EIS states that "The First Nations Regional Health Longitudinal Study, a nation-wide survey, is governed by First Nations communities across the country and provides health data on Aboriginal groups." Noted that this statement is misleading. The study mentions Métis a total of five times. Each of these references occur in the title of a cited document. Stated that "The First Nations Regional Health Longitudinal Study" provides no health data on the Métis. Noted that this information is missing even though there are studies available for Métis health. This is one among several instances of the confusing use of the term Aboriginal. Asked what the mortality rates are for Métis. Requested that the VFPA clarify the use of the term "Aboriginal" in this section and others of the EIS. The EIS Health Profile of Indigenous Groups in the LAA claims that "collectively, the Aboriginal population in Western Canada (Status and Non-status Indians) had higher mortality rates from cancer (in general) and respiratory system diseases compared to the general population of Canada." This use of Indigenous to include only Status and Non-status Indians is misleading.	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA acknowledges in Section 2.4 of EIS Appendix 27-A that the Indigenous population is defined in different ways in national (Health Canada) and provincial health data sources for mortality rates in Indigenous populations. These definitions are not inclusive of Métis, and therefore in the specific case of mortality rates due to air quality related health effects, Métis mortality rates are captured within the data for non-Indigenous population, shown in Table 1 and Table 2 of EIS Appendix 27-A. The human health effects assessment findings applicable to Indigenous groups, as described in EIS Section 27.6 and in the response to IR-7.31.15-28, are inclusive of Métis. Indigenous groups, as defined by the *EIS Guidelines* and as used throughout the EIS, is considered to be inclusive of Métis. The Project is not expected to result in any significant adverse effects on human health. The Project is not expected to result in measurable incremental residual cumulative effects to human health.	**EIS** 7.2 Aboriginal Groups Engagement and Consultation 27.0 Human Health 27.4 Information Sources 27.5 Existing Conditions 27.5.1.2 Health Profile of Aboriginal Groups in the Local Assessment Area 27.6 Future Conditions with the Project – Potential Project-Related Effects Appendix 27-A Air Quality HHRA Technical Report **Information Requests** Response to Information Request #28 (IR-7.31.15-28 of CEAR Document #314)
MNBC-10.2	Asked how the EIS and the VFPA are identifying and defining an "appropriate Aboriginal group?" Inquired whether there are inappropriate Aboriginal groups in reference to Section 27.7.4 of EIS.	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** EIS Section 27.7.4 does not refer to "appropriate Aboriginal groups" but rather that employment, training, and contracting opportunities are appropriate to mitigate the adverse health inequity effect.	**EIS** 27.0 Human Health 27.7.4 Mitigation Measure #4 – Measures to Address Health Inequity

Table 11: Light – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-11.1	Asked if there are any regulations on lighting, for e.g., limits on how much you are allowed to light up the sky? If there is not, why not?	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Stated that there are not any standards, threshold, or bylaws for light like there are for noise, for example. The assessment relies on CIE classification (Note: CIE stands for 'Commission internationale de l'éclairage', which translates to the International Commission on Illumination) to describe what happens with regard to change, but there is no regulated limit. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#46):** There are no specific federal or provincial regulatory requirements or limits associated with light trespass and sky glow. The VFPA cannot speculate on why such regulations have not been established.	**EIS** 9.0 Physical Setting 9.4 Light 9.4.4 Relevant Guidelines Appendix 7.2-B Aboriginal Groups Issues and Interests Table Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study
MNBC-11.2	Asked about mitigation for light pollution, including periods of time where lights are turned off. Stated that lights from greenhouses in Delta have affected the ability of hawks and owls to hunt, and lights make it difficult for harvesters and hunters. Commented on a pink skyglow coming from the Port, visible at Point Upwood (bottom of Texada by Sabine Channel). Suggested working with Westshore and Deltaport to try different kinds of lights and LEDs in different locations on the terminal to see what improvements could be made immediately.	07-Oct-2014, Preliminary EIS Workshop #1 08-Oct-2014, Preliminary EIS Workshop #2	**07-Oct-2014, Workshop:** Stated that tomorrow's agenda includes presentations and information about mitigation for light, as well as noise and vibration. **08-Oct-2014, Workshop:** Referred back to this question, and responded to say there is a lot of existing research about how birds are more or less attracted to different wavelengths (colours) of light. As a result, in conversations about mitigation for birds, a recommendation has been made to use the type of light bulb that birds are least attracted to. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#99):** The EIS considers the potential effects of artificial light on coastal birds, including the potential for increased risk of predation on shorebirds by nocturnal raptors (i.e., owls). A Light Management Plan will be included in the Construction EMP and the Operation EMP, to reduce potential artificial light-related effects on coastal birds. **Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on VCs and on Current Use are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources, and human health, and Current Use. The assessment focused on two aspects of light: • Light trespass, the amount of light that strays from its intended purpose onto neighbouring areas; and • Sky glow, the unwanted illumination of the night sky that affects the visibility of stars. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigation measures were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementation of EMPs, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including:	**EIS** 9.4 Light 9.4.4 Relevant Guidelines 9.4.8Future Conditions with the Project 13.0 Marine Fish 15.0 Coastal Birds 15.7.2 Future Conditions with the Project - Potential Effect - Changes in 25.0 Visual Resources 25.6 Future Conditions with the Project - Potential Project-related Effects 25.7.2 Mitigation Measures, Mitigation Measure #2 – Lighting Design and Operation – Light Management Plans 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.1 Indicators **Information Requests** Response to Sufficiency Information Request #2 (IR9-02)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Orienting lights downwards and away from residential and marine areas; • Using shielding to minimise light trespass; • Controlling light levels and limiting light use to areas where activities are occurring; • Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds; • During construction, ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge; and • During operation, establishing a centralised lighting control system to select lighting where required. **Addressed in EIS Appendix 7.2-B (#99):** A process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). The lighting on one crane at Deltaport has been fully replaced with LED lights, offering a point of comparison with the older lights. **Addressed in response to IR9-02:** The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	
MNBC-11.3	Concern from harvesters related to fry and the potential for increased light unnaturally attracting them to (or keeping them in) the vicinity of Project resulting in increased predation from other animals.	03-Aug-2016, Issues Workshop – Métis Nation British Columbia, Semiahmoo First Nation, Tsleil-Waututh Nation	**03-Aug-2016, Workshop:** Confirmed that the issue is addressed in the EIS. Explained that the EIS is divided into pathways (mechanisms) for effects; light is one of those mechanisms. With regard to effects to predation and movement, stated that there is not a huge body of evidence to draw from. The assessment is inconclusive in that it can be beneficial in some circumstances for some species, and detrimental for others. It is not clear what the exact effects would be on every species. The EIS speaks to both the pros and cons of light interaction. Noted that a light management plan was written into the mitigation, which involves limiting light exposure to the extent possible at night.	**Addressed in Response to IR5-25:** As noted in the VFPA's response to IR5-25, effects of lighting and shading on juvenile salmon can be positive and negative and are highly variable and dependent on species. Lighting or shading may negatively affect movement patterns and migration timing of juvenile salmon. Changes in the light environment may also influence foraging success (i.e., increase foraging opportunities under lit conditions, or reduce prey availability due to shading), and risk to predation (although predatory response to changes in the light environment varies depending on species). Positive and negative influences on juvenile salmon behaviour were considered in the assessment of effects from Project-related changes in the light environment, and assessment conclusions are summarised below. In the Project's LAA, changes in the light environment are predicted to occur during Project operation in the subtidal zone due to marine terminal placement (and associated lighting infrastructure). In contrast, the light environment in the intertidal zone is not predicted to differ from existing conditions following causeway widening (see EIS Section 9.4.8.2). Thus, the results of the assessment of Project effects concluded a minor loss in juvenile salmon productivity pre-mitigation (see EIS Section 13.6.3.1), attributed partially to potential lighting-related effects on migration of those salmon species that are shore-tied (such as chum), and may preferentially swim along the shoreline during their outmigration to estuarine rearing habitats (see response to IR5-18), and presumed increase in predation risk (e.g., by seals). As marine terminal placement is proposed to occur in the subtidal zone away from habitats optimal for juvenile salmon rearing, lighting-related effects on juvenile salmon foraging behaviour in the intertidal zone are not anticipated. During Project construction, lighting-related effects at nighttime will be temporary in nature and localised within a relatively small area of disturbance; also, most construction activities are scheduled to occur during the day. Mitigation measures proposed will result in no residual effects on juvenile salmon from Project-related changes in the light environment. Project effects are avoided through placement of the terminal in the subtidal zone, which will minimise the	**Information Requests** Response to Sufficiency Information Request #25 (IR5-25 of CEAR Document #1153)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				influence of lighting on intertidal habitats, including eelgrass beds, which represent optimal rearing habitats for out-migrating juvenile salmon. Onsite offsetting in the form of native eelgrass transplants and tidal marsh creation, will increase food supply and provide additional refuge for juvenile salmon moving along the causeway perimeter (see EIS Section 13.7.6). Lastly, implementation of a light management plan will further mitigate potential changes in the light environment, such that no residual change in Pacific salmon productivity is anticipated.	
MNBC-11.4	Expressed concerns regarding light effects on owls and other raptors. Noted there is a decline in the barn owl population but uncertainty of their proximity to the terminal.	03-Nov-2017, Meeting with Métis Nation British Columbia	**03-Nov-2017, Meeting:** Noted that the VFPA did a study on light and birds. Committed to follow up on light effects on birds.	**Addressed in EIS Appendix 7.2-B (#95):** It is recognised that nocturnal behaviour of birds varies in response to lighting conditions. A review of documented effects of both natural and artificial light on birds is provided in the EIS. The potential effects on coastal birds of changes in artificial light related to the Project are considered in the EIS. A Light Management Plan will be included in the Construction EMP and the Operation EMP, to reduce artificial light-related effects on coastal birds. **Addressed in Response to IR9-02:** The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 15.7 Future Conditions with the Project 15.7.2 Potential Effect- Changes in Productivity 15.8.3 Mitigation #2 – Measures to Address Productivity Loss due to Changes in Habitat Quality 33.0 Environmental Management Program 33.3 Construction Environmental Management Plan 33.3.5 Light Management Plan 33.4 Operation Environmental Management Plan 33.4.3 Light Management Plan **Information Requests** Response to Sufficiency Information Request #2 (IR9-02)

Table 12: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-12.1	Stated that the commercial fishery assessment should include at least 10 years of data.	03-Jul-2014, Meeting with Métis Nation British Columbia	**03-Jul-2014, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 21.0 on Marine Commercial Use.	**Addressed in EIS Section 21.0:** EIS Sections 21.4 and 21.15 present information sources used in the marine commercial use section, which collectively draw on a wide variety of time series as data input. Further information on fisheries data is presented in EIS Section 16.0. DFO data on Indigenous fisheries extends as far back as 2009, and recreational fisheries to 1986 and commercial to 1996. The Cohen Inquiry report, which canvassed data extending back to the 1920s, is referenced in Section 32.0.	**EIS** 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.4 Information Sources 21.15 References 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MNBC-12.2	Concerned about potential closure of food fishing. Asked whether that area is going to remain open for food fishing and will it be available to Nations to access that through permits, or will it just be closed off.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** A representative of the CEA Agency responded that she can take that back to DFO and flag it for them now, and get that into the system for them to consider. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 21.0 on Marine Commercial Use.	**Addressed in EIS Section 21.0:** As noted in EIS Section 21.0, it is anticipated that crab harvesting for food, social, and ceremonial (FSC) or Indigenous domestic purposes would continue in the current navigational closure and in an expanded navigational closure during Project construction and operation. Continued harvesting for FSC or Indigenous domestic purposes in a proposed navigational closure expansion could reduce the degree to which Dungeness crab are attracted toward commercial traps that are re-located from the closure expansion, and thereby affect the commercial harvest. This factor is, however, expected to have a minor effect at most as the level of FSC harvesting capacity and activity (and its associated number of baited traps) is much lower compared to commercial harvesting capacity and activity.	**EIS** 21.0 Marine Commercial Use

Table 13: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-13.1	Concerned with the proposed location with respect to Dungeness crab, and oysters, which have re-established on rocks at the proposed site after being gone for many years.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 12.0 on Marine Invertebrates. **26-Jun-2017, Letter from the VFPA:** *"The concerns brought forward by Métis Nation British Columbia with regard to Dungeness Crabs and disposal at sea (DAS) highlighted the need for the VFPA ("the port authority") to re-evaluate our planned construction approach and use of the intermediate transfer pit (ITP) as a part of the Project. The Project team has been actively exploring alternative construction methods to address concerns raised by Indigenous groups and regulatory agencies since the development of the EIS in 2014.* *After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the Coasting Trade Act as a result of approving the Canadian European Trade Agreement, the port authority determined that the Project could proceed without the use of an ITP. In addition, the elimination of the ITP, along with other changes will result in a Project that does not require a DAS permit."* **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and	**Addressed in EIS Section 12.0:** Potential impacts to Dungeness crab and oysters are assessed in EIS Sections 12.0 and 12.6.3. In relation to Dungeness crabs, qualitative and empirical evidence indicates there will be minor decreases in crab productivity from direct mortality during the construction phase. During the operation phase and in the longer term, key mechanisms negatively influencing Dungeness crab productivity relate to footprint losses of high-suitability subtidal sand habitat and negative biotic interactions through a reduced prey base (bivalves). While the decrease predicted by the ecosystem model (-3%, -9 t) is negligible, as changes less than 5% are judged to fall within the uncertainty of the model), sensitivity analyses indicate this value may be underestimated by 2%. Further, because construction activities were not incorporated into the ecosystem model, associated effects are deemed to be underestimated in the model. Overall, considering all lines of evidence, a minor adverse effect is expected for this sub-component In relation to bivalve shellfish, qualitative and empirical evidence indicate there will be minor decreases in bivalve productivity from direct mortality during the construction phase. During the operation phase, key mechanisms reducing shellfish productivity relate to permanent losses in both subtidal and intertidal sand habitat from the Project footprint and fining of intertidal sand through changes in coastal processes. While bivalves possess biological attributes that facilitate re-colonisation (i.e., high fecundity, broadcast spawning, pelagic larvae), reduction of the amount and quality of infaunal bivalve habitat in the LAA is expected to limit recovery. Food web interactions are considered to be positive or neutral. The ecosystem model predicts a decrease in infaunal bivalve productive potential (-8%, -519 t), which aligns with empirical predictions. Increases in epifaunal bivalve productivity (i.e., Pacific oyster and bay mussel) are expected, however, due to increased hard substrate surface area with development of RBT2. Overall, a minor adverse effect is expected for this sub-component. Measures to avoid, reduce, or offset potential effects include: • Placement of terminal in subtidal waters; • Reduced footprint of causeway widening; • Rounded northwest terminal corner to reduce scour; • Incorporation of rocky shoreline in terminal perimeter; • Implementation of construction and operation EMPs related to construction work windows, crab salvages, orange sea pen transplants, and maintaining water and sediment quality; and • Creation of habitat including eelgrass, intertidal marsh, mudflat, and sandy gravel beach.	**EIS** 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			• Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.		
MNBC-13.2	Concerned with impacts from changes in water flow to fry and fish movement out of the Fraser and Canoe Pass. Stated that behind Roberts Bank is a holding area for the fry. Asked how this has been studied.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Stated that there has been an extensive amount of work done with respect to juvenile salmon fry and habitat use along the causeway and within the local study area, which will be presented in an upcoming workshop. Stated that the VFPA does recognise that there is ongoing change, and that it is a very dynamic environment. The VFPA has picked assessment years that reflect that, and it is not just looking at the day construction starts, and the day operation starts, but rather the period that is most representative for the long-term. Confirmed that the marine fish presentation is planned for an upcoming workshop, which should address the question. **28-Oct-2014, Preliminary EIS Workshop #3:** Hosted a presentation on coastal geomorphology. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#49):** Field studies, air photo review, and modelling of sediment deposition at Roberts Bank (including Canoe Passage) were undertaken during the Project assessment, as described in the EIS. A Canoe Passage discharge channel location and sediment distribution (e.g., bar formation or buildup of sand) were modelled to assess variation pre and post-terminal construction. Potential changes associated with the configuration of RBT2 were assessed in relation to Roberts Bank, including the Canoe Passage discharge channel. Project-related changes to coastal geomorphic processes on Roberts Bank are predicted to be associated with the terminal footprint. However, the Project is not anticipated to alter sediment dynamics or water movement in and around the mouth of the Fraser River. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The effects of these changes on VCs are considered in the EIS. **Addressed in EIS Section 13.0:** As noted in EIS Section 13.0, in studies undertaken in 2012 and 2013, juvenile salmon were shown to occupy with no clear preference multiple habitats at Roberts Bank (i.e., salt marsh, eelgrass beds, unvegetated sandflats, and rip-rap), and to access those habitats aided by the tides. As demonstrated in EIS Section 9.5, the Project is not anticipated to result in incremental cumulative changes to coastal geomorphology (including tidal mixing and water circulation) at Roberts Bank; juvenile salmon movements within and between intertidal rearing habitats are expected to continue to be influenced by the tidal and water flow regime at Roberts Bank. Roberts Bank will continue to provide rearing and refuge habitats for juvenile salmon, including during ebbing tides. After mitigation, the marine fish assessment presented in the EIS concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term population integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4 Information Sources 13.4.1 Desktop and Field Studies 13.5 Existing Conditions 13.5.1 Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity
MNBC-13.3	Concerned with impacts from the Project to Métis Nation British Columbia members fishing and crabbing at Roberts Bank.	23-May-2014, Meeting with Métis Nation British Columbia 06-Jun-2014, Valued Components Workshop #1	**23-May-2014, Meeting:** Stated there would need to be a crab closure, although the specifics of such a closure have yet to be defined. Responded the EIS would capture where any closure would need to occur and what the impact of that would be. **06-Jun-2014, Workshop:** Recorded comment for consideration by the Project team. **07-Oct-2014, Workshop:**	**Addressed in EIS Section 32.0:** Information from the Métis Nation British Columbia TUS was incorporated into EIS Section 32.0 Current Use. **Addressed in EIS Section 16.0.** All Project construction and operation activities are expected to interact at an undetectable level with the ongoing productivity of commercial, recreational, and Aboriginal fisheries. While decreases in productive potential are anticipated for some species that support commercial, recreational, and Aboriginal fisheries based on ecosystem modelling, these decreases represent only a small percentage of average species returns, and are not expected to be measurable compared to natural variability at the population level for species relevant to these fisheries. Project-related effects, therefore, are not anticipated to compromise the ongoing productivity of commercial, recreational, or Aboriginal fisheries, and are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects on these fisheries. **Addressed in EIS Section 21.0:**	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Marine invertebrates were discussed during Aboriginal Groups Preliminary EIS Workshop #1. **29-Oct-2014, Workshop:** Marine commercial use discussed during Aboriginal Groups Workshop #4. Information provided by Métis Nation British Columbia was shared with marine fish, marine commercial use, & commercial, recreational, and Aboriginal fisheries discipline leads. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	Project-related effects on the fishing industry are assessed in EIS Section 21.0. Depending on the type of licence held by the Métis Nation British Columbia member, s/he would be captured within the data reported in Commercial Fish and Seafood Harvesting or Aboriginal Commercial Fish and Seafood Harvesting. **Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: seafood harvesting; marine fish harvesting; guided sport fishing; and marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures and will implement construction and operation EMPs related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operation. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	

Table 14: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-14.1	Expressed an interest in crab mitigation	03-Nov-2017, Meeting with Métis Nation British Columbia	**03-Nov-2017, Meeting:** Committed to provide information on proposed crab mitigation when available. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Section 12.0:** During construction and operation, the Project is expected to result in a net decrease in marine invertebrate productivity, both before and after mitigation is implemented. Increases in productivity of infaunal and epifaunal invertebrate communities and decreases in productivity for bivalve shellfish, Dungeness crab, and orange sea pens are predicted. Short-term productivity losses are due to direct mortality and losses of available habitat within the Project footprint. Productivity decreases can be partially mitigated through the implementation of EMPs, including crab salvages and transplanting of orange sea pens, and through the creation of eelgrass, intertidal marsh, mudflat, and sandy gravel beach habitats. While the Project is predicted to cause losses of productivity of bivalve shellfish, Dungeness crabs and orange sea pens, the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no significant adverse residual effects from the Project to marine invertebrates. The Project is not expected to result in any incremental adverse cumulative effects to marine invertebrates. **Addressed in responses to IR5-04 and IR7-34:** Further information concerning proposed crab salvages is provided in the VFPA's response to IR5-04. Salvages are planned for all Project activities that have the potential to cause direct mortality to legal-sized male and gravid female Dungeness crabs. Further information concerning crab mitigation is provided in the VFPA's response to IR7-34, including technically and economically feasible mitigation measures that could address the potential effects on commercial harvesters, and provides information about the engagement activities held to date with stakeholders and Indigenous groups that could be affected by the proposed expansion of the navigational closure and displacement from crab harvest areas.	**EIS** 12.0 Marine Invertebrates **Information Requests** Response to Sufficiency Information Request #4 (IR5-04 of CEAR Document #1209) Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)

Table 15: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-15.1	Concerned with use of Kinder Morgan data for whales and whale strikes, commenting that data and mitigations for this project were perceived to be insufficient.	09-Jun-2015, Meeting with Métis Nation British Columbia	**09-Jun-2015, Meeting:** Clarified that the conclusions from TMX (Trans Mountain Expansion Project) reports are not being used, only the data. The VFPA will make conclusions based on the effects from RBT2. Stated that RBT2 has different effects from TMX due to different cargo, ships, frequency, etc.	**Addressed in response to IR5-41:** The VFPA's response to IR5-41 discusses the use of TMX data in the assessment of whale strikes. As it is not possible to undertake a quantitative strike risk analysis (see DFO's response to DFO IR-12 of CEAR Document #988), it is not possible to predict the risk of a strike during existing conditions or from the incremental contribution of RBT2-associated vessel traffic, or any project with associated shipping. In the absence of this information, a qualitative approach was taken in the MSA using multiple lines of evidence regarding the frequency and potential effects of vessel strikes from RBT2-associated container ship traffic on humpback whales in the marine shipping area. These multiple lines of evidence included the following: • Cetacean encounter study completed to inform the assessment of tanker traffic associated with the Trans Mountain Expansion Project (Stantec 2015); • Current status and population growth rate of humpback whales in B.C.; and • Current state of knowledge regarding vessel strikes of humpback whales in B.C.	**Information Requests** Response to Sufficiency Information Request #41 (IR5-41 of CEAR Document #1159)
MNBC-15.2	Concerned that increased marine traffic, especially marine noise, could harm orcas and other marine mammals, leading to irreparable loss of the beauty and spiritual significance of the area.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"Information shared in your memo related to Métis Aboriginal rights and environmental concerns will be incorporated into the final [MSA] to be submitted to the [CEA Agency].* *[The VFPA] will provide a response to many of the specific concerns expressed in your letter in the [MSA].* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 8.2 on Marine Mammals.	**Addressed in MSA Section 8.2:** Potential effects on marine mammals related to incremental Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment, and physical disturbance from vessel strikes. These effects are expected to not be significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either southern resident killer whales or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of southern resident killer whales, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales, other than southern resident killer whales. The VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on southern resident killer whales. As such, Project-associated vessel activity, in combination with existing and future vessel activity, is expected to continue to result in a significant cumulative effect to southern resident killer whales. **Addressed in responses to IR5-41 and IR5-47:** The VFPA's responses to IR5-41 and IR5-47, further discuss marine mammal strike risk and potential underwater noise effects to southern resident killer whales at Swiftsure Bank, specifically. The overall effects assessment conclusions presented in the MSA remain the same. **Additional information from the VFPA:** In 2014, the VFPA-led Enhancing Cetacean Habitat and Observation (ECHO) Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	**MSA** 8.2 Marine Mammals **Information Requests** Response to Sufficiency Information Request #41 (IR5-41 of CEAR Document #1159) Response to Sufficiency Information Request #47 (IR5-47 of CEAR Document #1145)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-15.3	Noted there is concern regarding traffic and whales, specifically related to their Victoria members. Interested in learning more about the ECHO Program.	03-Nov-2017, Meeting with Métis Nation British Columbia	**03-Nov-2017, Meeting:** Committed to follow up with Métis Nation British Columbia to organise a meeting with members in Victoria. **24-Nov-2017, Email from the VFPA:** Asked Métis Nation British Columbia to provide possible dates for the ECHO presentation. **21-Feb-2018, Meeting on ECHO Program with Métis Nation of Greater Victoria:** Met with representatives from Métis Nation of Greater Victoria to discuss the ECHO Program.	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to southern resident killer whales (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by southern resident killer whales for their life functions of foraging, mating, resting, or socialising. Destruction of southern resident killer whale critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of southern resident killer whales. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on southern resident killer whales. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to southern resident killer whales. The incremental contribution of the Project is not anticipated to contribute to cumulative effects. **Addressed in response to IR4-10:** As noted in the VFPA's response to IR4-10, in 2014, the VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

Table 16: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-16.1	Concerned that increased shipping (resulting in increased pollution, marine noise, spills, and wake) might affect the health of fish and shellfish populations, thereby restricting the exercise of fishing rights.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"Information shared in your memo related to Métis Aboriginal rights and environmental concerns will be incorporated into the final [MSA] to be submitted to the [CEA Agency].* *[The VFPA] will provide a response to many of the specific concerns expressed in your letter in the [MSA].* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 8.1 on Marine Fish and Fish Habitat.	**Addressed in MSA Section 8.1:** An assessment was undertaken to evaluate the potential effects of Project-associated marine shipping on marine fish and fish habitat (including marine vegetation and marine invertebrates) within the marine shipping area and located within the Salish Sea. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 metres of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA. MSA Section 9.5 presents an assessment of Current Use. As noted in MSA Section 9.5.11, considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	**EIS** 8.1 Marine Fish and Fish Habitat 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights
MNBC-16.2	Concerned that depending on the kinds of goods shipped, toxic spills could affect coastal plant and animal populations, degrading the ecosystem, and thus restricting the exercise of other harvesting rights.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"Information shared in your memo related to Métis Aboriginal rights and environmental concerns will be incorporated into the final [MSA] to be submitted to the [CEA Agency].* *[The VFPA] will provide a response to many of the specific concerns expressed in your letter in the [MSA].* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the SOLAS and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). **Addressed in MSA Section 10.3.2.1:** Containers may be lost overboard in the event of a collision or grounding and could conceivably release hazardous and noxious substances (HNS) to the environment. While removal of containers lost overboard would involve a salvage operation, the combination of low collision or grounding accident frequencies with the low percentage of HNS containers at risk of being lost overboard (approximately 0.7% for Deltaport in 2012; see EIS Appendix 30-A), and the requirement for the container being compromised to release its contents, led to the assessment that the frequency of spills of HNS substances from containers lost overboard is low enough to not require further consideration as a plausible accident or malfunction arising from marine shipping associated with the Project. **Additional information provided by the VFPA:**	**EIS** Appendix 30-A, Table B-4 Composition and Number of HNS Containers at Deltaport in 2012 (TSI 2013) **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			that summarised Indigenous issues and interests and provided the VFPA's responses.	In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction, and materials; industrial, auto, and vehicle parts; basic metals; meat, fish, and poultry; and waste paper.	

Table 17: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-17.1	Commented that the existing eelgrass bed is a lot larger than indicated, that it reaches the terminal.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Recorded comment for consideration by Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 11.0 on Marine Vegetation.	**Addressed in EIS Section 11.0:** Assesses potential effects of the Project on marine vegetation and presents a characterisation of existing conditions. The characterisation of existing conditions regarding eelgrass is presented in EIS Section 11.5.1. Native eelgrass occurs at Boundary Bay and Roberts Bank, generally between -1.5 m chart datum (CD) and +1.5 m CD in fine and very fine sand. Distribution seaward into the subtidal zone is limited by light availability (a function of light attenuation caused by absorption and scattering), while landward it is limited by desiccation and wave energy. Non-native eelgrass occurs at Sturgeon and Roberts banks and Boundary Bay between +2 m CD and +3 m CD in relatively muddier areas that remain wetted during low tide. Distribution seaward is limited by competition with native eelgrass, and landward by desiccation. EIS Figure 11-2 presents the Roberts Bank Marine Vegetation Map (2012). The eelgrass bed was delineated through a combination of aerial imagery (orthophotos, hyperspectral survey), towed underwater video surveys, and field sampling, ensuring both intertidal and subtidal portions were captured. As noted in EIS Section 11.5.1.5, there is notable inter-annual variability in both native and non-native eelgrass, which may account for this anecdotal observation.	**EIS** 11.0 Marine Vegetation 11.5.1 Eelgrass 11.5.1.5 Spatial and Temporal Variation of Eelgrass
MNBC-17.2	Asked whether invasive plants have been looked at in the area, and whether or not they were considered in the model.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that yes invasive plants have been studied, but that the VFPA would have to get back to Métis Nation British Columbia with respect to if invasive species were considered in the model. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 11.0:** EIS Section 11.0 presents information concerning the existing conditions of marine vegetation in the LAA, including invasive marine species. **Additional information provided by the VFPA:** The EwE model was not used to predict potential effects to invasive species. More information is available at https://www.tc.gc.ca/eng/marinesafety/oep-environment-ballastwater-alienspecies-1055.htm. **Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 metres. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary.	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 11.0 Marine Vegetation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-17.3	Concerned that expansion of the terminal at Roberts Bank could interfere with other plant and animal life, for example by destroying beaches, reefs and eelgrass beds (e.g. the latter could interfere with herring spawning grounds).	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"Information shared in your memo related to Métis Aboriginal rights and environmental concerns will be incorporated into the final [MSA] to be submitted to the [CEA Agency].* *[The VFPA] will provide a response to many of the specific concerns expressed in your letter in the [MSA].* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS.	**Addressed in EIS Executive Summary:** The conclusion of the comprehensive environmental assessment conducted by the VFPA is that, after the implementation of mitigation, RBT2 is not expected to result in any significant adverse residual effects on any of the VCs assessed. In addition, no significant adverse cumulative effects are anticipated, with the exception of a significant cumulative effect to southern resident killer whales. Due to their endangered status and a lack of recovery of the population, the VFPA has assumed that southern resident killer whales have already been significantly adversely affected and therefore cumulative effects are expected to remain significant. As a result of extensive studies and assessment, the VFPA is confident potential adverse effects can be fully or partially avoided or reduced through Project design and the implementation of environmental management programs. Where Project-related effects cannot be fully avoided or reduced, offsetting measures, such as the creation and enhancement of habitat, will be applied. A robust monitoring and follow-up program will be implemented to assess the effectiveness of mitigation measures.	**EIS** Executive Summary 11.0 Marine Vegetation 12.0 Marine Invertebrate 13.0 Marine Fish 13.5.3.3 Pacific Herring 13.8.1 Residual Effect – Characterisation of Productivity Loss 14.0 Marine Mammals 15.0 Coastal Birds 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 33.3 Construction Environmental Management Plans
MNBC-17.4	Expressed uncertainty about the prospect for the success of vegetation planted along the causeway noting poor soil. Suggested that the resources could be better used for another mitigation.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#124):** Notes that a vegetation buffer is no longer being considered: The use of a vegetation buffer along the causeway as a proposed mitigation measure for effects on daytime visual resources was excluded from further assessment after consideration of feedback received during consultation with Indigenous groups, as well as inter-disciplinary input on technical feasibility. It was concluded that a vegetation buffer would have limited, if any, effectiveness as mitigation for adverse effects on visual resources, and could result in a predation risk to shorebirds from raptors. Past experience with a vegetation buffer on the causeway have been unsuccessful due to soil conditions.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 25.0 Visual Resources 25.7 Mitigation Measures

Table 18: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-18.1	Referenced EIS, Section 15.5.6.2 Piscivorous Species and stated that there is no clear explanation as to where and how compensation will be employed for any of the impacts. Stated that there is just mention of compensation or mitigation serving to offset or alleviate impacts. Stated that at a minimum the reader could be addressed to section 33.0. Additional, compensation commitments should be referenced in sections 12, 13, and 17 where DP3 compensation is explained.	15-Jun-2015, Letter to the CEA Agency from Métis Nation British Columbia (CEAR Document #252)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #309):** *"The Agency did not request additional information for this item since there is already some information provided in the EIS. The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *An offsetting plan is presented in Section 17: Mitigation for Marine Biophysical Valued Components."*	**Addressed in EIS Section 15.0:** Decreases to the productivity potential for waterfowl and diving birds are expected to be minor. Effects to waterfowl can be mitigated through the creation of eelgrass, mudflat, and intertidal marsh habitats. Effects to diving birds can be partially offset through the creation of onsite eelgrass and subtidal rock reef habitats, which would create habitat for their prey, which include mussels and other invertebrates. EIS Section 17.0 describes the mitigation framework for avoiding, reducing, or offsetting potential adverse effects to marine biophysical VCs. Proposed onsite habitat concepts, including for piscivorous bird species-supporting eelgrass and subtidal rock reef habitats, are presented in EIS Section 17.3.2.2.	**EIS** 15.0 Coastal Birds 15.5.6 Diving Birds 15.5.6.2 Piscivorous Species 17.0 Mitigation Framework For Marine Biophysical Valued Components 17.3.2.2 Onsite Habitat Concepts

Table 19: Outdoor Recreation – Valued Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-19.1	Stated that there are a lot of fishers who use the area (Roberts Bank).	22-Jun-2016, Meeting with Métis Nation British Columbia	**22-Jun-2016, Meeting:** Stated that the VFPA could set up a meeting with a fish expert to answer questions. The VFPA followed-up with Métis Nation British Columbia and did not hear back. **03-Aug-2016, Issues Workshop:** Discussed key concerns raised by Indigenous groups—salmon, eulachon, crab, fisheries. The VFPA responded to Métis Nation British Columbia concerns related to impacts of light on fish, and other Indigenous groups raised concerns around the methodology of representative species, cumulative effects, geomorphology, and other matters.	**Addressed in EIS Sections 21.0 and 24.0:** Fishing at Roberts Bank is captured in EIS Sections 21.0 and 24.0. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability, and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. As noted in EIS Section 24.0, recreational crab harvesters that currently use the western side of the Roberts Bank terminals would be required to move to other areas. Following mitigation, the residual effect of displacement is determined to be negligible. The Project is not expected to result in measurable adverse residual effects to outdoor recreation. The Project is not expected to result in any incremental cumulative effects to outdoor recreation.	**EIS** 21.0 Marine Commercial Use 24.0 Outdoor Recreation

Table 20: Port Operations

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-20.1	Asked about the process for changing ballast and regulations under Transport Canada, and how they enforce regulations. Referred to rats that showed up when the first terminal opened, noting Delta and the Lower Mainland are starting to have all sorts of rats from Europe now because they came in from containers.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Stated that ships have to exchange the ballast roughly 200 miles offshore. What was exchanged needs to be recorded in their log book, and they need to complete and file a form that is presented and submitted to the Canadian Coast Guard before they are allowed to come in and do a ballast exchange or discharge at the terminal. The process is governed by the *Transportation Act*. If they do not file the forms, they are more than likely prohibited from coming in and doing a ballast discharge. Stated that these questions would be best answered by Transport Canada. Stated that the process for RBT2 would be no different from what's being done out at Deltaport today, by the Canada Border Services Agency. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 metres. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary. **Additional information provided by the VFPA:** More information is available at https://www.tc.gc.ca/eng/marinesafety/oep-environment-ballastwater-alienspecies-1055.htm.	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project

Table 21: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-21.1	Asked whether the clean-up fund for an accident involving a container ship would be the same fund used for an accident involving an oil tanker.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Responded that she doesn't have information on the value of the fund.	**Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act.*	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 30.0 Potential Accidents or Malfunctions
MNBC-21.2	Commented that they do not agree that there is no potential for Project interactions with oil tankers, as the terminal faces a shipping lane and oil tankers come up and down the coast.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Stated that none of the EIS scenarios involve a collision with an oil tanker, and the reason is that the spatial area for this assessment is ships travelling within VFPA jurisdiction, and the route for approaching container ships does not allow for interaction with oil tankers, within this assessment. Responded that the quantitative risk assessment takes a broader scope, and does look at that potential for interaction, but within this section of the EIS, it is narrowed down to plausible worst-case scenarios that are relevant to the scope of the assessment and Project, and in the VFPA's jurisdiction. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 10.3.2.2:** Collisions In-transit considers container ship collisions with tankers. As noted in the section, container ship-tanker collisions are calculated to have return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil. A collision does not necessarily lead to a spill. Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and laden crude oil tankers that result in a crude oil spill are over 800,000 years. MSA Section 10.0 identified plausible worst-case scenarios to assess. The scenarios were selected based on the probability of events occurring (using ship incident data collected over several years) and the environmental consequences of those events. For the MSA, collisions and associated spills in the marine shipping area will have the highest probability of occurrence where the probability of an encounter between ships is highest, based on the relative risk of overtaking, head-on, and crossing encounters. The most likely encounter locations in the marine shipping area are near East Point on Saturna Island at the eastern entrance to Boundary Passage, and near Turn Point on Stuart Island at the entrance to Haro Strait at the southwest end of Boundary Passage. This area was selected as Plausible Accident or Malfunction #1.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B Tables **MSA** 10.0 Potential Accidents or Malfunctions 10.3.2.2 Collisions In-transit 10.3.3.1 Plausible Accident or Malfunction #1: Hard Grounding Resulting in a Spill

Table 22: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-22.1	Concerned that a Métis Nation British Columbia member who is also a commercial fisher would be displaced by the project footprint. Asked if the 19 people with commercial licences have been spoken to.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop** Recorded comment for follow-up. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which includes EIS Section 21.0.	**Addressed in EIS Section 21.0:** As noted in EIS Section 21.0, it is anticipated that crab harvesting for FSC or Indigenous domestic purposes would continue in the current navigational closure and in an expanded navigational closure during Project construction and operation. Continued harvesting for FSC or Indigenous domestic purposes in a proposed navigational closure expansion could reduce the degree to which Dungeness crab are attracted toward commercial traps that are re-located from the closure expansion, and thereby affect the commercial harvest. This factor is, however, expected to have a minor effect at most as the level of FSC harvesting capacity and activity (and its associated number of baited traps) is much lower compared to commercial harvesting capacity and activity. **Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, the VFPA is committed to continue working with DFO, commercial crab harvesters, and Indigenous groups to share information and provide opportunities for questions and discussion. A summary of consultation and engagement activities that have been undertaken post-EIS submission and are ongoing with Indigenous groups and regulatory agencies is provided in the response to IR7-34.	**EIS** 21.0 Marine Commercial Use **Information Requests** Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)
MNBC-22.2	Asked whether the Métis will be included in the Current Use/ Aboriginal and Treaty Rights sections.	27-May-2014, Technical Working Group #3	**27-May-2014, Meeting:** Responded that the Métis will be included in the Current Use or Aboriginal and treaty rights sections. **02-Jul-2014:** Métis Nation British Columbia provided a TUS to the VFPA. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which includes EIS Section 32.0 on Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	**Addressed in EIS Section 32.0:** Métis have been included in Section 32.0 Current Use. Key sources relied upon to describe the asserted rights and Current Use of Métis in the vicinity of the Project were a Project-specific study, entitled Métis Use & Occupancy Study: Port Metro Vancouver Roberts Bank Terminal 2 Project (MNBC 2014).	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MNBC-22.3	Asked what is the Métis Use & Occupancy Study and does it only relate to the mainland.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"Métis Nation British Columbia is a more appropriate organisation to speak to this study, which was undertaken by Métis Nation British Columbia and provided to the VFPA in support of the environmental assessment for the RBT2 Project."*	**Additional information provided by VFPA:** The Metis Use and Occupancy Study for the proposed Project was completed by Métis Nation British Columbia and submitted to VFPA on 02-Jul-2014.	
MNBC-22.4	Asked what kinds of western or Indigenous science have been done around the project. Asked if such studies were publicly available. Asked what they say about the risks of the project, or about mitigation.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"The VFPA has submitted a comprehensive EIS for the Project to the CEA Agency and the B.C. Environmental Assessment Office. The EIS documents four years of extensive scientific study and consultation with regulators, Indigenous groups, local government, and the public to assess the potential environmental, economic, social,*		

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			heritage, and health effects of the terminal's construction and operation."		
MNBC-22.5	Stated their harvesters are concerned with continuing to be able to harvest at Roberts Bank.	03-Nov-2017, Meeting with Métis Nation British Columbia	**03-Nov-2017, Meeting:** Recorded comment for consideration of the Project team.	**Addressed in EIS Appendix 7.2-B (#120):** In the marine commercial use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine-based activity or potential; • The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. This residual effect is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. The potential for an adverse effect related to changes in access to preferred Current Use locations for crab is discussed in EIS Section 32.2.6. With the implementation of mitigation measures (EIS Section 32.2.7), residual Project-related effects on Current Use are expected to be negligible (EIS Section 32.2.8).	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 21.0 Marine Commercial Use 21.7 Future Conditions with the Project – Potential Project-related Effects 21.10 Determination of Significance of Residual Adverse Effects Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use 24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project – Potential Project-related Effects 32.2.7 Mitigation Measures 32.2.8 Characterisation of Residual Effects and Context
MNBC-22.6	Expressed that the Métis Nation British Columbia still occupy and use the area in and around the Project extensively for traditional activities. Identified harvest sites in the region surrounding the Project. Expressed that government-set hunting restrictions is the main obstacle to Métis harvesting food for themselves and their families. Indicated that there are numerous bird, mammal and aquatic species hunting sites for Métis harvesters around the Project and in the surrounding regions. Indicated that berries, food plants, medicinal or ceremonial plants, specialty wood, firewood, earth materials and drinking water are harvested around the Project site and in the surrounding regions.	16-Nov-2017, Letter to Panel from Métis Nation British Columbia (CEAR Document #1099)	The VFPA has reviewed the letter and provides the following additional information.	**Addressed in EIS Section 32.0:** Métis Nation British Columbia is included in the assessment of Current Use, EIS Section 32.0. **Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary EIS results and proposed mitigations and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material so that questions and comments could be raised in the workshops. The VFPA also	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.4.8 Métis Nation British Columbia **Information Requests** Response to Sufficiency Information Request #06 (IR10-06)

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Indicated that there are cabins, temporary overnight sites, Métis burial sites and other cultural sites in the regions surrounding the Project. Indicated that many more use and occupancy interviews are required to accurately represent the interests and activities of the Métis in the Project area.			provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in EIS Appendix 7.2-B. Some questions, comments, and requests were addressed at the workshops or through follow-up communications. **Addressed in response to IR10-06:** The VFPA's response to IR10-06, as requested by the Review Panel, provides additional information concerning the rationale for the Current Use effects assessment conclusions.	

Table 23: Project Overview and Description

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-23.1	Asked whether steel is going to be hanging in the water on the berth face, and if so, if it will be zinc-treated or electrified, like BC Ferries, to protect it from salt corrosion.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Responded that the berth face will not have steel exposed.		
MNBC-23.2	Asked whether there will be a boat ramp in the expanded tug basin for emergency haul-outs (like there used to be) for safety reasons.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Stated that the preliminary design does not include a boat ramp.	**Additional information provided by the VFPA:** The Project does not include a boat ramp.	
MNBC-23.3	Concerned with traffic on Deltaport Way to the South Fraser Perimeter Road and in particular, with safety on these roads.	23-May-2014, Meeting with Métis Nation British Columbia	**23-May-2014, Meeting:** Responded that expansion of Deltaport Way would fall under the Ministry of Transportation and Infrastructure's jurisdiction, and they would have to decide whether or not to expand. Committed to respond to Métis Nation British Columbia with information about why expansion of Deltaport Way is not within the scope of RBT2 and what collaboration is being done with the Ministry of Transportation and Infrastructure to address traffic congestion. Follow up on comment re: including a truck staging area. **07-Oct-2014, Preliminary EIS Workshop #1:** Provided more information on Gateway Transportation Collaboration Forum (GTCF). Provided information on the scope of the Project. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#216):** As defined in the *EIS Guidelines*, the scope of the Project includes marine, road, and rail transportation within the VFPA's jurisdiction. The scope of the assessment is the potential effects of the Project components and activities included within the scope of the Project wherever they occur, including effects that extend beyond the VFPA's jurisdiction. The scope of assessment is different for the various components being assessed, depending on the range of potential effects for each component. The effects of truck and train traffic beyond the Roberts Bank causeway is not within the scope of the environmental assessment as defined by the *EIS Guidelines*. However, incremental truck traffic travelling outside of VFPA jurisdiction, but within the assessment areas of various VCs is an activity considered in the assessment of cumulative effects. The federal *Railway Safety Act* promotes the safety and security of the public and personnel, and the protection of property and the environment, in railway operations within the legislative authority of the Canadian government.	**EIS** 2.0 Project Overview 2.2 Project Context 2.2.7 Roberts Bank as a Terminal Location Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.2 Air Quality 9.3 Noise and Vibration 20.0 Economic Development 23.0 Services and Infrastructure 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3 Construction Environmental Management Plan 33.3.7 Land and Marine Traffic Management Plan 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments
MNBC-23.4	Asked why the northwest corner of the terminal has been rounded.	23-May-2014, Meeting with Métis Nation British Columbia	**23-May-2014, Meeting:** Stated that EIS Section 5.0 outlines that the preferred layout was optimised by rounding the northwest corner to minimise scour effects, and EIS Section 9.5 provides the analysis of coastal geomorphic processes of the optimised rounded corner design.	**Addressed in EIS Section 5.4.1.3:** The results of coastal geomorphic studies indicated that rounding the northwest corner of the terminal would have the greatest positive effect in terms of decreasing the areal extent of footprint-related effects (i.e., scour induced by flow acceleration around the west side of the terminal). Rounding the corner on a 120-m radius would reduce the scour area as compared to the square corner. The optimised configuration incorporated into the preliminary Project design is a 120-m radius rounded corner, as previously described in EIS Section 4.0 and as shown on EIS Figure 5-4.	**EIS** 5.0 Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			01-Apr-2015, Letter from the VFPA: Provided a copy of the EIS, which included EIS Section 5.0 on Alternative Means of Carrying out the Project.		
MNBC-23.5	Asked how long the VFPA expects the increase to 2.4 million TEUs of container traffic will be needed. Asked if the environmental assessment accommodates the full-scale expansion, or will further studies be required. Stated that without a better understanding of the scale of impact in a temporal context, there can be no clear indication of the appropriateness of the environmental assessment.	15-Jun-2015, Letter to the CEA Agency from Métis Nation British Columbia (CEAR Document #252)	**13-Oct-2015, Letter from the CEA Agency (CEAR Document #309):** *"The Agency did not request additional information for this item. The expansion that is planned is for an increased capacity of 2.4 M TEUs annually, not an annual increase of this amount. Put another way, the expansion will result in an annual capacity of 2.4 M TEUs, not an ongoing expansion."*	**Additional information provided by the VFPA:** EIS Section 2.2.5 further discusses independent container traffic forecasting. **Addressed in EIS Sections 4.0 and 6.1:** EIS Section 4.0 describes the scope of the proposed Project, including construction and operation activities. The information presented in the EIS and the MSA are intended to provide comprehensive information on potential Project-related changes to the environment, sufficient to permit a thorough evaluation of the environmental effects of the Project by the independent review panel (underway currently), pursuant to the *Canadian Environmental Assessment Act*, *2012* (*CEAA 2012*). EIS Section 6.1 presents federal powers, duties, or functions potentially to be exercised with respect to the Project, including the federal regulatory approvals potentially required for the project, in addition to the requirements under *CEAA 2012*. These may include: • DFO - Section 35 (*Fisheries Act*) Authorization for works, undertakings, and activities in or around water; • DFO - Agreement or Permit under section 73 of *Species at Risk Act* (*SARA)*, or under another enactment pursuant to section 74 or 77 of *SARA*, authorising an activity affecting southern resident killer whales or their critical habitat; and • VFPA - Project Permit pursuant to section 27 of the Port Authorities Operations Regulations (enabling act: *Canada Marine Act*). Additional study may be required as part of these potential additional requirements.	**EIS** 2.0 Project Overview 2.2.5 Current Canadian West Coast Container Traffic Forecasts 4.0 Project Description 6.0 Environmental Assessment and Permitting Process 6.1 Federal Involvement and Process
MNBC-23.6	Asked if there are any limits placed on the increase of particular goods, or does the project not discriminate based on the kinds of goods shipped. Asked if bitumen will be permitted to be shipped from the new terminal.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"The EIS and the MSA will provide details on regulations regarding the shipment of hazardous materials. There will not be limits placed on legally shipped goods. RBT2 is a container shipping terminal, and there are no plans to modify the Project to transport bitumen."* **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal. **Additional information provided by the VFPA:** In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction, and materials; industrial, auto, and vehicle parts; basic metals; meat, fish, and poultry; and waste paper. **Addressed in MSA Appendix 5-B (#107):** Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A. Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under SOLAS and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table Appendix 30-A, Table B-4: Composition and Number of HNS Containers at Deltaport in 2012 (TSI 2013) **MSA** Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-23.7	Stated that it is understood that increased road access to the existing port has already been created. Asked if there was a separate assessment process for road development projects.	11-Sep-2015, Letter from Métis Nation of Greater Victoria	**13-Oct-2015, Letter from the VFPA:** *"Responded that this work was undertaken as part of the South Fraser Perimeter Road Project and was assessed under the British Columbia Environmental Assessment Act. More information on the South Fraser Perimeter Road Project can be found at the following link:* *https://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_196.html."*	**Additional information provided by the VFPA:** Any new proposed road or rail improvements would be subject to applicable regulatory requirements and would be reviewed by applicable regulators at the time of application.	

Table 24: Project Benefits

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-24.1	Asked about the projected economic benefits of the RBT2 project generally. Asked if there are any agreements proposed about job quotas for local Aboriginal workers for the construction phase. Expressed challenges in taking advantage of procurement opportunities in the past (need more time and better communication). Stated that Métis own businesses are always looking for contract opportunities. Asked for information about the Aboriginal procurement policies, for RBT2 work. Asked if Métis will be recognized in procurement policies for RBT2 work. Asked why the Aboriginal component of the VFPA's Procurement Policy is not mandatory. Asked about the projected economic benefits to Aboriginal groups in the LAA and RAA. Stated the EIS details specific benefits of the project to the general population. What is the share of this benefit for the Aboriginal population?	11-Sep-2015, Letter from Métis Nation of Greater Victoria 22-Jun-2016, Meeting with Métis Nation British Columbia 29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	**13-Oct-2015, Letter from the VFPA:** *"More information on economic benefits associated with the Project can be found at the following link: http://www.robertsbankterminal2.com/project-benefits/benefits-overview/. The effects of the Project on economic development are addressed in EIS Section 20.0. Opportunities for training and employment opportunities for Indigenous groups related to the Project are described in the EIS Section 32.3.3.3.* *As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups, which include Métis Nation British Columbia, in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits."* **22-Jun-2016, Meeting:** Acknowledged and asked for further feedback or examples. Requested a list of Métis businesses that it can then add to its Indigenous business database, which is shared with terminal operators. **27-Jun-2016, Email from the VFPA:** The process for selecting a terminal operator and infrastructure developer is provided at the following link: http://www.robertsbankterminal2.com/business-opportunities/procurement-approach/ and a short-list of terminal operators is provided at the following link: http://www.robertsbankterminal2.com/news-updates/terminal-operator-procurement/. Provided a graphic that shows the projected timelines, which are of course heavily dependent on the timing of the review process. This timeline has construction starting at the end of 2017. **12-May-2016, Letter from the VFPA:** Requested to meet with Métis Nation British Columbia and enclosed an Information Sheet specific to Employment Opportunities related to the Project.	**Addressed in EIS Section 32.3.3.3:** As accommodation for any potential effects to specified Indigenous groups' ability to exercise their Aboriginal rights, the VFPA proposes to assist these Indigenous groups, which include Métis Nation British Columbia, in accessing opportunities resulting from the Project. In addition to making contracting opportunities available to specified Indigenous groups, the VFPA will ensure that construction employment opportunities are also made available. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Through ongoing engagement, the VFPA will seek input from these Indigenous communities with respect to plans to ensure access to Project-related benefits. **Addressed in EIS Appendix 7.2-B (#145):** The VFPA's Aboriginal Procurement approach is part of the *Sustainable Procurement Guidelines* included in the Procurement Policy. All of the VFPA's corporate policies are approved by the VFPA Board of Directors. The language used is based upon the Federal Aboriginal Procurement language used by various Federal departments. The language was developed by the VFPA's Procurement Administrator and subsequently approved by both the VFPA Executive and Board of Directors and came into effect on January 13, 2013. The VFPA has shared the Aboriginal Procurement language below with several Indigenous groups upon request. The definition of an Aboriginal Business is also included on VFPA website in relation to the Aboriginal Business Directory. The language in the VFPA Procurement Policy currently reads as follows: The VFPA is committed to identifying greater development and employment opportunities for Aboriginal entrepreneurs and businesses that may assist in building capacity within Aboriginal communities. To be considered an Aboriginal business the following criteria must be met: At least 51 percent of the business is owned and controlled by Aboriginal people, and at least one third of the employees are aboriginal. If the business is a sole proprietorship, it must be wholly owned by an Aboriginal person. In the case of a joint venture or consortium, at least 51 percent of the joint venture or consortium must be controlled and beneficially owned by an Aboriginal business or businesses, as defined above. Additionally, at least one-third of the value of the work performed under a contract is completed by an Aboriginal business, either by the Aboriginal partner/contractor or by an Aboriginal sub-contractor. In the spirit of satisfying the goals of this section, when entering into an agreement with an Aboriginal business, the employment and development opportunities for Aboriginal communities or members will be an important factor. VFPA may, where the capacity/ability within the local aboriginal community is demonstrated, directly award a contract to that aboriginal business to assist in the development of the community and to foster improved communication with the Port. Where capabilities are known by more than one aboriginal business in the local community, a limited	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 20.0 Economic Development 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3.3. Other Accommodations

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			16-Jun-2017, Letter from the VFPA: The VFPA is interested in initiating discussions with Métis Nation British Columbia regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas, or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives, and priorities of Indigenous groups involved in the Project. **24-Nov-2017, Letter from the VFPA:** *"In addition to general Legacy Benefits, the Vancouver Fraser Port Authority ("VFPA") is interested in entering into direct discussions with MNBC regarding a potential mutual benefits agreement ('MBA") for the Project… We would like to hear whether negotiating an MBA is of interest to MNBC."* **01-Dec-2017, Email from Semiahmoo First Nation:** Stated that they are interested in discussing a Mutual Benefits Agreement. **11-Dec-2017, Meeting:** The VFPA and Métis Nation British Columbia began discussions around a Mutual Benefits Agreement. Discussions are ongoing.	competitive process may also be followed. In accordance with the Procurement Policy, when single sourcing applies additional levels of approval must be obtained. For projects where it is deemed beneficial, proponents may be asked in the solicitation documents to demonstrate in their submission how aboriginal participation and representation will be met and maintained during the contract period. When considering sourcing options with an aboriginal business, consultation with the VFPA's Manager, Aboriginal Affairs and/or an Aboriginal Affairs Advisor is recommended.	

Table 25: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-25.1	Asked if existing disposal sites will be used for disposal at sea. Stated that past dumpsites have not been deep enough and have resulted in snags where you cannot fish.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Responded that there are three locations that the VFPA is proposing for DAS at -45 m depth (120 feet), adjacent to the Project area. This is similar to construction activity done for DP3. Stated that there are transportation costs and emissions to consider with regard to using existing dump sites, such as Sand Heads. The VFPA will be doing an environmental assessment of what the impact of disposing at sea in the adjacent areas will be, similar to what was done for DP3. Ultimately the decision will be Environment Canada's. Referred to slide 64 in the RBT2 Project Overview presentation, which describes the permits that may be required by various government agencies for different aspects of the Project. **26-Jun-2017, Letter from the VFPA:** *"The concerns brought forward by Métis Nation British Columbia with regard to Dungeness Crabs and DAS highlighted the need for the VFPA to re-evaluate our planned construction approach and use of the ITP as a part of the RBT2 Project. The Project team has been actively exploring alternative construction methods to address concerns raised by Indigenous groups and regulatory agencies since the development of the EIS in 2014.* *After undertaking a thorough investigation that included further engineering work, consideration of new locally available dredging equipment, and relaxation of the Coasting Trade Act as a result of approving the Canadian European Trade Agreement, the port authority determined that the Project could proceed without the use of an ITP. In addition, the elimination of the ITP, along with other changes will result in a Project that does not require a DAS permit."*	**Addressed in responses to IR3-25 to IR3-40:** For further information concerning this change, please see Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update.	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project 5.3.1 Increase Capacity and Efficiency of Existing Container Terminals within VFPA Jurisdiction 7.0 Engagement and Consultation 7.2 Aboriginal Groups Engagement and Consultation 7.2.1 Engagement and Consultation Process Overview 12.0 Marine Invertebrates 12.5.3 Dungeness crabs 12.7 Mitigation Measures 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** IR Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928)

Table 26: Traffic / Transportation

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-26.1	Stated that truck staging areas are required and should be discussed during the planning stages of the Project. This is a safety issue on the roads, a nuisance, and the fact that engines are running while waiting is a huge issue.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Responded that the Gateway Transportation Collaboration Forum will be looking at the issue of staging. Refers to the VFPA's implementation of its SmartFleet GPS program, which helps to inform the understanding of truck congestion and wait time issues. The forum has been exploring options for a system similar to what is used at border crossings, wherein when vehicles arrive and line up, lights are activated, and advances are made in holding groups. It is thought such a system will help address the issue of idling.	**Addressed in EIS Appendix 7.2-B (#218):** The economic development assessment (EIS Section 20.0) considers economic effects in Metro Vancouver and B.C. related to an increase in trucking activity related to the Project. Environmental and social effects associated with Project-related increases in truck traffic on the causeway are considered in the assessments of air quality (EIS Section 9.2), noise and vibration (EIS Section 9.3), services and infrastructure (EIS Section 23.0), human health (EIS Section 27.0), and Current Use (EIS Section 32.2). The VFPA will ensure the Infrastructure Developer and Terminal Operator will work with federal and provincial regulatory authorities and local governments, including B.C. Ministry of Transportation and Infrastructure, City of Delta, BC Ferries, and Tsawwassen First Nation to develop the land-based portion of the Land and Marine Traffic Management Plan. The plan will provide for public and worker safety and the timely exchange of information regarding traffic management during Project construction, including traffic control measures, short-term traffic interruptions, and temporary road restrictions and re-routing with Tsawwassen First Nation, City of Delta, Delta Police Department, Delta Fire and Emergencies Services, and B.C. Ambulance Services. The GTCF was established in 2014 to identify and prioritise development of transportation and related infrastructure necessary for supporting continued gateway growth and to provide overall net benefits to host communities. It brings together Transport Canada, the B.C. Ministry of Transportation and Infrastructure, TransLink, the Greater Vancouver Gateway Council, and the VFPA to collaboratively pursue infrastructure solutions and funding opportunities under the New Building Canada Plan*. The GTCF builds on the success of past initiatives, including the Roberts Bank Rail Corridor Program, South Fraser Perimeter Road, North Shore and South Shore Trade Area projects, Ashcroft Terminal's Expansion Project, and the Regional Transportation Management Centre. It was not created in relation to, nor is it in any way solely focused on, the Project. The GTCF consists of four trade areas, including the Roberts Bank Trade Area. The GTCF leverages existing reports and conduct new studies, as necessary, to guide identification and evaluation of regional projects that relate to additional truck and train traffic from increasing demand for trade through the gateway. The GTCF works in consultation with municipal governments, regional agencies, Indigenous groups, industry, and other stakeholders, to consider how best to meet long-term trade demand while reducing impacts to local communities and the environment. Much of this work will focus on addressing the increased truck and train traffic within Metro Vancouver that is anticipated as demand for trade through the gateway grows. *The New Building Canada Plan is the name of the previous funding program. The current funding program for trade corridor infrastructure is the National Trade Corridor Fund. **Additional information provided by the VFPA:** The Deltaport truck staging facility is located at the intersection of Highway 17, Highway 17A, and Deltaport Way in Delta, B.C. on provincial land. The VFPA will operate the facility under a long-term lease from the B.C. Ministry of Transportation and Infrastructure. The facility will address road safety concerns by alleviating traffic congestion. The facility will have the capacity to accommodate up to 140 trucks, including early arrivals. The project also includes a secure vehicle access gate requiring a valid Port Pass, a Commercial Vehicle Safety and Enforcement (CVSE) area for truck safety inspections, a new highway exit ramp to facilitate access from Highway 17 and an additional road exit to allow traffic access onto Deltaport Way.	**EIS** 2.0 Project Overview 2.2 Project Context 2.2.7 Roberts Bank as a Terminal Location Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.2 Air Quality 9.3 Noise and Vibration 20.0 Economic Development 23.0 Services and Infrastructure 27.0 Human Health 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3 Construction Environmental Management Plans 33.3.7 Land and Marine Traffic Management Plan 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				The first phase of construction of the Deltaport truck staging facility began in August 2017, with embankment construction, procurement of sand and gravel, and preloading. This advanced works stage was completed ahead of schedule and is now done. Preparation for the second phase of construction, which includes procurement of major work construction, is underway. Construction is expected to start in the fall of 2018 and be completed by late 2019 or early 2020. Further information is available at: https://www.portvancouver.com/development-and-permits/development/deltaport-truck-staging-facility/	
MNBC-26.2	Asked whether the VFPA can regulate train size when they leave the terminal, noting concern over potential for derailment.	07-Oct-2014, Preliminary EIS Workshop #1	**07-Oct-2014, Workshop:** Responded that the VFPA cannot regulate train size.	**Addressed in EIS Appendix 7.2-B (#217):** An assessment of safety risks related to increased rail traffic outside of VFPA jurisdiction is not included in the EIS. Potential effects related to rail-related incidents within VFPA jurisdiction are addressed in EIS Section 30.0. The federal *Railway Safety Act* promotes the safety and security of the public and personnel, and the protection of property and the environment, in railway operations within the legislative authority of the Canadian government.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Issues and Interests Table 30.0 Potential Accidents or Malfunctions

Table 27: Visual Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNBC-27.1	Suggested painting the cranes marine grey because it blends in and is harder to see.	08-Oct-2014, Preliminary EIS Workshop #2	**08-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Sections 25.0 and 25.7.	**Addressed in EIS Section 25.0:** Potential effects from the Project to visual resources are assessed in EIS Section 25.0. Proposed measures to reduce the potential effects on visual resources include selecting colour for terminal cranes to reduce contrast and enhance blending with the landscape.	**EIS** 25.0 Visual Resources 25.7 Mitigation Measures 25.8 Characterisation of Residual Effects and Context

Table 28: Other

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
MNBC-28.1	Asked if the VFPA's mechanism for two-way dialogue to identify opportunities to improve the compatibility of port adjacent land uses across jurisdictional boundaries include Métis Nation British Columbia. Stated that Métis Nation British Columbia land users rely on harvested foods and time spent on the land for their wellbeing and the wellbeing of their families.	29-Oct-2016, Letter to Panel from Métis Nation British Columbia (CEAR Document #656)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#15):** Since January 2011, the VFPA has consulted with Indigenous groups regarding Project planning, components and activities, selection of VCs, the potential effects of the Project, proposed mitigation measures, and potential changes to the environment related to the Project. The VFPA also held technical workshops with Indigenous groups at which the VFPA and technical specialists engaged directly with members of Indigenous groups, discussing specific areas of Indigenous interest and reviewing related technical topics. The intent of the fall 2014 workshops, as described in EIS Section 7.2.2 and detailed in EIS Appendix 7.2-A, was to provide preliminary results and proposed mitigation measures and obtain feedback in a simplified presentation and plain language format. Materials were provided to Indigenous groups approximately two weeks in advance of workshops, to provide time to read the material, so that questions and comments could be raised in the workshops. The VFPA also provided an opportunity to provide further comment following the workshops. Most questions asked during consultation are addressed in this appendix. Some questions, comments, and requests were addressed at the workshops or through follow-up communications. The process identified for responding to Indigenous interests and/or issues is provided in the EIS. The VFPA continues to be open to hear concerns and will notify Indigenous groups when the EIS is submitted.	**EIS** 7.0 Engagement and Consultation 7.2 Aboriginal Engagement and Consultation 7.2.2 Pre-EIS Submission Consultation Process 7.2.3 Future Planned Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group Appendix 7.2-B Aboriginal Groups Interests and Issues Table

APPENDIX IR10-01-C12

HWLITSUM: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Hwlitsum

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-1.1	Stated that the Vancouver Fraser Port Authority's (VFPA's) assertion that traffic will improve noise and air quality seems counter-intuitive.	15-Apr-2014, Technical Working Group Meeting #2	**15-Apr-2014, Workshop:** Responded that both the Roberts Bank Rail Corridor (RBRC) Program and the South Fraser Perimeter Road projects are examples on how these reductions can occur. Stated that the purpose of RBRC Program was to: • improve traffic (road and rail) by creating better free flow for traffic; • improve safety (by removing interactions at grade road – rail crossings); • improve noise (by reducing the whistling and idling of auto/truck traffic at grade road – rail crossings); and • improve air quality. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of Roberts Bank Terminal 2 (RBT2 or Project). The results of the air quality assessment were used in the assessments of human health and current use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Coal dust is included in the assessment of air quality in existing conditions, in the future with the Project, and in the cumulative effects assessment. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth ultimately improving air quality. The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits to air quality, such as improvements in fuel, are described in the EIS based on their anticipated level of benefit to future air quality emissions.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report Appendix A Emissions Inventory Appendix B Existing Air Quality Appendix C Air Dispersion Modelling Appendix F Ships Underway Appendix H Westshore Coal Dust Assessment

Hwlitsum

Table 2: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-2.1	Stated that the Archaeological Overview Assessment (AOA) only recognizes Tsawwassen First Nation's use patterns. Suggested to include additional ethno-graphical sources, including the 2009 and 2013 Traditional Use Studies conducted by Dr. Bruce Miller, other scholars, and members of the Hwlitsum. Noted that all First Nations have special places on the river and disagreed with the draft AOA and the CEA Agency's assessment of Cowichan Nation Alliance's "moderate" interest on the Fraser River.	15-Mar-2014, Letter 31-Mar-2014, Meeting	**31-Mar-2014, Meeting:** Explained that the AOA includes recommendations from other communities, and that all comments have been given to Millennia for them to consider in revising the report. If the comments are not addressed in the AOA, they will be included in the EIS. Noted that the AOA ethnography section is a standard section for an AOA and not a comprehensive account of all ethnographic information – the revised version may not be as detailed as Hwlitsum might like, but it will have considered First Nation comments where relevant. **06-May-2014, Letter from the VFPA:** The purpose of the AOA is not to provide a detailed ethnographic history, but an ethnographic overview of the study area. The ethnography section has been revised to include a listing of all First Nations that have a potential claim to the study area, according to GeoBC's Consultative Areas Database as well as First Nations that have expressed an interest in the Project Study Area with the VFPA. The VFPA appreciates the receipt of the 2009 and 2013 Traditional Use Studies. They will be reviewed, and relevant information included in the Environmental Impact Statement (EIS, CEAR Document #181). **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the local assessment area. The results of the archaeological and heritage resources assessment were considered in the assessment of Current Use of Land and Resources for Traditional Purposes (EIS Section 32.0). The local assessment area included the physical footprint of the Project plus a 100 metre buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area considered a four kilometre area around the Project area. No archaeological sites were identified in the local assessment area, either using the BC Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical resources remain in the intertidal area, it is likely that they have not been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological or heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past uses is directly linked to the type of physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project. The scope or methods of the Archaeological and Heritage Resources assessment are described in the EIS. **Additional information provided by the VFPA:** EIS Section 32.2.4.10 describes the existing conditions of current use related to the Hwlitsum as part of the broader assessment of Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes. The following sources were included in the assessment: • Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2009. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now known as British Columbia, Volume 1. • Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2013. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now known as British Columbia, Volume 2: Hwlitsum Marine Traditional Use Study.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 28.0 Archaeological and Heritage Resources 28.2 Selection of Archaeological and Heritage Resources VC 28.3 Assessment Boundaries 28.4 Information Sources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes

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Table 3: Climate, Coastal Conditions and Geotechnical Considerations

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-3.1	Concerned that industry is warming the water, both directly (through operations and machinery) as well as indirectly (global warming).	21-May-2015, Meeting	**21-May-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#41):** The Project design places priority on the safe and efficient handling of containers and provision of a functional interface with intermodal carriers, consistent with the current design of other such terminals worldwide. Project-related changes in greenhouse gases and climate-forcing particulate matter are assessed in the air quality assessment. The carbon footprint for the Project will be reduced through the use of electrically-powered equipment at the terminal and shore power for berthed vessels. Shore power is a part of the VFPA's overall EcoAction Program, which also includes projects that minimise emissions of trucks, cargo handling equipment and trains. The VFPA has already provided shore power connections for cruise ships at Canada Place and is actively working on increasing the use of shore power to include cargo ships. The Project has been designed to include connections for vessel shore power. Shore power connections will enable ships to be plugged into electrical power sources at the wharf so that their diesel engines and associated electrical generators can be turned off, thus reducing air and noise emissions. Electrical services for tug shore power connections will be extended, or added from the existing tug basin services. Mitigation measures related to air quality are included in EIS Section 27.0 Human Health, and in EIS Section 35.0 Effects Assessment Summaries.	**EIS** 4.0 Project Description 4.2.1 Project Component Details, Marine Terminal 4.4.2 Project Activities, Operation-phase Activities Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.2 Air Quality 9.2.8 Future Conditions with the Project

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-4.1	Requested studies on potential impacts to bird habitat and migrating bird populations.	15-Apr-2014, Technical Working Group Meeting #2	**15-Apr-2014, Workshop:** Stated that many studies have been conducted over the years. A technical advisory group of various experts and agencies met between November 2012 and May 2013 and considered how to best conduct these studies. Stated that further information on the technical advisory group is available on the VFPA's website. Stated that the VFPA is also engaging with Indigenous groups to hear directly from potentially affected groups their concerns / issues on this subject. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#93):** The Fraser River estuary is an important area to many coastal birds because of the abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds. The scope and methods of the coastal birds assessment is described in the EIS. The Shorebird Opportunity Model evaluates food availability (biofilm and benthic invertebrates) for foraging shorebirds under different levels of predation risk, and assesses changes in physical factors (e.g., water velocity, wave height) on their ability to forage. The assessment of coastal birds focused on seven sub-components: • Shorebirds, represented by Pacific dunlin and western sandpiper; • Waterfowl, represented by American wigeon and brant; • Herons, represented by great blue heron; • Diving birds, represented by surf scoter and western grebe; • Raptors, represented by bald eagle, barn owl and peregrine falcon; • Gulls and terns, represented by Caspian tern and glaucous-winged gull; and • Passerines, also known as songbirds, represented by barn swallow. Anticipated Project-related changes to coastal birds were assessed by considering potential changes in productivity, abundance, density, species diversity, distribution and suitable habitat area, for the seven sub-components. For some sub-components, foraging opportunity and contaminant levels were also examined. The use of the Fraser River estuary and the Project area by trumpeter swan and tundra swan is described in the EIS. The assessment concludes that the Project is not expected to result in any significant adverse residual effects or significant residual cumulative effects to coastal birds. Changes in the productive potential of shorebirds, herons, raptors, gulls and terns, and passerines are not anticipated. Decreases to the productive potential of waterfowl and diving birds are expected to be minor. Effects to diving birds can be partially offset through the creation of onsite eelgrass and subtidal rock reef habitats, which would create habitat for their prey, which include mussels and other invertebrates. More information on field studies can be found on the Project website at the following link: http://www.robertsbankterminal2.com/environment/field-studies/.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5.4 Existing Conditions, Waterfowl 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity
Hwlit-4.2	Concerned that toxins emitted as a result of the Project could accumulate and affect raptor species. Requested more information on toxins.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#97):** With the exception of air emissions, routine construction and operation activities are not expected to result in the discharge of pollutants or other deleterious substances to the environment. The EIS considers potential changes to air quality related to the Project, and to the Project in combination with other certain and reasonably foreseeable projects and activities. Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. The EIS considers effects on coastal birds related to contaminants (i.e., disturbance of marine sediments and the potential re-suspension of contaminants during construction; and changes in water quality, including total suspended sediment levels and effluent discharge (e.g., wastewater, stormwater, hydrocarbons, bilge and ballast water)). Due to the implementation of management and treatment measures, and adherence to regulatory requirements and guidelines, no changes to discharges to marine waters are expected. Consequently, no adverse effects to coastal birds related to effluent discharges are expected.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.2 Air Quality 9.2.8 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project 15.7.1 Negligible Effects 30.0 Potential Accidents or Malfunctions 30.4 Potential Marine-based Accidents and Malfunctions 30.5 Potential Land-based Accidents and Malfunctions 30.6 Assessment of Plausible Worst-case Scenarios

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Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-5.1	Asked if enabling water to flow under the causeway had been considered.	28-Oct-2014, AG EIS Workshop #3	**08-Oct-2014, AG EIS Workshop #2:** Responded that the consideration of enabling flow under the causeway was discussed at the Aboriginal Groups EIS Workshop #2 held on 08-Oct-2014. Hwlitsum was invited to the workshop, however, a representative from Hwlitsum did not attend. **28-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **05-Nov-2014, Package:** A package including materials from workshops 1, 2, 3, and 4 was sent to Hwlitsum. This included a presentation from the AG EIS Workshop #2 on coastal geomorphology. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#3):** The extent of widening along the causeway is determined by road and rail infrastructure requirements for the Project. To minimise the marine footprint, widening will vary from 0 m to approximately 140 m. Past experience at Roberts Bank has indicated that the tidal flats are sensitive to disturbance. In particular, past development has resulted in localised development and expansion of tidal channels and associated changes in the degree of influence of the Fraser River outflow plume on the inter-causeway area. During Project design, the addition of a flow passage channel (i.e. an opening) between the existing Westshore Terminals and the Project was evaluated to determine if the volume of water that would otherwise flow around the northwest corner could be reduced. It was determined that a 100-m-wide flow passage would slightly reduce flow velocities at the northwest corner, but it would generate additional local scour in the passage itself and adjacent areas unless other mitigation measures were installed. An independent technical study, "Potential Effects of Opening the Causeway," was undertaken for the Vancouver Port Authority in 2005 to clarify issues related to physical processes and hydraulic behaviour in the causeway area of Roberts Bank. This report determined that there is a substantial risk that a new opening in the causeway could initiate a new sequence of morphological changes on the tidal flats, which could adversely affect the existing habitat conditions. The report is available on the Project website: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf. Based on the findings of this report, and the evaluation of adding a flow passage channel, the VFPA does not propose to open the Roberts Bank causeway. **Addressed in Response to IR1-13:** The potential effects of opening the causeway were further discussed in IR1-13. During the Deltaport Third Berth Project (DP3), the VFPA, regulators, and Indigenous groups discussed the potential for opening the causeway by installing a culvert. Such a breach in the causeway was considered to allow flow exchange (i.e., to measurably change the salinity or delivery of sediment) to the inter-causeway area. Results of calculations and analyses are summarised in the technical noted above. The results showed that a culvert would not pass sufficient Fraser River flow to measurably change the salinity or delivery of sediment to the inter-causeway area.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table See Project website for more information: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Potential-Effects-of-Opening-the-Causeway-June-2005-NHC-Memo-January-2014.pdf **Information Requests** Response to Sufficiency Information Request #13 (IR1-13 of CEAR Document #897)

Table 6: Economic Development – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information

Hwlit-6.1	Disagreed with the conclusion that there will not be a residual adverse effects to the economic development Valued Component.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:**
			Stated that the VFPA considered the balance between supply and demand that will be generated through the Project (e.g. jobs, business needs).
			Stated that it considered the existing available workforce and existing available business capacity. Part of the analysis looked at whether or not this Project would potentially create an imbalance that could adversely affect the local economy. For example, the VFPA considered if the Project was large enough, would it absorb so much of the available business services that those services wouldn't be available to support other projects' activities. Similarly, the VFPA considered if the Project could absorb a large enough portion of the available labour force resulting in an imbalance such that other businesses or sectors couldn't get the workforce they need, that would be an adverse effect.
			01-Apr-2015, Letter from the VFPA:
			Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.
				Addressed in EIS Appendix 7.2-B (#113):
				The economic development assessment evaluated potential Project-related effects on local and regional economies, and focused on:
				• Business revenues associated with the direct supply of materials, goods and services to the Project for construction and operation;
				• Business revenues associated with supply of inputs to the businesses that are directly supplying goods and services to the Project;
				• Induced revenues for businesses related to household spending by workers employed as a result of the Project;
				• Construction sand supply and consumption; and
				• Consistency with economic development plans.
				The economic development assessment concluded that:
				• The Project is expected to result in the following positive effects on economic development in Metro Vancouver:
				  ○ During the 5.5-year construction phase:
				  ▪ $837 million in additional gross revenues to businesses in Metro Vancouver
				  ▪ $238 million in induced household spending in Metro Vancouver
				  ○ During operation:
				  ▪ $31 million annually in materials, good, and services contracting revenue to the economy of Metro Vancouver
				  ▪ $71 million of annual induced household spending in in Metro Vancouver
				• The Project is expected to result in an increase in materials, goods and services contracting revenues for Indigenous businesses located in Metro Vancouver.
				• The Project is expected to result in negligible effects on construction sand availability and price.
				• The Project is consistent with economic development strategies in Metro Vancouver's Regional Growth Strategy, the economic development objectives of the Corporation of Delta, and the general directions set out in the Tsawwassen Land Use Plan of Tsawwassen First Nation (TFN).
				The Project is expected to result in positive effects to economic development in Metro Vancouver; therefore, the Project is not expected to result in measurable adverse residual effects. The Project is not expected to result in incremental adverse cumulative effects on economic development.
				The Economic Development assessment includes assessment of potential adverse effects on local sand supply, resulting from the Project-related demand, as well as potential adverse effects on labour market balance (including wage inflation or labour shortages). Further details on rationale for the scope, methods and conclusions are provided in the EIS.
					EIS
					Appendix 7.2-B Aboriginal Groups Issues and Interests Table
					19.0 Labour Market
					19.7.3 Potential Effect #3 -Potential Change in Labour Market Balance
					20.0 Economic Development
					20.6.1 Rationale for Negligible Effect – Change in Construction Aggregate Availability and Price
					20.6.2 Potential Effect #1 – Change in Materials, Goods, and Services Contracting Revenues
					20.6.3 Potential Effect #2 – Change in Induced Output (Revenues)
					20.6.4 Potential Effect #3 – Consistency with Economic Development Plans
					20.8 Characterisation of Residual Effects and Context

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Table 7: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-7.1	Requested a list of foreseeable projects for assessing cumulative effects, including dates the Projects are due to come on line, and anticipated effects.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **05-Nov-2014, Package:** Provided an electronic copy of the materials shared with Indigenous groups at the 07-Oct-2014 EIS Workshop #1, where a Project Inclusion List was provided with other workshop materials. This list was limited to each project's name and provided a brief description of each; it did not include expected dates or anticipated project effects and cumulative effects. Hwlitsum was invited to the workshop, however, a representative of Hwlitsum did not attend this workshop. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#30):** The list of certain and reasonably foreseeable projects and activities that have the potential to interact cumulatively with the Project-related effects is in EIS Table 8-8. This list includes all projects with the potential for a cumulative interaction with the Project. A Project Inclusion List was provided as a handout with the materials for Workshop #1, on October 7, 2014. This list was limited to each project's name and provided a brief description of each; it did not include expected dates or anticipated project effects and cumulative effects. The materials from this workshop were provided to Hwlitsum in hard and electronic copy on November 5, 2014. **Addressed in Response to MSA IR-02.24.16-7:** The VFPA's response to MSA IR-02.24.16-7 verifies that MSA Appendix 6-A reflects all the certain and reasonably foreseeable projects and activities that should be considered in the cumulative effects assessments for marine shipping associated with the Project and updates the list of projects and activities considered and the rationale for exclusion, where appropriate.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.5.8 Coastal Geomorphology, Future Conditions with the Project Table 9.5-6 Predicted Morphological Changes from the Project Footprint Figure 9.5-35 Approximate Spatial Extent of Potential Changes Associated with the Project Footprint 9.6.8 Surficial Geology and Marine Sediment, Future Conditions with the Project 9.7.8 Marine Water Quality, Future Conditions with the Project **Information Requests** Response to Additional Information Request #7 (MSA IR-02.24.16-7 of CEAR Document #386)
Hwlit-7.2	Concerned about the cumulative shipping effects associated with Tsawwassen First Nation LNG plant and the Kinder Morgan project.	10-Dec-2015, Meeting	**10-Dec-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (39):** The list of certain and reasonably foreseeable projects and activities that have the potential to interact cumulatively with the Project-related effects is in EIS Table 8-8. This list includes all projects with the potential for a cumulative interaction with the Project. The CEA Agency is the appropriate authority to address questions related to *CEAA 2012* and designated projects. **Addressed in MSA Appendix 5-B (24):** The assessment of potential effects of marine shipping associated with the Project incorporates the existing vessel traffic within the marine shipping area (defined in Section 4.0). The list of certain and reasonably foreseeable projects and activities considered in the cumulative effects assessment is included in MSA Appendix 6-A. **Addressed in EIS Section 8.0:** No significant adverse cumulative effects are anticipated from the Project, with the exception of a significant cumulative effect to southern resident killer whales. Due to their endangered status and a lack of recovery of the population, the VFPA has assumed that southern resident killer whales have already been significantly adversely affected and therefore cumulative effects are expected to remain significant. **Addressed in Response to IR4-09:** In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). **Further response provided by the VFPA:** As noted in EIS Section 8.0, the Kinder Morgan Pipeline Expansion Project (Transmountain Pipeline) is included in the list of Certain and Reasonably Foreseeable Project/Activities. At the time of EIS writing insufficient information was publicly available for the inclusion of the Tsawwassen First Nation	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Affects Assessment Methods **Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment **Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				LNG concept in the assessment of cumulative effects; regardless, on December 16, 2015, Tsawwassen First Nation announced that its Members have voted against the proposed development of a liquefied natural gas (LNG) export facility on Tsawwassen Lands.	
Hwlit-7.3	Requested more information on the ecosystem productivity model and the technical boundaries of the assessment. Asked if tides are included in the ecosystem productivity model and whether they have made a difference.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that the ecosystem model is a tool to make predictions, which must be tested using other analyses and professional experience. Stated that the uncertainties and limitations of the model will be described and answered more fully in the EIS. Responded that tides are included in the ecosystem productivity model. There is great tide variability at Roberts Bank. Tides occur two times a day with two highs, two lows. The model considers tides over the course of a year, incorporating higher and lower tide variability. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 10.3 Overview of Assessing Ecosystem Productivity.	**Addressed in EIS Section 10.3:** The VFPA used an ecosystem-based approach to assess Project-related effects to the productivity of marine biophysical VCs. Modelling of ecosystem productivity was one of several tools used to inform effects assessments. Productivity is a measure of the amount of plant and animal biological material (or biomass) produced within an area over a given amount of time. A predator-prey food web for the Roberts Bank ecosystem was developed to represent the linkages and interactions between marine vegetation, invertebrates, fish, mammals and coastal bird species that influence the productivity of the ecosystem. The model was also used to predict the productivity of proposed on-site habitat that would be created to offset expected Project-related effects on the productivity of marine biophysical VCs. **Additional response provided by the VFPA:** Additional information concerning the VFPA's selection and use of the model in the RBT2 environmental assessment is available in Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928).	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity Appendix 10.3-A Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10.3-B Roberts Bank Ecosystem Model Development and Key Run Appendix 10.3-C Roberts Bank Spatial Ecosystem Model Sensitivity Analysis Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis **Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-01 to IR3-24 – Roberts Bank Ecosystem Model (CEAR Document #928)
Hwlit-7.4	Requested a list of the studies carried out as part of the assessment including any technical reports.	01-Nov-2013, Meeting 28-Oct-2014, Preliminary EIS Workshop #3	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **18-Jun-2014, Letter from the VFPA:** An offer was made to Hwlitsum to review Technical Reports and Technical Data Reports, providing a confidentiality agreement was signed. **28-Oct-2014, Workshop:** Stated that a list of studies was sent out in on June 18, 2014. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included the technical studies.	**Addressed in EIS Volumes 2, 3 and 4:** Each Intermediate Component (IC) and Valued Component (VC) section of the EIS contains information on field studies that were undertaken in support of the assessment. Some Technical Data Reports are appendices to EIS chapters, while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/	**EIS** Volume 2 – Effects Assessment Methods and Physical Setting (Sections 8.0–9.0) Volume 3 – Biophysical Effects Assessments (Sections 10.0–17.0) Volume 4 – Socio-Economic Effects Assessments (Sections 18.0–28.0)
Hwlit-7.5	Stated that the broad drafting of the Valued Components risks insufficient coverage of environmental	09-May-2014, Letter - VC Selection and Rationale - CNA	**09-May-2014:** Recorded comment for consideration by the Project team. **06-Jun-2014, Workshop:**	**Addressed in EIS Volume 3:** i. Marine vegetation: Green seaweed (EIS Section 11.0 has been included as the marine vegetation sub-component macroalgae, which includes Ulva spp., as well as other brown algal species (bull kelp, rockweed).	**EIS** 11.0 Marine Vegetation 11.2.1 Subcomponents 12.0 Marine Invertebrates

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#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	components of importance to the Cowichan Nation Alliance. Requested that the following species be listed under the relevant Valued Component heading: i. Marine vegetation: green seaweed ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas iii. Marine fish: Coho, Spring, Chum, Pink, Chinook, and Sockeye Salmon, eulachon, herring, cod, halibut, flounder and sturgeon iv. Marine invertebrates: red sea urchin, sea cucumber and mussels v. Marine mammals: harbour seal vi. Migratory birds: Brant geese, canvasback duck, Common Merganser and Mallard		The VFPA hosted a workshop for Indigenous groups to provide an opportunity to comment on the VCs. Hwlitsum was invited to the workshop, however, a representative from Hwlitsum did not attend. **03-Jul-2014, Workshop:** The VFPA hosted a workshop for Indigenous groups to provide an opportunity to comment on the Valued Components. Hwlitsum was invited to the workshop, however, a representative from Hwlitsum did not attend.	ii. Coastal terrestrial vegetation: bull rush, reeds, cranberries, blueberries, camas (EIS Section 11.0). This was considered when selecting marine vegetation sub-components (EIS Section 11.2.1). As the Project is located in the marine environment and Project-related interactions with terrestrial vegetation species are not anticipated, these species were not incorporated into the effects assessment (without an interaction, there is no potential for an effect on these species). iii. Marine fish: coho, spring, chum, pink, Chinook, and sockeye salmon, eulachon, herring, cod, halibut, flounder, and sturgeon (EIS Section 13.0). • All Pacific salmon were considered in the assessment under the sub-component Pacific salmon. Chum and Chinook were selected as representative species for the five salmon species, as they are more estuarine dependent (any predicted effects to chum and Chinook are representative of effects to the other species). Refer to EIS Section 13.2.1 for more information. • Eulachon were assessed through representative forage fish species (see EIS Sections 13.6.2.1 and 13.6.3.3). Eulachon was not selected as a representative species as it is rare within the marine fish LAA based on surveys conducted at Roberts banks and Sturgeon Bank in past years (EIS Section 13.2). • Pacific herring was included in the assessment as a representative species under the forage fish sub-component. • Lingcod was included in the assessment as a representative species under the reef fish sub-component. Rock cod were assessed through their representation by rockfish, as discussed in EIS Section 13.5.2. • Starry flounder was included in the assessment as a representative species under the flatfish sub-component. Pacific halibut are not typically found in estuarine environments (including the Fraser River estuary) and therefore would not interact with and be adversely affected by the project. • Sturgeon were assessed through the use of Chinook and chum salmon representative species. Sturgeon was not selected as a representative species as it is also rare within the marine fish LAA. Refer to EIS Section 13.2.1 for more information. iv. Marine invertebrates: red sea urchin, sea cucumber and mussels (EIS Section 12.0). • Red sea urchin and sea cucumbers were assessed through the use of Dungeness crab representative species. Red sea urchin and sea cucumbers were considered when selecting marine invertebrate sub-components, but were not selected as representative species as their typical habitat is not an estuarine sand-dominated environment like Roberts Bank. As such, Project-related effects to these species are anticipated to be very limited. • Mussels (specifically the bay mussel (*Mystilus trossulus*)) was included in the assessment under the bivalve shellfish sub-component. v. Marine mammals: harbour seal (EIS Section 14.0). • Harbour seal was considered and included in the marine mammals effects assessment under the seals and sea lions sub-component. vi. Migratory birds: Brant were included in the coastal birds effects assessment as a representative species of the waterfowl sub-component. American Wigeon represented Mallard, while common merganser and canvasback duck are represented within the diving bird sub-component. These latter two species were not selected as representative species as they are not common at Roberts Bank, nevertheless, any potential effects to these species are assessed through more common species (that have been selected as representative species).	13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 14.0 Marine Mammals

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Table 8: Engagement and Consultation

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-8.1	Requested that the VFPA provide its views regarding the strength of consultation to which Hwlitsum is entitled and that the VFPA advocate with the CEA Agency for Hwlitsum's inclusion in the EIS guidelines.	06-Mar-2014, Meeting	**06-Mar-2014, Meeting:** Asked for Hwlitsum's views regarding how it should address Hwlitsum concerns or issues in the EIS if the CEA Agency does not add Hwlitsum as an Indigenous group. Hwlitsum indicated that it wanted to wait to see how the Agency responds.	**Additional information provided by the VFPA:** As described in EIS Section 7.2 and EIS Appendix 7.2-A, the VFPA has consulted with Hwlitsum in the same fashion as all Indigenous groups identified by the CEA Agency as requiring moderate consultation.	**EIS** 7.2 Aboriginal Groups Engagement and Consultation Appendix 7.2-A Consultation Activities by Aboriginal Group
Hwlit-8.2	Requested funding to support review of Project. Stated that there needs to be funding available to participate in a meaningful way. Stated that any participant funding amounts that are subject to a "hard cap" fail to recognize that respective Aboriginal groups have differing levels of capacity and levels of need.	06-Mar-2014, Meeting 31-Mar-2014, Meeting 22-Sep-2014, Letter to the CEA Agency (CEAR Document #125)	**29-Jan-2014, Letter:** Offered funding for participation in the consultation program. **06-Feb-2014, Letter:** Hwlitsum accepted funding. **29-Jul-2014, Letter:** Offered to provide funding for the Hwlitsum Current Use report. **15-Sep-2014, Letter:** Provided funding. **22-Aug-2014, Letter:** Offered funding for fall 2014 consultation activities. **25-Aug-2014, Letter:** Hwlitsum accepted funding.		
Hwlit-8.3	Requested an extension of the timeline for application for Participant Funding due to changes in government. Stated that funding would be used to complete traditional, current use and marine studies.	17-Aug-2017, Letter to Panel	The VFPA understands that this comment is directed to the Review Panel. The VFPA has reviewed this letter and has no additional information to provide.		
Hwlit-8.4	Stated that it is problematic that the environmental assessment does not set out a detailed process for the Crown to utilize information regarding the nature and scope of Aboriginal rights, nor do they provide a pathway for consultation and accommodation as a result of any concerns brought forward in this information gathering process.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #125)	**24-Jul-2017, Letter from the Review Panel (CEAR Document #1021):** *"The Review Panel has considered the submission [of September 22, 2014] from Hwlitsum First Nation to the Canadian Environmental Assessment Agency and acknowledges the information that Hwlitsum First Nation has provided, including information relevant to the potential environmental effects of the proposed Project."*		

Hwlitsum

Table 9: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-9.1	Concerned that the VFPA considers section 19 of *CEAA 2012* separately from Section 5.1 (a) of *CEAA 2012*, which weakens the analysis of cumulative environmental effects on First Nations.	27-May-2014, Technical Working Group #3	**27-May-2014, Working Group:** Noted the concern and committed to clarifying how 5.1 (a) is being addressed. Stated the presentation on cumulative effects may address this concern, and if it is not addressed during this meeting, it can be included on the agenda for 06-Jun-2014 workshop. **06-Jun-2014, Workshop:** Discussed cumulative effects at this workshop, but a representative from Hwlitsum did not attend.	**Addressed in EIS Appendix 7.2-B (#38):** The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including effects on local and Indigenous communities. A review of previous studies, effects assessments, and commitments from other projects was conducted and has informed the Project's environmental assessment, as discussed in the EIS. Projects and activities contributing to existing and expected conditions in the Project area are identified and described. Information sources considered in the characterisation and assessment of each IC and VC are identified in the respective effects assessment section of the EIS.	**EIS** 3.0 Geographical Setting 3.4 Geographical Setting, Projects and Activities Contributing to Existing and Expected Conditions Appendix 7.2-B Aboriginal Groups Interests and Issues Table IC Effects Assessment Sections: Physical ICs (Sections 9.2 through 9.8) Population (18.4) VC Effects Assessment Sections: Biophysical VCs (Sections 11.0 through 16.0) Socio-economic VCs (Sections 19.0 through 28.0)
Hwlit-9.2	Asked how Hwlitsum can be sure that monitoring will take place.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Stated that monitoring will occur, the details of which will be determined through the environmental assessment process. **30-Aug-2017, Follow-up Program Workshop:** The VFPA hosted a Follow-up Program Workshop. The presentation provided lessons learned on DP3 and a proposed approach to developing the RBT2 Follow-up Program.	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for the Deltaport Third Berth Project, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment Canada. Complete drafts of the Roberts Bank Terminal 2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-Up Program

Hwlitsum

#	Interest / Concern Raised	Date(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-9.3	Stated that the current environmental assessment process does not allow First Nations to participate as decision makers. Stated that the process needs to be reformulated to allow Hwlitsum and other First Nations to engage in a participatory and even-handed process that enables timely First Nation engagement and accepts that First Nations have the inherent right to exercise self-determination in their Traditional Lands.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #125)	The VFPA understands that this comment is directed to the CEA Agency. The VFPA has reviewed this letter and has no additional information to provide.		
Hwlit-9.4	Expressed concern that the Terms of Reference: • fail to define the purpose, need and justification for the Project; • fail to provide a specific description of the Project; • fail to discuss specific credible, economical alternatives to the Project; • fail to outline specific information and parameters for an effective cumulative effects assessment; • fail to specify environmental impacts and their implications; • fail to identify Species at Risk and accountability of protection of those species.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #125)	**24-Jul-2017, Letter from the Review Panel (CEAR Document #1021):** *"The Review Panel has considered the submission [of September 22, 2014] from Hwlitsum First Nation to the Canadian Environmental Assessment Agency and acknowledges the information that Hwlitsum First Nation has provided, including information relevant to the potential environmental effects of the proposed Project."*		

Hwlitsum

Table 10: Human Health – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-10.1	Concerned with changes to liveability and quality of life.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that projects like RBT2 are large-scale, and when planned in populated areas concerns about quality of life are important. Stated that the health assessment in the EIS will include a qualitative analysis of health and well-being. Stated that the EIS will also address quality of experience, how it may change and information on current use of land and resources. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#114):** An overview of the multiple components that make up the larger socio-economic assessment is provided in EIS Section 18.0 Social and Economic Setting. Project-related effects on the fishing industry are assessed in EIS Section 21.0 Marine Commercial Use. The assessment of potential Project-related effects on the Economic Development VC concluded that the Project will be consistent with the economic development objectives of the Corporation of Delta. An assessment of potential Project-related effects on traditional activities is provided in EIS Section 32.2. **Addressed in EIS Appendix 7.2-B (#170):** An assessment of Project-related changes to light and noise and vibration and the potential effect of those changes on the Current Use of lands and resources for traditional purposes is included in the EIS. The EIS does not include an assessment of potential effects related to smell. The findings of this study are included in the Current Use assessment, as the quality of experience of carrying out traditional uses is included as an indicator in this assessment.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 18.0 Social and Economic Setting 21.0 Marine Commercial Use 26.0 Land and Water Use 26.7.2 Potential Effect #1 – Consistency with Land Use Planning Designations 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes
Hwlit-10.2	Commented that coal trains are affecting human health. Asked what the parameters of the health assessment are.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Stated that a meeting to discuss human health will be offered to each Indigenous Group individually. Offered to meet with Hwlitsum to review preliminary results of the health assessment in the EIS prior to submission; however, Hwlitsum did not respond to the VFPA's offer. The VFPA continues to be open to discuss the human health assessment. **12-Dec-2014, Meeting:** Shared with Hwlitsum information on how Hwlitsum's interests and concerns will be addressed in EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal. The Project will not contribute to coal dust. Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the examination of air quality existing conditions and air quality cumulative effects assessment. The human health assessment considered the potential for contamination of edible shellfish related to Project activities resulting in re-suspension of historical deposits of coal in sediments. The assessment concluded that there were no risks to human health related to re-suspension of sediments containing coal. **Addressed in EIS Appendix 7.2-B (#132):** The air quality parameters relevant to the RBT2 Project are included in the Human Health Risk Assessment for Air Quality. **Addressed in EIS Appendix 7.2-B (#133):** Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the characterisation of air quality existing conditions and the assessment of potential cumulative changes to air quality. Release of coal dust into the environment is not Project-related; however, re-suspension of sediments containing historical coal dust deposits may occur during the construction phase, potentially leading to short-term uptake of contaminants by both bivalve shellfish and Dungeness crab. To address concerns about the health of these species, studies on both bivalve shellfish (including clams) and Dungeness crabs examined the edible tissue concentrations of coal dust-derived contaminants (including polycyclic aromatic hydrocarbons (PAHs) and heavy metals).	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 27.0 Human Health 27.5.4 Exposure to Shellfish Contamination Appendix 27-A Air Quality HHRA Technical Report Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Results from lab analyses demonstrated that bivalve shellfish (including clams) uptake PAHs found in the surrounding sediments. The human health risk assessment, however, found concentrations in edible tissues were not high enough to pose a consumption risk. The assumptions used to estimate the consumption risk (i.e., total Incremental Lifetime Cancer Risk (ILCR)) are relatively conservative. The maximum observed PAH tissue concentration had a very high annual shellfish consumption rate. The total ILCR for exposure to potentially carcinogenic PAHs was estimated to be approximately in the order of magnitude lower than 1 in 100,000, the valued considered by Health Canada and the B.C. Ministry of Environment to be an acceptable low risk potential. On this basis, it was concluded that PAHs at Roberts Bank in edible bivalve tissues pose a negligible consumption human health risk.	
Hwlit-10.3	Stated that if the human health assessment omits diesel particulates, or the scope is very narrow, it will not be useful to Hwlitsum.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. Offered to meet with Hwlitsum to review preliminary results of the health assessment in the EIS prior to submission; however, Hwlitsum did not respond to the VFPA's offer. The VFPA continues to be open to discuss the human health assessment. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Section 9.2.5 to 9.2.9:** The Air Quality Assessment models Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. **Addressed in EIS Appendix 7.2-B (#127):** An assessment was conducted to determine potential Project-related effects on human health. The assessment was carried out using both a quantitative human health risk assessment and a qualitative health impact assessment and considered: • Exposure to air emissions; • Exposure to noise and vibration; • Exposure to shellfish contamination; • Stress and annoyance; • Employment and income; • Food security, including potential changes in availability of traditional food; and • Health inequity, referring to the distribution of Project-related risks and benefits. The health inequity sub-component assessed potential effects related to unequal distribution of Project-related benefits and Project-related adverse effects. The sub-components of stress and annoyance and employment and income assessed factors related to mental wellbeing. The rationale for selection of VC subcomponents and indicators is provided in the EIS. The human health assessment concludes that: • The Project is not expected to result in any significant adverse effects on human health. Incremental adverse cumulative effects to human health are expected to be negligible. • Potential Project-related effects on human health are expected to be fully or partially mitigated through the implementation of environmental management plans and additional mitigation measures. • The Project would result in measurable residual effects for exposure to air emissions during construction and exposure to noise during construction and operation. • Mitigation is expected to reduce all other residual effects to a negligible (i.e., not measureable) level.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.2.5 Methods 9.2.9 Future Conditions with the Project and Other Projects and Activities 27.0 Human Health 27.6.1 Rationale for Determination of Negligible Effects 27.6.5 Potential Effect #4 – Adverse Health Outcomes due to Changes in Health Inequity

Hwlitsum

Table 11: Light – Intermediate Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-11.1	Asked if mitigation for light trespass can be applied to the existing terminal. Stated that the Port can be seen clearly from Crescent Beach due to the light it emits.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that mitigation included in the EIS will be specific to the RBT2 Project. Currently, as the lights on the cranes expire, they are being replaced with LED lights, which are easier to control, in terms of light direction and trespass. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#45):** The potential changes in light that may be caused by the Project, and the potential effects of those changes on VCs and on Current Use of land and resources for traditional purposes are considered in the EIS. The results of the light assessment informed the assessments of marine fish, coastal birds, visual resources and human health, and Current Use of land and resources for traditional purposes. The assessment concluded that: • Overall, the Project is not expected to change the general light environment of the Lower Mainland and the Gulf Islands and no measurable incremental cumulative changes related to light are expected. • Project-related lighting is expected to result in a minimal increase in light trespass levels. • Increases in sky glow levels are expected, but are not anticipated to result in a noticeable change from existing conditions. Suggested mitigations were considered in the effects assessment. Mitigation measures to address effects on visual resources and coastal birds consist of implementing Environmental Management Plans, including Light Management Plans, for construction and operation phases. The Light Management Plans will describe measures to reduce excess lighting and sky glow, including: orienting lights downwards and away from residential and marine areas, using shielding to minimise light trespass, controlling light levels and limiting light use to areas where activities are occurring. Where possible, using fixtures that emit light at wavelengths shown to minimise disorienting effects to birds will also be considered. During construction, management plans will ensure that dredge lighting system shields light from spilling outside the basic working footprint of the dredge. During operation, a centralised lighting control system will be utilised so that specific lighting can be selected. **Addressed in EIS Section 9.4.7:** A process is underway to change the current outdoor lighting fixtures at the Deltaport Terminal to light-emitting diodes (LEDs). LEDs are more directional and easier to control in terms of where light is focused. It is anticipated that the change to LEDs will reduce both light trespass and sky glow from the Deltaport Terminal, provided good lighting design practices are followed (specifically, the use of full cut-off light fixtures to limit up-light and only lighting areas that are required to be lit). At this time, the lighting on one crane at Deltaport has been fully replaced with LED lights.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.4.7 Expected Conditions 9.4.8 Light, Future Conditions with the Project 33.0 Environmental Management Program 33.3.5 Construction EMP, Light Management Plan 33.4.3 Operation EMP, Light Management Plan

Table 12: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-12.1	Stated that the Hwlitsum have two fishing wharves in Canoe Pass. Stated that no one has consulted with community members for the commercial fisheries studies.	01-Nov-2013, Meeting	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** Numerous literature and data sources (e.g., DFO) were consulted for information on CRA fisheries, as described in the EIS, in addition to consultation with Indigenous groups and publicly available Indigenous traditional marine use or harvest data reports. Project-specific studies with respect to Current Use and/or Traditional Knowledge were provided by Indigenous groups, as well as a study completed by Hwlitsum. This study – *The Hwlitsum First Nation's Traditional Use and Occupancy of the area known as British Columbia* - was considered in the environmental assessment.	**EIS** 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2 Selection of Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries Valued Component 16.4 Information Sources 16.5.2 Existing Conditions, Recreational Fisheries
Hwlit-12.2	Noted that there has been a decline in fisheries, and asked for more information regarding VFPA`s statement that there has been sustained successful fisheries over long time frames.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that in terms of looking at the effects of the Project, the VFPA recognises that there are relatively high levels of natural take away/harvest from those fisheries already. The VFPA wants to ensure that the context of the effect is discussed in the context of other things that are occurring.	**Additional information provided by the VFPA:** The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including those in the lower Fraser River.	**EIS** 8.0 Effects Assessment Methods 8.1.9 Effects Assessment Methods, Environmental Assessment Methods, Cumulative Effects Assessment 21.0 Marine Commercial Use 21.2 Selection of Marine Commercial Use Valued Component 21.3.1 Spatial Boundaries
Hwlit-12.3	Asked about how far back DFO's data went; if it pre-dated construction of the terminals in the area. Requested information source(s).	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that the data considered was that which was available, which was largely DFO management data. Committed to following up on how far back the data went. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries.	**Addressed in EIS Section 16.0:** As noted in EIS Section 16.0, DFO data on Indigenous fisheries extends as far back as 2009, and recreational fisheries to 1986 and commercial to 1996. The Cohen Inquiry report, which canvassed data extending back to the 1920s, is referenced in Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	**EIS** 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
Hwlit-12.4	Concerned with crab harvesters in the Project and how they will be displaced to other areas which will affect crab harvesters in these secondary areas.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that the VFPA's understanding is that every three years current licence holders may re-select the crab management area for which their license applies through a type of application process. They can request to hold the licence for another crab management area. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#119):** The EIS describes potential effects on fishing activity (EIS Section 21.0 Marine Commercial Use, and EIS Section 24.0 Outdoor Recreation) and effects in other areas (e.g., Boundary Bay) that are not otherwise directly affected by the Project but that may be affected by displacement. This is covered in Section 32.2 Current Use of Land and Resources for Traditional Purposes. **Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 21.0 Marine Commercial Use 21.7.1 Seafood harvesting - Mitigation Measure #1 - Changes in Area, Harvest and Revenue 24.0 Outdoor Recreation 24.7.1 Recreational Seafood Harvesting Mitigation Measure #1 – Changes in Harvesting Area Use and Displacement 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing and marine-based tourism. These negligible effects are related to changes in area, access, resource availability and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	
Hwlit-12.5	Concerned with marine shipping and safety risks for small fishing vessels.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that the Quantitative Risk Assessment will be an Appendix in the EIS. That study indicated that this project will have increased vessel traffic and container traffic. It also asked what other types of vessels it will interact with. One of the subsets of vessels was commercial fishing vessels. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#73):** The assessment of current use of lands and resources for traditional purposes (MSA Section 9.5) considers the risk of collision and perceptions of safety in the assessments of access to preferred Current Use locations, and quality of Current Use experience. The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of a plausible worst-case collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for the following VCs: marine commercial use, outdoor recreation, and human health, as well as Current Use. The assessment of current use of lands and resources for traditional purposes (MSA Section 9.5) considers cultural practices, such as the acquisition of traditional foods and the transmission of traditional knowledge. Perceptions of safety, as well as access to preferred harvesting locations and visual or auditory disturbances, are covered in the assessment of potential changes to the following: Access to preferred Current Use locations; and Quality of Current Use experience. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers the current use of lands and resources for traditional purposes (Current Use) by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on current use as a result of Project associated vessel transit activities are considered negligible before mitigation for access to	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 10.0 Potential Accidents or Malfunctions **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				preferred current use locations, due to Project-associated ship wake, the availability and quality of preferred current use resources, and the quality of the current use experience (i.e., cultural practices) tied to those aspects of current use. Residual effects on access to preferred current use locations due to Project associated container ship pass-bys, and on cultural practices tied to that aspect of current use, are considered negligible after the implementation of mitigation. Considering the conclusions of the current use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on current use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on proactive vessel management, in which Transport Canada will work with partners to develop regulatory and other tools to engage Indigenous and coastal communities to better respond to local marine traffic issues.	
Hwlit-12.6	Concerned with loss of areas for marine commercial use.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring and crab salvages effects from displacement of commercial crab harvesting during construction and operations.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-Related Effects

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing and marine-based tourism. These negligible effects are related to changes in area, access, resource availability and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in Response to IR7-33:** The VFPA's response to IR7-33 discusses potential reductions in commercial crab harvest levels and the potential reductions in revenue from the proposed decrease in the size of the fishing areas in DFO Area 29-6. In summary, the Project terminal and proposed navigational closure expansion would displace a large portion of commercial crab harvesting in the LAA, and result in a demonstrable change to harvest landings and revenues, particularly from sub-area 29-6. The re-establishment of displaced commercial crab harvesters and effects on commercial crab harvest landings and revenues accrued to displaced harvesters and other harvesters harvesting outside of the proposed closure boundary, would be similar to that which occurred with the 2009 Closure, and be within historical norms.	**Information Requests** Response to Sufficiency Information Request #33 (IR7-33)
Hwlit-12.7	Stated that the Project footprint is located in a prime crab fishing area.	10-Dec-2015, Meeting	**10-Dec-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures; and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring and crab salvages effects from displacement of commercial crab harvesting during construction and operations. The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing and marine-based tourism. These negligible effects are related to changes in area, access, resource availability and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest and revenue. The residual effect is	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project - Potential Project-Related Effects

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#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant.	
Hwlit-12.8	Concerned with cumulative effects of marine shipping, as Hwlitsum members are involved in commercial fisheries.	18-Jun-2015, Phone call	**18-Jun-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#50):** The assessment of marine commercial use (MSA Section 9.2) assesses potential effects on marine-related economic ventures of Indigenous groups. Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.2 Marine Commercial Use 9.2.4 Existing Conditions 9.2.4.1 Overview of Marine Commercial Use in the Regional Assessment Area 9.2.4.2 Strait of Georgia (Segment A of the MSA) 9.2.4.3 Haro Strait and Southern Gulf Islands (Segment B of the MSA) 9.2.4.4 Juan de Fuca Strait (Segments C and D of the MSA) 9.2.5 Potential Interactions and Effects

Table 13: Marine Fish – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-13.1	Asked if any studies were conducted on eulachon, and if eulachon have occurred in the Project area in the past.	29-Oct-2014, Preliminary EIS Workshop #4	**29-Oct-2014, Workshop:** Responded that eulachon were not studied separately. Stated that a literature review was done, and experts informed the VFPA that eulachon do not occur in the LAA. It is known that they occur widely within the Fraser River, but there is no evidence of eulachon occurring in the LAA. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#80):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. However, the assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity
Hwlit-13.2	Asked about the effects of geomorphology on marine fish, including effects to salmon migrating in and out of the Fraser River through Canoe Passage.	01-Nov-2013, Meeting	**01-Nov-2013, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix, 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5.8 Coastal Geomorphology, Future Conditions with the Project 9.7.8 Marine Water Quality, Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity
Hwlit-13.3	Asked if and how sturgeon will be assessed and considered within the EIS. Noted that some Hwlitsum community members were sturgeon fishers and they	31-Mar-2014, Meeting 28-Oct-2014, Preliminary EIS Workshop #3	**31-Mar-2014, Meeting:** Recorded comment for consideration by the Project team. **28-Oct-2014, Workshop:** Stated that the Technical Advisory Group (TAG) knowledge was used to identify species occurring at Roberts Bank. Primary species were	**Addressed in EIS Appendix 7.2-B (#79):** Potential Project-related effects on sturgeon (white sturgeon and green sturgeon) are considered in the marine fish assessment within the demersal fish (fish living near or on the seabed) sub-component. Sturgeon species were not selected as a representative species due to their rarity in the Roberts Bank area. Representative species in the demersal fish sub-component include three-spine stickleback and Pacific staghorn sculpin. Based on qualitative and empirical evidence	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component

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#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	remember how, when and where they fished. Noted that Hwlitsum have always fished and have never stopped.		considered to be important drivers from an ecosystem perspective. Stated that records show that sturgeon do not occur around the terminal at Roberts Bank, and therefore are not a good candidate as a focal species. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	considered during the marine fish assessment, minor, short-term decreases in productivity to demersal fish species are anticipated due to direct mortality (e.g., entrainment of larvae) and acoustic disturbance (i.e., if impact pile driving is used) during the Project's construction phase. Effects on demersal fish associated with changes in water quality and lighting are considered negligible.	13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity
Hwlit-13.4	Asked what effect will the terminal have on the freshet. Asked if changes in salinity have an effect on juvenile fish in the area.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Stated that effects on the freshet were considered. During the freshet period a change in salinity is expected. The change in salinity would have an effect on juvenile fish, however a residual effect is not expected. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Sections 9.7 and 13.0:** As noted in EIS Section 9.7 the Project is expected to result in changes to marine water quality. As a result of the terminal footprint, localised changes in salinity and turbidity are predicted in the intertidal zone, but within the natural ranges currently experienced. **Addressed in EIS Section 13.0:** As noted in EIS Section 13.6.2.1, changes in salinity are anticipated to have a negligible influence on the productivity of marine fish sub-components. Marine fish species occurring in estuaries are well adapted to a wide range of salinities, and decreases in mean water column salinity are unlikely to trigger major adverse effects, such as mortality.	**EIS** 9.7 Marine Water Quality 13.6.2.1 Changes in Water Quality
Hwlit-13.5	Stated that one very specific area of is the assured destruction of the "Spring Salmon Hole", from which Hwlitsum has harvested and continues to harvest salmon since time immemorial. Stated that at the site for the proposed RBT2 terminal, there is a lucrative salmon fishing hole where spring salmon rest or hold before they return to spawn. Stated that salmon hold there, go to the shallows and then leave when the tide changes. Elaborated that everyone uses this spot as it fills up with fish and is a sacred spot and it is good for sockeye.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #125) 10-Dec-2015, Meeting 21-May-2015, Meeting	**10-Dec-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 13.0 Marine Fish. **21-May-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 13.0 Marine Fish:** While there is evidence that adult sockeye pass through the estuary annually en route to the Fraser River to spawn, available information indicates that most stocks enter the Fraser River with little or no delay (i.e., perhaps one day); hence, any potential interaction between the Project and migrating or passing individual adult sockeye salmon would be limited to approximately several days per year. A potential exception is a portion of the late-run timing group, which typically holds in the outer estuary for several weeks prior to starting upriver migration; however, since 1995, large segments of the late-run sockeye have ceased their holding behaviour and entered the Fraser River three to six weeks earlier than historically observed. As noted in EIS Section 13.2.1, there is no scientific evidence that waters at or near Roberts Bank represent holding areas for adult sockeye. **Addressed in Response to IR5-15:** In its response to *IR5-15 Marine Fish – Representative Species* issued by the RBT2 Review Panel on June 6, 2017 (CEAR #975), the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The IR response also further assesses potential effects of the project on Sockeye directly. As further described in the response to IR5-15 (CEAR Document #1078), based on existing literature, there is no formally defined holding area within the Fraser River estuary for returning adult sockeye. It appears that the brackish layer or plume within which adult sockeye may hold can extend as far north as Gibsons Landing, as far west and south as the Gulf Islands (from Gabriola Island near Nanaimo to Saturna Island at Boundary Passage), and as far east at Point Roberts area. However, since 1995, sockeye holding behaviour appears to have ceased.	**EIS** 13.0 Marine Fish 13.2.1 Sub-components **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
Hwlit-13.6	Concerned with habitat for smolts or fingerlings when	10-Dec-2015, Meeting	**11-Dec-2015, Email from the VFPA:** Provided the following information for Hwlitsum's consideration:	**Addressed in EIS Appendix 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	they go to sea, particularly eelgrass. Stated that if smaller ones aren't healthy when they go to sea they will not come back or survive.		EIS Section 11.0 Marine Vegetation includes information on the saltwater and freshwater mixing in the Fraser River Estuary, and resulting impacts to marine vegetation. This information can be found at the following link: http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482. Attached a short presentation on marine vegetation. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. Potential underwater noise-related effects on marine fish during both Project construction and operation phases are considered in the EIS. **Addressed in EIS Section 11.0 and Section 13.0:** Habitat for smolts and fingerlings, including eelgrass, was considered in the EIS Sections 11.0 (Marine Vegetation) and 13.0 (Marine Fish). In planning RBT2, several measures to avoid, reduce or offset potential effects to eelgrass habitat were considered, including placement of terminal in subtidal waters (which reduces footprint effects to eelgrass specifically). Other measures that avoid effects to eelgrass habitat are a reduced footprint of causeway widening and rounded northwest terminal corner to reduce scour. Using a weight of evidence approach, the assessment presented in the EIS predicts changes in eelgrass (native and non-native) with the Project are expected to be negligible over the long-term. Although marine vegetation productivity losses due to Project construction and operation are not anticipated for eelgrass, native eelgrass transplants are planned within the LAA as part of the proposed on-site offsetting framework. The effectiveness of eelgrass transplants for marine fish specifically has been proven during previous projects at or near Roberts Bank. **Addressed in EIS Section 17.0:** As described in EIS Section 17.0, Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter and rearing habitat for numerous species. Approximately three hectares of native eelgrass would be established through transplants in the inter-causeway area.	9.0 Physical Setting 9.5.8 Coastal Geomorphology, Future Conditions with the Project 9.7.8 Marine Water Quality, Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity 17.0 Mitigation Framework for Marine Biophysical Valued Components
Hwlit-13.7	Expressed interest in the effect of the Project on salinity, and in turn the effect changes in salinity have on biomass. Asked if Roberts Bank productivity model includes this change in salinity.	28-Oct-2014, Preliminary EIS Workshop #3 21-May-2015, Meeting 10-Dec-2015, Meeting	**28-Oct-2014, Workshop:** Responded that yes, it is shown in the model. The model has helped the VFPA's understanding of how salinity may change, and if it were to change, what the effects of that would be. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous	**Addressed in EIS Appendix 7.2-B (#56):** Existing conditions, including the effects of the existing Roberts Bank causeway on nearshore habitat and species that use that habitat, are described in the relevant marine biophysical VC sections. In general, the existing causeway has diversified habitat at Roberts Bank. In developing its offsetting framework for RBT2, the VFPA has explored habitat creation and enhancement options, including onsite habitat offsetting concepts along the widened causeway.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions

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#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Stated that at the meeting place [of salt and freshwater], mix is high in nutrients for fish. Concerned with the area where the salt water and fresh water meet. Noted the importance of nutrients for fish was emphasized.		issues and interests and provided the VFPA's responses. **21-May-2015, Meeting:** Recorded comment for consideration by the Project team. **10-Dec-2015, Meeting:** Responded that salt water and fresh water mixing is covered in the EIS. Stated that the VFPA can follow up with the exact section reference. **11-Dec-2015, Email from the VFPA:** EIS Section 11.0 Marine Vegetation includes information on the saltwater and freshwater mixing in the Fraser River estuary, and resulting impacts to marine vegetation. This information can be found at the following link: https://www.ceaa-acee.gc.ca/050/documents/p80054/103668E.pdf	Current levels and potential changes in marine sediment and water quality, including changes in salinity and contaminants, were evaluated as described in the intermediate component assessment sections of EIS Section 9.6. Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. Sediments that will be re-suspended or disposed of during construction activities are not contaminated. With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation, marine invertebrates, marine fish and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience. Baseline levels of heavy metals and other contaminants along the causeway are included in Section 9.6 Surficial Geology and Marine Sediment. The VFPA used an ecosystem model to predict changes to marine species productivity at Roberts Bank. The model takes into account potential future changes in the environmental factors (i.e., salinity, depth, bottom current, wave height, and hard or soft substrate). The model findings informed the assessment of Project-related effects on marine species productivity.	9.6.8 Future Conditions with the Project 9.7.6 Marine Water Quality, Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish 13.6.2 Negligible Effects 14.0 Marine Mammals 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.4 Potential Effects of the Project on Steller Sea Lions 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework

Table 14: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-14.1	Noted the presence of black crabs in the study area, and expressed concern regarding impacts from coal to marine invertebrates and crab harvests. Suggested that the VFPA have a First Nations' harvester present to witness testing of coal on crabs.	01-Nov-2013, Meeting 27-May-2014, Technical Working Group Meeting #3 21-May-2015, Meeting	**01-Nov-2013, Meeting:** Committed to provide information in regards to impacts to crabs. **27-May-2014, Working Group:** Stated that that [working with First Nation harvesters] is one of the measures being taken in work being done to support the assessment of surficial geology and marine sediment. **07-Aug-2014, Email from the VFPA:** "We would like to inform you of a study that Port Metro Vancouver is undertaking related to black material observed in Dungeness crabs previously harvested from the Fraser River estuary. This black material has been noticed by Tsawwassen and Musqueam First Nation crabbers in DFO Fisheries Management Areas 28 and 29 and as such we are working with these communities in the collection of crabs for testing." **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **09-Jul-2015, Email from the VFPA:** "I write in follow up to previous communications and the Dungeness Crab field study notification of August 2014. Please find attached a letter and memorandum regarding the studies undertaken by Hemmera in response to reports from Aboriginal groups to VFPA regarding blackening of Dungeness crab and concerns related to potential contamination." **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 - Crab Hepatopancreas Additional Study Summary • IR4-34 - Black Crab Additional Studies Summary Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**With respect to coal, see EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the RBT2 Project to handle bulk oil or coal. The Project will not contribute to coal dust. Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the examination of air quality existing conditions and air quality cumulative effects assessment. The human health assessment considered the potential for contamination of edible shellfish related to Project activities resulting in re-suspension of historical deposits of coal in sediments. The assessment concluded that there were no risks to human health related to re-suspension of sediments containing coal. **With respect to black crabs, see EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the causes of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available. **Addressed in Responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in IR4-34 Marine Invertebrates: Blackened Crab Study (CEAR 946). Tsawwassen First Nation (TFN), Musqueam First Nation, Penelakut Tribes, and Hwlitsum crab harvesters operating under licenses in DFO Fisheries Management Areas 28 and 29 were asked to retain trapped specimens of Dungeness crab displaying evidence of blackening. Collection kits, including instructions for handling, were provided to crab harvesters participating in the study. A total of 15 kits were distributed. Five legal-sized male crabs were collected from DFO Fisheries Management Area 29-7 at Roberts Bank in August 2014 by a participating TFN crab harvester. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as "shell disease", a condition common to crab and other crustaceans. This disease is caused by a	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.2 Air Quality 12.0 Marine Invertebrates 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5.3 Existing Conditions, Dungeness Crabs 12.6.2 Future Conditions with the Project, Negligible Effects 27.0 Human Health 27.6.4 Potential Effect # 3 – Adverse Health Effects due to Stress and Annoyance - Perceived Contamination Appendix 27-C Shellfish Harvesting Potential and Contaminant-related Consumption Risks at Roberts Bank **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #1051)

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and British Columbia and in Atlantic Canada. In its response to *IR4-33 Marine Fish – Marine Invertebrates: Contaminants in Crab Hepatopancreas* issued by the RBT2 Review Panel on March 31, 2017 (CEAR # 1078), the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the local assessment area. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	
Hwlit-14.2	Asked about the basis for the statement that the copper is naturally occurring. Asked about the presence of copper in sediment have an effect on marine invertebrates. Asked about the human health effects from ingesting crabs.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that copper is naturally occurring, and has been there for a long time and seems to be a natural phenomenon. Whatever lives in the area is used to it, and adapted to it. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS 9.6 Surficial Geology and Marine Sediment.	**Addressed in EIS Section 9.6.6.3:** While most of the sediment samples exhibited a copper concentration greater than the ISQG, this is attributed to the presence of geological-origin, naturally occurring concentrations. Elevated copper levels are consistent with observations for previous studies in areas relevant to the Project, and throughout the Fraser River estuary (EIS Section 9.6.6.2). Copper levels in the Project activity areas are therefore not considered to be contaminated relative to natural conditions. More information concerning copper content in sampled bivalves and crabs is available in EIS Appendix 27-C, which discusses shellfish harvesting potential and contaminant-related consumption risks at Roberts Bank. Copper is not identified as a concern.	**EIS** 9.0 Physical Setting 9.6 Surficial Geology and Marine Sediment Appendix 27-C Shellfish Harvesting Potential and Contaminant-Related Consumption Risks at Roberts Bank

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Table 15: Marine Mammals – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-15.1	Concerned that increased vessel traffic will increase strikes on marine mammals. Stated that the quality of vessel strike data is poor as generally whale strikes go unnoticed by ship operators.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that the potential for vessel strikes will be assessed. When vessels enter VFPA jurisdiction they are travelling slowly, escorted by a pilot. Additionally, baleen whales are only very rarely observed in the area, and that's why the VFPA has a high level of confidence that the risk for potential vessel strikes is very low. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **10-May-2017, Email from the VFPA:** Attached the Enhancing Cetacean Habitat and Observation (ECHO) program annual report for 2016. The ECHO program is a Vancouver Fraser Port Authority-led collaborative initiative aimed at better understanding and managing the cumulative impacts of shipping activities on at-risk whales throughout the southern coast of British Columbia.	**Addressed in EIS Appendix 7.2-B (#89):** The assessment considers the potential effects on marine mammals from marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable or measureable residual adverse effects from vessel strikes are predicted for marine mammals. The marine mammal assessment considers the potential for cumulative effects with respect to the potential residual effect (i.e., increased underwater noise produced by container ships and support tugs during Project operation), in combination with other projects and activities within the RAA, including underwater noise from incremental marine vessel traffic outside VFPA jurisdiction.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 14.0 Marine Mammals 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.3 Potential Effects of the Project on North Pacific Humpback Whale 14.6.4 Potential Effects of the Project on Steller Sea Lions Table 14-19 Injury and Disturbance Radii for Steller Sea Lions during Impulsive Construction Noise 14.10 Cumulative Effects Assessment

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Table 16: Marine Shipping Addendum

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-16.1	Stated that the RBT2 study area and the VFPA's jurisdiction are limited and do not include marine shipping activities.	10-Dec-2015, Meeting	**10-Dec-2015, Meeting:** Stated that those concerns, heard through the environmental assessment process, informed the CEA Agency's request for additional work.	**Additional information provided by the VFPA:** The MSA fulfils the requirements of Section 17 of the "*Updated Guidelines for the Preparation of an Environmental Impact Statement*" (issued April 17, 2015) regarding the assessment of marine shipping associated with the RBT2 Project beyond Port Metro Vancouver's care and control and extending to the 12 nautical mile limit of Canada's territorial sea.	***Updated Guidelines for the Preparation of an Environmental Impact Statement*** **(CEAR Document #177)**
Hwlit-16.2	Concerned with the impact of marine shipping on the migratory pattern of sockeye, which follow the shipping route.	10-Dec-2015, Meeting	**10-Dec-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Appendix 5-B (#38):** The assessment of potential effects of marine shipping associated with the Project on marine fish, including salmon, is included in MSA Section 8.1. Physical disruption or vessel strikes of salmon are not anticipated to be a form of interaction between marine shipping and marine fish, and therefore these aspects are not included in the assessment.	**MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects
Hwlit-16.3	Stated that spill response is weak; WCMRC does not have sufficient capacity to respond.	10-Dec-2015, Meeting	**10-Dec-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Section 10.4.4.1:** Spill response procedures, capacities, equipment, response times, and areas of response are described in the MSA. Specifically, MSA Section 10.4.4.1 describes the Western Canada Marine Response Corporation (WCMRC) capabilities at the time of writing. WCMRC is the Transport Canada-certified Response Organisation for the west coast of Canada. To maintain its certification, WCMRC must demonstrate to Transport Canada that it has logistical arrangements in place to meet response time standards in the Geographic Area of Response (see MSA Section 10.4.4.3). **Additional response provided by the VFPA:** The *Canada Shipping Act (2001)* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. On the west coast, the Canadian Coast Guard contracts spill clean-up to Western Canada Marine Response Corporation. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response.	**MSA** 10.4.4.1 Western Canada Marine Response Corporation Capabilities www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/ **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Hwlit-16.4	Concerned with the increase in volume of vessel traffic in confined areas (i.e., Boundary Pass). Stated that Hwlitsum asserts an Aboriginal right to fish in the area.	10-Dec-2015, Meeting	**10-Dec-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Section 10.3:** MSA Section 10.3 provides an overview of vessel incidents in the MSA and considers potential accidents or malfunctions within the MSA arising from marine shipping associated with the Project. As acknowledged in MSA Section 10.3.2.2, collisions and associated spills in the marine shipping area will have the highest probability of occurrence where the probability of an encounter between ships is highest, based on the relative risk of overtaking, head-on, and crossing encounters. The most likely encounter locations in the marine shipping area are near East Point on Saturna Island at the eastern entrance to Boundary Passage, and near Turn Point on Stuart Island at the entrance to Haro Strait at the southwest end of Boundary Passage (see **Figure 10-1**). Risk mitigation, emergency response planning and incident management are presented in MSA Section 10.4. As concluded in EIS Section 32.2.6, the Project is not expected to have an effect on the Current Use of or access to marine resources for traditional purposes by Hwlitsum. Consequently, the Project is not expected to impact the ability of the Hwlitsum to exercise the asserted right to harvest marine resources.	**EIS** 32.2.6 Future Conditions with the Project - Potential Project-Related Effects 32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups **MSA** 10.3 Potential Accidents or Malfunctions 10.3.2.2 Collisions In-transit

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Table 17: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-17.1	Asked how will changes to biofilm be assessed and monitored. Concerned that biofilm is increasing and taking over other plant species.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Areas of biofilm are being monitored and will continue to be monitored. As part of the RBT2 assessment, a hyperspectral survey by airplane was carried out, which is costly. That survey resulted in biofilm being observed in a larger area than was originally thought. Historically, there was no access to that. Monitoring plans will emerge from the environmental assessment process. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **24-Apr-2017, Email from the VFPA:** The VFPA is conducting a study in April and May 2017 to assess the spatial and temporal variability of biofilm community composition at Roberts Bank. Biofilm is a thin (~2 mm), dense layer of predominantly organic substances (e.g., diatoms, bacteria, and organic detritus) found on the surface of shallow freshwater, marine, and estuarine sediments. Biofilm is known to form an important component of the western sandpiper diet at Roberts Bank during the northward migration. This study, in conjunction with past biofilm studies conducted in 2012, 2013, 2014 and 2016, will strengthen the existing understanding of biofilm community dynamics at Roberts Bank, and may inform future monitoring programs at Roberts Bank.	**Addressed in EIS Appendix 7.2-B (#65):** Biofilm, a thin dense layer of microscopic photosynthetic algae and bacteria, sediment and organic matter, is found within the upper intertidal zone and is an important food source for invertebrates, fish, and bird species (including migratory western sandpiper and dunlin). Biofilm, biomat, and intertidal marsh are considered in the effects assessment as sub-components of the marine vegetation VC. The existing conditions (including ecological function) for biomat and biofilm in the Project area and the potential effects of the Project on these marine vegetation sub-components, as well as on coastal birds, are described in the EIS. The assessment concludes that, overall, net productivity of marine vegetation is expected to increase with the Project, without mitigation, and would be further increased with the implementation of environmental management plans and the creation of habitat. During Project construction and operation, changes in the productivity of biofilm and biomat would be negligible (i.e., not measurable or detectable), while increases in the productivity of intertidal marsh are expected. The Project is expected to temporarily influence community composition of biofilm during freshet from terminal footprint-related changes in salinity. Biofilm community composition is expected to return to existing conditions outside of the annual freshet period. As described in the EIS, the temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet are not predicted to affect shorebirds. Further information: Biofilm was only discovered in 2008 (see EIS Section 11.0). At that time biofilm was known to exist in the upper intertidal zone close to Brunswick Dyke. It was not until 2012 that biologists looked for biofilm beyond the area close to the Dyke. In 2012, the VFPA mapped biofilm distribution within the LAA by plane using hyperspectral imagery. This was the first survey (ever) of the entire Roberts Bank (LAA) area and confirmed that where conditions are appropriate (e.g., upper intertidal zone, with fine sediments, and low wave energy) biofilm is common. It is believed that biofilm has been in these areas for a long time (hundreds or thousands of years) as biofilm appears to be a common feature of estuaries. In the VFPA's response to IR8-04, the results of additional biofilm studies are presented as Appendices IR8-04-A and IR8-04-B. The results of the 2016 additional studies complement the findings of the EIS and adds to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS: • Impacts to western sandpiper (WESA) have largely been avoided through the placement of the marine terminal almost six kilometres away from their main feeding areas on Roberts Bank; • The availability of food at Roberts Bank with the Project in place will not be limiting for migrating WESA; • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing; Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.5.4 Existing Conditions, Biomat 11.5.5 Existing Conditions, Biofilm 11.6 Future Conditions with the Project 11.6.4 Potential Effect – Changes in Biofilm Assemblage Composition 15.0 Coastal Birds 15.7.2 Potential Effect – Changes in Productivity **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• The Project will not affect the availability or quality of food available to migrating WESA.	
Hwlit-17.2	Asked about the relationship between the existing terminal and eelgrass. Asked what effect RBT2 is expected to have on eelgrass.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that there is good information available about eelgrass before development. Stated that RBT2's effects on marine vegetation as a whole are expected to result in an overall increase. Stated that in the case of eelgrass, the VFPA plans to undertake eelgrass transplants as a mitigation measure, after which it is expected there would be no net effect. Stated that there are two types of eelgrass. An increase in non-native eelgrass is anticipated, which will be good for fish. A slight decrease in native eelgrass is anticipated, for which we would apply mitigation, which would also be good for fish. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#68):** Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass is a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.6.3 Potential Effect – Changes in Productivity 11.7.2 Reduction and Off-setting Measures 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 12.7.2 Mitigation #1 for Direct Mortality
Hwlit-17.3	Asked if values have been assigned to different items, such as biomat being deemed more valuable than eelgrass, or native species being more valuable than non-native species.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that value judgements are not being assigned to different species, only effects are being looked at. For the most part outputs (i.e., biomass) can be quantified. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#70):** The EIS provides a description of the marine vegetation sub-components, including eelgrass, intertidal marsh, macroalgae (seaweed), biomat, and biofilm, and the importance of each to maintaining the physical form and function of the Roberts Bank ecosystem. Non-native eelgrass and English cordgrass (*Spartina anglica*) are considered to be less desirable species. Following terminal construction, there is an opportunity to transplant up to 3 ha of native eelgrass within the Roberts Bank study area as a mitigation measure. The proposed transplant site overlaps with an existing stand of sparse eelgrass (i.e., less than 30% cover). The existing presence of eelgrass at this location is an indication of suitable conditions for establishment and growth of eelgrass.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5.6 Coastal Geomorphology, Existing Conditions 11.0 Marine Vegetation 11.2.1 Sub-components Figure 11-2 Roberts Bank Marine Vegetation Habitat Map (2012) 11.6 Future Conditions with the Project 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework Figure 17-1 Overview of Proposed Onsite Habitat Concept Locations
Hwlit-17.4	Asked what happens if effects are not as predicted, or mitigations do not work as planned. Asked about the duration of the monitoring period.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that the VFPA's analyses of environmental effects will be tested through the Review Panel process. People will have opportunities to contest and contribute to the process and to question the predictions. If the	**Addressed in EIS Appendix 7.2-B (#32):** Onsite habitat selection considered lessons learned from previous habitat creation programs (e.g., Deltaport Third Berth Project (DP3)). The effectiveness monitoring reports for DP3 increased the understanding of the successes and challenges of previous habitat projects. The concepts	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 33.0 Environmental Management Program

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#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			predictions are wrong or mitigation measures don't work, the Follow Up Program will include adaptive management. The duration of the monitoring period and the specific plan has not yet been determined. As the environmental assessment progresses, these details will emerge. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **29-Aug-2017, Meeting with Hwlitsum, Lake Cowichan First Nation, Metis Nation of British Columbia, and Tsleil-Waututh First Nation on the Follow-up Program:** The VFPA presented information on the DP3's Environmental Management Program and lessons learned. The VFPA presented information on the RBT2 Follow-up Program. The VFPA sought input from participants.	presented in the EIS have been presented to communities, stakeholders, Indigenous groups, public, and regulators in fall 2014. The expected benefits to species productivity from proposed onsite offsetting concepts have been evaluated in the marine biophysical VCs, where relevant. An adaptive management approach will be taken as indicated in EIS Section 33.5 Roberts Bank Terminal 2 Follow-up Program. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. The VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the Roberts Bank Terminal 2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives.	33.5 Roberts Bank Terminal 2 Follow-up Program
Hwlit-17.5	Asked about the percentage of landmass is being removed from habitat in the building of the Project. Asked about the displacement of marine vegetation.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that the Project footprint is approximately 180 hectares. Stated that while some species will decrease due to the footprint others will not because some species (for example, Dungeness crab) broadcast their spawn, while other species will simply move (swim) to somewhere else perhaps in proximity to the terminal. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#64):** The mitigation requirements, and monitoring and follow-up programs to be undertaken with respect to marine vegetation, are described in EIS Section 11.0 Marine Vegetation, and in EIS Appendix 33-A. Proposed measures to avoid, reduce or offset effects for marine vegetation include: • Placing marine terminal in subtidal waters to eliminate direct effects to intertidal habitats (predominantly native eelgrass and biofilm); • Minimising causeway widening and optimising the footprint within the upper intertidal biofilm zone to reduce direct losses; and • Rounding of northwest terminal corner to reduce the potential area of scour. Incorporating rocky shoreline in portions of the terminal perimeter and causeway perimeters. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the residual environmental effects of the Project.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation
Hwlit-17.6	Noted the recent deterioration of the intertidal marsh (south of the	21-May-2015, Meeting	**21-May-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#66):**	**EIS**

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#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	causeway) and asked if marsh deterioration will be addressed in the EIS. Stated that cattails and bulrush are important culturally. There has been an 80% decimation of habitat in the Roberts Bank area.		**01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The technical data report for *RBT2 Intertidal Marsh, Foreshore Habitat and Invertebrate, Eelgrass, Ulva and Biomat Survey Results* discusses the existing conditions of intertidal marsh both north and south of the Roberts Bank Causeway. The report notes that marsh mapping undertaken for RBT2 (2013/4) vs. data collected by the Canadian Wildlife Service in 1994 suggests a decrease in marsh area, but does not identify the cause. The report also notes the presence of cattails and bulrush, but does not discuss these species' spatial or density trends. [Current and/or traditional use of cattails and bulrush are acknowledged as in EIS Section 32.3.2.2.]. The TDR informed the EIS's section on existing conditions for marine vegetation at Roberts Bank (Section 11.0), which characterised representative species for each of eelgrass, intertidal marsh, macroalgae, biomat, and biofilm. Existing conditions for marine vegetation are acknowledged to be influenced by previous developments, including the development of the Roberts Bank and BC Ferries terminals, the dynamic natural environment, and species that forage on marine vegetation. Intertidal marsh south of the causeway would be unaffected by RBT2, and therefore not directly addressed in the EIS. Considering the whole of the RBT2 study area, the EIS notes that marine vegetation productivity losses due to Project construction and operation are not anticipated for intertidal marsh. Onsite creation of intertidal marsh on the north side of the causeway is proposed as mitigation for potential effects of the Project on other VCs (e.g., marine invertebrates, marine fish, and coastal birds).	Appendix 7.2-B Aboriginal Groups Interests and Issues Table 11.0 Marine Vegetation 11.5.2 Existing Conditions, Intertidal Marsh 11.6.3 Potential Effect – Changes in Productivity Table 11-17 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Vegetation 11.7.2 Reduction and Offsetting Measures 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups
Hwlit-17.7	Concerned that the assessment excludes marine vegetation that is culturally important to CNA and could be impacted by the Project. Requested that 'coastal terrestrial vegetation' be identified as a distinct Valued Component.	09-May-2014, Letter - VC Selection and Rationale – CNA 09-Nov-2015, Meeting	**09-May-2014:** Recorded comment for consideration by the Project team. **06-Jun-2014 and 03-Jul-2014, Workshops:** The VFPA hosted two workshops for Indigenous groups on the VCs providing them with an opportunity to comment and provide input for consideration. Sought input on biophysical VCs, including marine vegetation. Representatives from Hwlitsum were invited but did not attend. **09-Nov-2015, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** For coastal terrestrial vegetation, there is no interaction with the Project and the terrestrial environment, either directly or indirectly, due to the marine-based nature of the Project, and therefore no effects are anticipated.	

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Table 18: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-18.1	Asked about vibration from the construction of the Project, pile driving, and trains and what effect underwater noise has on bivalves and invertebrates.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Stated that the VFPA has been looking at effects mostly in the context of underwater noise. Stated that vibration will be discussed in greater detail in the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise studies are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project
Hwlit-18.2	Asked about the current ambient noise level.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Stated that as part of the assessment, ambient noise was recorded at various times of year, in various locations. Stated that precise data is not currently available; however, detailed information will be provided in the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 9.3.7 Existing Conditions.	**Addressed in EIS Section 9.3.7:** The description of existing conditions considered sources of noise and vibration, including the existing Roberts Bank terminals, BC Ferries terminal and road and rail traffic within the upland study area. Existing noise levels are typical of suburban areas, and noise within the upland study area comes from many diverse sources, including the following: • Activity at Roberts Bank terminals and BC Ferries terminal; • Road and rail traffic on the Roberts Bank causeway; • Road and rail traffic on routes within the study area (including Highway 17 and Deltaport Way); • Construction activities on TFN land; • Farming activities; • Aircraft; • Marine vessels; • Local activities; and • Natural sounds (e.g., wildlife, wind).	**EIS** 9.3 Noise and Vibration 9.3.7 Existing Conditions

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				No single source tends to dominate these noise environments; noises from all of these sources contribute in varying degrees to the overall average daily noise levels.	
	Asked if there is a relationship between underwater noise and bathymetry. Asked about whether bathymetry interferes sufficiently with sound that it doesn't extend north, east or northeast or up Sturgeon Bank.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that the study uses a mathematical model to predict how far and how loud construction and operation noises will extend. Sound is bounces off different islands and off the bottom of the ocean. Stated that the VFPA has double checked with the acousticians, who confirmed the areas where noise is expected. Sound distribution changes based on bathymetry and bottom type. The bathymetry interferes sufficiently with the sound that sound doesn't travel north and east of the terminal. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Underwater Noise, Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project

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Table 19: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-19.1	Asked how quickly emergency response could react to an emergency in area around Canoe Pass. Expressed an interest becoming involved in emergency response.	21-May-2015, Meeting	**21-May-2015, Meeting:** Recorded comment for consideration by the Project team. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#207):** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions 30.3.3 VFPA Practices and Procedures Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B – Tables **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Hwlit-19.2	Asked about the potential effects of a coal spill, container spill, vessel collision or oil spill and how this has been assessed. Concerned about a potential accident or malfunction causing a leak of ship fuel.	28-Oct-2014, Preliminary EIS Workshop #3	**28-Oct-2014, Workshop:** Responded that accidents and malfunctions was covered in the first workshop on 07-Oct-2014]. Stated that the workshop provided information on the selection of the plausible worst-case the scenarios. [Hwlitsum was invited to the workshop, but a representative from Hwlitsum did not attend. A package of materials from workshops 1, 2, 3, and 4 was sent to Hwlitsum on 05-Nov-2014.] Stated that potential effects related to coal are not assessed because coal is not within the scope of this Project. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Additional information provided by the VFPA:** The proposed Project is a container terminal and does not include any coal-related elements. **Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use of land and resources for traditional purposes were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A).	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B – Tables **MSA** 10.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			09-Nov-2015, Letter from the VFPA: Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Addressed in MSA Section 10.0:** Further consideration of potential accidents and malfunctions outside of the VFPA's navigational jurisdiction (marine shipping associated with the project) are included in MSA Section 10.5. Several independent studies informed the assessment, including a quantitative risk assessment that estimated probabilities for different types of potential marine vessel accidents from a container ship in transit in the marine shipping area. Two plausible worst-case scenarios were selected for the assessment, based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m3 of heavy fuel oil; and • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well as serious injury or fatality. The assessment for the plausible worst-case spill scenario concluded that with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and current use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, current use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For current use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake current use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected.	
Hwlit-19.3	Concerned with the risk of a collision between vessels.	10-Dec-2015, Meeting	**10-Dec-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Section 10.3.2.2:** EIS Appendix 30-A and EIS Appendix 10-A provide the evaluation of the potential for a collision between a container vessel and each of four types of marine vessels in the marine shipping area: crude tankers, other tankers (product and chemical), bulk carriers, and other container ships. After considering a series of variables, including the outcome that a spill is associated with the collision, the analysis found the following: • Minimum return period (at 95% confidence level) for collisions of RBT2-bound container ships with other traffic in the marine shipping area of 133 years; • Container ship-tanker collision return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil; and • Minimum return period for a container ship collision with another container ship is approximately 250 years.	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 10.3.2.2 Collisions In-transit Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment: Marine Shipping Supplemental Report

Table 20: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-20.1	Concerned with increased vessel traffic and interference with constitutionally protected Aboriginal right to fish. Concerned with accidents and malfunctions affecting fishing.	15-Apr-2014, Technical Working Group #2 18-Jun-2015, Phone call	**15-Apr-2014, Technical Working Group:** Responded that RBT2 has a relatively small footprint and the frequency of vessel arrivals and departures is relatively low compared to BC Ferries. Stated that the VFPA is undertaking consultation with Indigenous Groups to hear directly from potentially affected groups regarding their interests and issues on this subject. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Appendix 7.2-B that summarised Indigenous issues and interests and provided the VFPA's responses. **18-Jun-2015, Phone call:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#169):** The assessment of Current Use of lands and resources for traditional purposes includes the potential effects of the Project on the ability of Indigenous groups to access and use preferred harvesting areas. The assessment concluded that the Project is not expected to impact the ability of Hwlitsum to exercise their asserted right to harvest marine resources. **Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on southern resident killer whales, coastal birds, and Current Use of land and resources for traditional purposes were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the Quantitative Risk Assessment (see Table B-4 (Appendix B) of EIS Appendix 30-A). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Addressed in MSA Section 10.0:** Further consideration of potential accidents and malfunctions outside of the VFPA's navigational jurisdiction (marine shipping associated with the project) are included in MSA Section 10.5. Several independent studies informed the assessment, including a quantitative risk assessment that estimated probabilities for different types of potential marine vessel accidents from a container ship in transit in the marine shipping area. Two plausible worst-case scenarios were selected for the assessment, based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m3 of heavy fuel oil; and • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well as serious injury or fatality. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accidents and Malfunctions 30.4 Potential Marine-Based Accidents and Malfunctions 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3.9 Land and Marine Traffic Management Plan **MSA** 10.0 Potential Accidents and Malfunctions

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and current use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, current use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For current use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake current use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues.	
Hwlit-20.2	Stated that elders have raised concerns regarding land creation and how it will affect Hwlitsum way of life (i.e., fishing) and constitutionally protected rights. Stated that construction of Deltaport, Westshore Terminals and BC Ferries causeway and terminal has infringed Hwlitsum's S35 rights and construction of the Project will further diminish the ability of Hwlitsum members to meaningfully exercise their rights in their preferred areas.	01-Nov-2013, Meeting	**01-Nov-2013, Meeting:** Responded that effects from the marine terminal footprint will be looked at as part of the EA process with residual effects assessed and mitigation included at as part of the assessment of the Project. Stated that information on this will be included in the EIS. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	**Addressed in EIS Section 32.0:** Potential effects on Current Use of lands and resources for traditional purposes and potential impacts on Aboriginal rights and related interests are addressed in Section 32.0. The assessment considers potential effects of the Project on the ability of Indigenous groups to access and use preferred harvesting areas. The assessment concluded that the Project is not expected to impact the ability of Hwlitsum to exercise their asserted right to harvest marine resources.	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
Hwlit-20.3	Stated that although there are overlaps in First Nations' traditional territories, each First Nation's claim should be viewed and considered. Stated that it is not appropriate for the VFPA to make definitive claims regarding historic and contemporary use of the study area by First Nations.	15-Mar-2014, Letter – Comments on draft Archaeological Overview Assessment	**06-May-2014, Letter from the VFPA:** The purpose of the Archaeological Overview Assessment was not intended to provide detailed ethnographic history. However, revisions to the Ethnography Section were implemented. **01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	**Addressed in EIS Section 32.0:** EIS Section 32.0 considers established and asserted rights, as the VFPA understands them, of multiple First Nations. As noted in EIS Section 32.2.4.10, key sources relied upon to describe the asserted rights and Current Use of the Hwlitsum in the vicinity of the Project were previous regulatory filings, submissions, and reports for nearby projects (e.g., EAO and VFPA 2012), two studies prepared by Hwlitsum in the context of other projects and provided to PMV for consideration in the EIS (Wilson et al. 2009, 2013), and ongoing consultation between the VFPA and Hwlitsum regarding the Project.	**EIS** Appendix 7.2-A Consultation Activities by Aboriginal Group 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.4.10 Hwlitsum

Hwlitsum

#	Interest / Concern Raised	Dates(s) / Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Hwlit-20.4	Stated that the Project as proposed, will negatively impact sensitive ecological areas from which Hwlitsum has continued to fish, hunt and harvest since a time predating the arrival of settlers in the area now known as British Columbia.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #125)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#169):** The assessment of Current Use of lands and resources for traditional purposes includes the potential effects of the Project on the ability of Indigenous groups to access and use preferred harvesting areas. The assessment concluded that the Project is not expected to impact the ability of Hwlitsum to exercise their asserted right to harvest marine resources. **Addressed in EIS Appendix 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. As described in EIS Section 13.0, minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.5.8 Coastal Geomorphology, Future Conditions with the Project 9.7.8 Marine Water Quality, Future Conditions with the Project 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity
it-20.5	Requested an MOU where the VFPA recognises Hwlitsum's claim to Roberts Bank area.	21-May-2015, Meeting	**01-Apr-2015, Letter from the VFPA:** Provided a copy of the EIS, which included EIS Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes. **21-May-2015, Meeting:** Recorded comment for consideration by the Project team.	**Additional response provided by the VFPA:** The VFPA does not have the authority to affirm Aboriginal rights or title.	

APPENDIX IR10-01-C13

TSAWOUT FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-1.1	Requested community-based air quality monitoring.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that there are plans for continued monitoring after the assessment, and that there are air quality monitoring stations located in Burrard Inlet, Delta, and at Tsawwassen First Nation. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 8 (#46):** Community-based air quality monitoring has been implemented in communities adjacent to the Roberts Bank Terminal 2 Project (RBT2 or Project) area, where changes in air quality as a result of the Project have the potential to occur. As part of the Deltaport Third Berth Project (DP3), the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment, including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings. **Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Project. The results of the air quality assessment were used in the assessments of human health and Current Use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Coal dust is also included in the assessment of air quality in existing conditions, in the future with the Project, and in the cumulative effects assessment. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth ultimately improving air quality. The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits, such as improvements in fuel, are described based on their anticipated level of benefit to future air quality emissions.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.0 Physical Setting 9.2.5 Air Quality, Methods Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway Appendix H – Westshore Coal Dust Assessment 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Air Quality Existing Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities **Additional Information to the EIS – *W̲SÁNEĆ* Nation (AIEIS; CEAR Document #930)** Appendix 2-B Aboriginal Issues and Interests – *W̲SÁNEĆ* Nation – Table 8 Air Quality

Table 2: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-2.1	Asked whether there is any potential for cultural heritage resources other than fish trap stakes in the Roberts Bank area.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated there were no fish stakes found, and that here is nothing in the database for the area. Stated that there are reports and traditional knowledge indicating that these areas were used for trapping sturgeon. Stated that the archaeologist who conducted the overview assessment predicted that fish stakes were more likely be found in the historic draining channel. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 27:** Physical and cultural heritage resources in the Roberts Bank area are described in EIS Sections 28.0 and 32.2, and in AIEIS Sections 6.0 and Section 7.0. Fish trap stakes were identified as the only potential archaeological or heritage resource that has the potential to be affected by the Project construction or operation activities. No archaeological sites were identified in the local assessment area (LAA), either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. **Addressed in EIS Section 28.0:** EIS Section 28.0 provides information on the archaeology assessment that was undertaken for the Project.	**EIS** 28.0 Archaeological and Heritage Resources 28.4 Information Sources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 27 Archaeological and Heritage Resources 6.0 Archaeological and Heritage Resources 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
Tsawout-2.2	Requested inclusion in cultural/ archaeological work undertaken in the Project area. Stated that historically the Tsawwassen area was a stop for the *W̲SÁNEĆ* Nation, a gathering place. They never stayed for long because the area is wide open.	30-Jan-2017, *W̲SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 27 (#126):** The Project has the potential to affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project construction activities, and indirect effects could result from changes to sediment deposition or erosion. Mitigation measures, including proposed archaeological monitoring, are described in the EIS. Mitigation for effects on heritage and archaeological resources includes the following measures: • The VFPA will excavate a test trench, or series of trenches, across the eastern end of the causeway expansion area within the area of moderate archaeological potential (the historic drainage channel) to enable concurrent inventory (and preservation where possible) of potential fish trap stakes and mitigate future Project-related effects of crushing or degradation of stakes, or reduced access for future study; and • The VFPA will ensure annual monitoring, for a period of four years, of predicted erosion of the historic tidal channel (northwest of the terminal, formerly draining Canoe Passage) to mitigate potential exposure of potential fish trap stakes. Any stakes found will be inventoried and preserved where possible. In addition, the Construction Environmental Management Plan will include an Archaeological Monitoring and Management Plan, describing the procedures to be followed by the Infrastructure Developer in the event that an archaeological site is discovered during Project construction (also referred to as a 'chance find'). The plan will also describe the role and responsibilities of a professional archaeologist designated by the Infrastructure Developer to conduct archaeological monitoring, as needed.	**EIS** 28.0 Archaeological and Heritage Resources 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3.4 Archaeological Monitoring and Management Plan **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 27 Archaeological and Heritage Resources 6.0 Archaeological and Heritage Resources 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The VFPA acknowledges the request to have a First Nations observer present during construction, and will consider this suggestion as mitigation measures and monitoring plans are finalised.	Resources for Traditional Purposes
Tsawout-2.3	Stated that the archaeological assessment is restricted to registered heritage sites, and does not engage the wider associated meaning of "cultural, and historical resources, sites, or practices." Stated that these issues are not addressed in the Current Use Section, but might include, among other things, multiple-use locations, named places, story sites, etc.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** "The Agency requested additional information on cultural heritage in AIR #10 Cultural Heritage Assessment."	**Addressed in Response to MSA IR-02.24.16-10:** The VFPA's response to MSA IR-02.24.16-10 further describes how the MSA assesses potential effects on cultural heritage of Indigenous peoples. **Addressed in Response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples.	**Information Requests** Response to Additional Information Request #10 (MSA IR-02.24.16-10 of CEAR Document #386) Response to Sufficiency Information Request #21 (IR10-21)
Tsawout-2.4	Stated that there is no baseline discussion of cultural heritage, no attempt to link it to the effects assessment, and no assessment of the Project's impacts upon it. Stated that cultural heritage currently falls between the cracks of the discrete chapters, but is necessary to understand the linkage between the biophysical and social environments.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** "The Agency requested additional information on cultural heritage in AIR #10 Cultural Heritage Assessment."	**Addressed in Response to MSA IR-02.24.16-10:** The VFPA's response to MSA IR-02.24.16-10 further describes how the MSA assesses potential effects on cultural heritage of Indigenous peoples. **Addressed in Response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples.	**Information Requests** Response to Additional Information Request #10 (MSA IR-02.24.16-10 of CEAR Document #386) Response to Sufficiency Information Request #21 (IR10-21)
Tsawout-2.5	Concerned with the disturbance or destruction of heritage sites: including burial and archaeological sites from shoreline erosion due to vessel wake Expressed concern with the effects of shipping on erosion and exposing of gravesites. Requested funding to protect sites, and assistance with reburial and ceremonies that follow.	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline 19-Jun-2017, Meeting with Chief, Councillor, Administrative and Consulting Staff	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.4 Archaeological and Heritage Resources. **19-Jun-2017, Meeting:** Asked what a financial contribution would look like. Asked what Tsawout is doing to protect the gravesites. Asked if Tsawout is engaging with Archaeology Branch on this issue. Noted the challenges where many agencies are involved. Reiterated the mitigation measures suggested for erosion by Tsawout, including inventory of vulnerable sites, building physical structures and contingencies. Noted that the VFPA will compile these suggestions and present them to the federal government. Stated that the VFPA could bring back an archaeologist to discuss this matter further.	**Addressed in MSA Section 9.4:** All potential incremental effects on archaeological and heritage resources related to Project-associated vessel transit activities, including shoreline erosion from vessel wake, were determined to be negligible, as wake waves predicted from Project-associated marine vessel traffic are predicted to be within the range of natural conditions. **Addressed in Response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples. **Addressed in Response to IR10-23:** The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm.	**Marine Shipping Addendum (MSA, CEAR Document #316)** 9.4 Archaeological and Heritage Resources 9.4.5 Existing Conditions 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake **Information Requests** Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #23 (IR10-23)

Table 3: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-3.1	Concerned about increased wave action caused by larger size and volume of vessels in the shipping lane will lead to greater impacts than currently experienced.	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 11 (#51):** Potential changes to the wave environment from ship wake (from Project-associated vessels) was assessed for a representative container vessel with approximately 9,000 to 9,500 twenty-foot equivalent unit (TEU) capacity in MSA Section 7.2. In addition to the study of a representative vessel, a sensitivity analysis of other vessel types with differing hulls was also conducted (see MSA Appendix 7.2-B). The analysis of wake height varied by a little over 10 cm in response to the vessel hull type, compared to the representative vessel. Coastal geomorphic conditions are not expected to change from wake-generated waves as vessel wake is a small component of the existing wave climate, which is influenced by wind-generated waves and ocean swell. **Addressed in MSA Appendix 5-B (#31):** The assessment of effects from marine shipping associated with the Project is based on a representative ship size of 9,000 to 9,500 TEU capacity, which is likely to be the type of ship calling on RBT2 most frequently (MSA Section 4.0). If container ship capacity (ship size) increases faster than predicted, the number of Project-associated vessels in the marine shipping area in 2030 would be fewer. The assessment of potential changes in waves is provided in MSA Section 7.2. The assessment of potential changes in atmospheric noise is provided in MSA Section 7.4. The assessment of potential changes in underwater noise is provided in MSA Section 7.6. **Addressed in Response to IR7-18:** The VFPA's response to IR7-18 presents model results showing vessel wake of five types of vessels: • Category A – 215 m length for a 2,500 TEU vessel; • Category B – 290 m length for a 3,400 to 4,500 TEU vessel; • Category C – 300 m length for a 6,000 to 8,000 TEU vessel; • Category D – 366 m length for a 12,500 vessel; and • Category E – 400 m length for a 18,000 TEU vessel. The results of the modelling demonstrate that larger ships minimally change wave height and the conclusions of the EIS and MSA remain the same.	**MSA** 4.0 Activity Description 4.2.1.1 Type of RBT2 Container Vessels Appendix 5-B Aboriginal Issues and Interests 7.2 Wave Environment Appendix 7.2-B Ship Wake Calculations 7.2.5 Incremental Changes to the Wave Environment from Marine Shipping Associated with the Project 7.4 Atmospheric Noise 7.6 Underwater Noise **AIEIS** Appendix 2-B Issues and Interests, Table 11 Coastal Geomorphology **Information Requests** Response to Sufficiency Information Request #18 (IR7-18 of CEAR Document #1141)

Table 4: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-4.1	Asked if the Tsawwassen First Nation LNG Project has been considered in the cumulative effects assessment. Requested clarification regarding which other projects were included in the cumulative effects assessment.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded Tsawwassen First Nation's proposed LNG Project was not considered. Explained how the Project's assessment has considered reasonably foreseeable projects such as Trans Mountain. Stated that EIS Section 3.0 lists existing and expected projects and activities that will contribute cumulatively to conditions, and those that were determined to be reasonably foreseeable are listed in the EIS Section 8.0, which also reports on the methodology used for the cumulative effects assessment. **26-Apr-2016, Email from the VFPA:** Post-meeting note: Please refer to the EIS Table 8-8 for the list of Projects included in the incremental future cumulative effects assessment. **10-Feb-2017, Letter from the VFPA:** Provide a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#38):** The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including effects on local and Indigenous communities. A review of previous studies, effects assessments, and commitments from other projects was conducted and has informed the Project's environmental assessment (EA), as discussed in the EIS. Projects and activities contributing to existing and expected conditions in the Project area are identified and described. Information sources considered in the characterisation and assessment of each intermediate component (IC) and valued component (VC) are identified in the respective effects assessment section. **Addressed in AIEIS Appendix 2-B Table 6 (#41):** Other projects and activities considered in each VC- or IC-specific cumulative effects assessment are identified in the Project Inclusion List developed for the EIS (see EIS Table 8-8 and Figure 8-3). This list includes all reasonably foreseeable projects with the potential for a cumulative interaction with the proposed Project. **Addressed in Response to MSA IR-02.24.16-7:** The Tsawwassen First Nation LNG Project was excluded from the assessment of cumulative effects in the EIS because it was not reasonably foreseeable at the time the assessment was undertaken. Tsawwassen First Nation has indicated that they will not be moving forward with any additional discussion regarding the proposed LNG concept.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 8.1.9 Cumulative Effects Assessment 8.1.9.1 Identification of Other Certain and Reasonably Foreseeable Projects and Activities 8.1.9.2 Identification of the Effects of Other Certain and Reasonably Foreseeable Projects and Activities 8.1.9.3 Identification of Cumulative Interactions and Potential Cumulative Effects Table 8-8 Project and Activity Inclusion List Figure 8-3 Other Certain and Reasonably Foreseeable Projects **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 6 Cumulative Effects Assessment **Information Requests** Response to Additional Information Request #7 (MSA IR-02.24.16-7 of CEAR Document #386)
Tsawout-4.2	Asked if the VFPA will be conducting a Technical Review Process of Marine Terminal Systems and Transhipment Sites (TERMPOL) for RBT2.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Stated that TERMPOL studies are conducted on shipment of bulk fuel, and does not apply to a container shipping project. Offered to send Tsawout a written response to that question. **25-Aug-2015, Email from the VFPA:** "TERMPOL is a voluntary review process in which proponents involved in building and operating a marine terminal system for bulk handling of oil, chemicals and liquefied gases can participate. A TERMPOL review was not required for the Project, as RBT2 is a proposed terminal that will handle containers only, not bulk fuel." **10-Feb-2017, Letter from the VFPA:**	**Addressed in EIS Appendix 7.2-B (#10):** A summary of the permitting process and requirements for the Project is included in EIS Section 6.0. The Project is undergoing a federal EA by an independent review panel, under the *Canadian Environmental Assessment Act, 2012* (*CEAA, 2012*). The Project is also undergoing an assessment under the *British Columbia Environmental Assessment Act*. The Project requires other permits and authorisations before it can proceed. TERMPOL is a voluntary review process in which proponents involved in building and operating a marine terminal system for bulk handling of oil, chemicals and liquefied gases can participate. A TERMPOL review was not required for the Project, as RBT2 is a proposed terminal that will handle containers only, not bulk fuel.	**EIS** 6.0 Environmental Assessment and Permitting Process 7.0 Engagement and Consultation 7.1.1.4 Federal Authority and Agency Engagement (2014 to 2015) Appendix 7.2-B Aboriginal Groups Interests and Issues Table **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 4 Environmental Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 4 (#28):** TERMPOL is a voluntary review process in which proponents involved in building and operating a marine terminal system for bulk handling of oil, chemicals, and liquefied gases can participate. A TERMPOL review was not relevant for the Project, as RBT2 is a proposed terminal that will handle containers only, not bulk oil, chemicals, or liquefied gases.	Process and Regulatory Framework
Tsawout-4.3	Concerned that the use of intermediate components (ICs) and valued components (VCs) results in effects to ICs being scoped out if they are below a certain threshold, and are therefore subsequently not considered in the assessment of Aboriginal Current Use.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Explained that the idea of VCs and ICs is to focus the assessment. EA has evolved over the last 40 years and referred to a document from the B.C. Environmental Assessment Office (BC EAO), *Guidelines for VC Selection*. The Project went with the evolution of EA, which incorporates ICs. Added that physical components (i.e., ICs) reflect a change that could have either positive or negative effects on a particular receptor (i.e., VC) depending on the VC's preferences. For example, water quality: some species might like warmer water and others may prefer colder water. It is with the VC a determination of significance is made. Stated that every IC and VC was considered in the assessments undertaken, but if there was no residual effect, the IC or VC would not have been carried into the section concerning current use and rights, as shown in the effects pathway matrix. **26-Aug-2015, Email from the VFPA:** Please refer to EIS Table 8-1 Intermediate Component and Valued Component Linkages. The binders distributed at the workshop included a diagram of VC and IC linkages to demonstrate interlinkages between components. **10-Feb-2017, Letter from the VFPA:** Provide a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0 which describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Addressed in AIEIS Appendix 2-B Table 5 (#34):** The ICs are described in EIS Section 8.0. The ICs are considered to be the components along the pathway through which the effect is transmitted to the receptor (VC) at the end of the effect pathway. The methods applied to assess potential changes of the Project on ICs followed the methods used to assess the potential effects of the Project on the VCs. As such, the existing conditions and the expected conditions of each IC were described, the changes anticipated to result from the Project were predicted, and the cumulative changes that may result from other projects and activities were assessed. If the Project was predicted to result in a change to an IC, this change was used to inform the assessment of other VCs, as relevant. IC and VC assessments were reviewed independently for potential effect pathways on Current Use, and were not scoped out from consideration if these assessments fell "below a certain threshold." A list of IC and VC assessments considered in the Current Use assessment is found in AIEIS Section 7.0. An assessment of potential impacts of the Project on Tsawout First Nation's established treaty rights is included in the AIEIS. The VFPA will continue to consult with Indigenous groups and there will be further opportunities to provide information through the EA process.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods Appendix 8-A Valued Component Selection Rationale 8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 5 Effects Assessment Methods 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-4.4	Concerned with cumulative effects of increased marine shipping in Tsawout traditional territory, including vessel wake, access to fishing, hunting and gathering sites.	25-Jun-2015, Letter	**30-Jun-2015, Letter from the VFPA:** Restated Tsawout's concern with cumulative effects of increased marine shipping and requested to meet to discuss concerns. **24-Aug-2015, Meeting:** The VFPA and Tsawout discussed a cumulative effects study. **11-Sep-2015, Letter from the VFPA:** Offered funding for a study of Tsawout's use of lands and resources in the marine shipping study area of the MSA. **16-Sep-2015, Letter from Tsawout First Nation:** Tsawout accepted the funding. **23-Sep-2015:** Provided a report entitled "Preliminary Traditional Marine and Land Use Baseline Report prepared for Tsawout's Review of the Roberts Bank Terminal 2 Project Marine Shipping Assessment." **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the cumulative effects of marine shipping.	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach
Tsawout-4.5	Stated that is impossible to tell at present how the information was put together to produce the "negligible" findings. Requested a description of the data available to inform the Current Use assessment and the Treaty Rights section.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** "The Agency requested additional information on Port Metro Vancouver's [the VFPA] assessment methodology in AIR #2 Rationale for Effects Characterization."	**Addressed in Response to MSA IR-02.24.16-2:** In relation to the assessment of potential effects of marine shipping associated with the Project on the Current Use by Indigenous groups and potential adverse impacts on their exercise of Aboriginal and Treaty rights, response to MSA IR-02.24.16-2 identifies the receptors of these potential effects and impacts, and provides an explanation of how these potential effects and impacts were determined to be negligible or measurable in the MSA.	**Information Requests** Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)
Tsawout-4.6	Requested that VFPA provide information on the effects of past projects and activities on current use of lands and resources for traditional purposes, and on the exercise of Aboriginal and Treaty rights. Stated that the cumulative effects assessment methodology employed by the proponent is not useful in so far as it restricts the scope of the assessment to only cumulative future effects, without taking into account the effect of past or ongoing projects or activities on the VC. Stated that this methodology is not capable of adequately describing the baseline ability of Tsawout harvesters to undertake marine use activities or exercise their	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375) 20-Jan-2017, Letter	**12-May-2016, Letter from the CEA Agency:** *"The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Tsawout's rights from the Project and marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel. This includes information on Tsawout's experience over time as the environment has changed with the exercise of rights.* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **10-Feb-2017, Letter from the VFPA:** *"Comment #21: The approach to the assessment of cumulative effects on Current Use in the EIS and AIEIS follows the approach adopted for VCs. These methods are described in EIS Section 8.0, and were further explained in the response to IR-7.31.15-13 and AIR-12.04.15-13. The VFPA notes that it is not a requirement of the Updated EIS Guidelines to assess the cumulative effects of other*	**Additional information provided by the VFPA:** **10-Feb-2017, Letter from the VFPA:** *"Comment #19 - As required by the Updated EIS Guidelines, AIEIS Section 7.2.4 describes information, where provided to the VFPA by W̱SÁNEĆ bands, that would assist the Panel in understanding intensity of use. For example, per section 17.5 of the Updated EIS Guidelines, the assessment endeavours to provide information on "types, number, size and capacity of fishing vessels used in the area, gear types, and existing interactions with shipping," "commercial, recreational and aboriginal fisheries statistics (e.g., species, annual catch and number of licences)." The VFPA requested this information from W̱SÁNEĆ bands.* *The Updated EIS Guidelines also requires the assessment to distinguish between interactions that could potentially result in measurable effects from those that are not expected to be measurable (i.e., negligible effects) and why. As described in EIS Section 32.2.5, "Potential Project-related effects to Current Use have…been described based on a qualitative assessment of change from existing conditions," as these were understood by the VFPA at the time of filing. In the responses to AIR-12.04.15-30 and MSA IR-02.24.16-2,*	**EIS** 3.0 Geographical Setting 3.4.1 Projects Contributing to Existing Conditions 3.4.2 Activities Contributing to Existing Conditions 8.0 Effects Assessment Methods 8.1.9.1 Identification of Other Certain and Reasonably Foreseeable Projects and Activities Table 8-8 Project and Activity Inclusion List 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.5 Expected Conditions 32.2.7 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Aboriginal and Douglas Treaty rights, of locating thresholds beyond which they would no longer be able to do so, or predicting future outcomes Commented on Draft RBT2 AIEIS - Pg. 89 Cumulative Effects Assessment (Current Use) The VFPA notes throughout the document that the *WSÁNEĆ* have expressed that cumulative effects within their territory are a priority issue, but the VFPA did not conduct an assessment of cumulative effects on the current use for the *WSÁNEĆ* on the grounds that it predicts no residual effects. We have already noted several problems with the baseline and the assessment approach – for e.g., the failure to assess the secondary impacts of displacement on *WSÁNEĆ* resource use and the ability to exercise rights; misinterpretation of the information provided by the *WSÁNEĆ* to arrive at erroneous conclusions of low levels and frequency of use – which call VFPA's rationale into question. The VFPA's cumulative effects approach is narrowly project-specific and should include a historical baseline. It doesn't take into the consideration the extensive cumulative effects that have occurred within *WSÁNEĆ* marine territory in living memory, or the *WSÁNEĆ* perspectives on those changes, or on the demonstrated impacts those changes have had on *WSÁNEĆ* culture. It is recommended that the WNA should include a section where the VFPA describes, in alignment with *WSÁNEĆ* knowledge, changes in the environment and ability to use and exercise rights within the area around the Project. Such a section should include the original port, development of the Tsawwassen terminal, expansion of existing facilities, signing of the Tsawwassen agreement, etc.… The Project		*projects and activities (past, present, or future) unless the Project itself is expected to contribute to those cumulative effects; however, changes over time were considered in the assessment, as those cumulative effects over time are reflected in existing conditions that are seen today. A description of cumulative effects to date on components of the natural environment upon which Current Use depends can be found in Part 3 of the response to AIR-12.04.15-13, Schedule 13.* *All information provided by WSÁNEĆ to the VFPA regarding WSÁNEĆ perspectives on cumulative effects in WSÁNEĆ marine territory over time has been described in existing conditions sections of the MSA and the AIEIS. This information includes WSÁNEĆ perspectives on changes to the environment and ability to use and exercise rights within and around the Project.* *While potential Project-related incremental effects on Current Use by WSÁNEĆ are not predicted in the AIEIS based on limited reported use of the Project area (see response above to Comment #19 regarding levels and frequency of use), the AIEIS assessed potential effects for WSÁNEĆ based on potential future use (i.e., their expressed desire to restore or increase use based on past use), and therefore applied the mitigation measures described in EIS Section 32.2.7 to the WSÁNEĆ. As these measures are expected to be effective, there are no measurable residual effects predicted that could contribute to cumulative effects in the future. In accordance with the methodology for the assessment, an assessment of future incremental cumulative effects was therefore not carried out. The VFPA wishes to emphasise that the measures identified in EIS Section 32.2.7, and applied in the AIEIS, include measures that would serve to confirm the conclusions of the Current Use assessment (i.e., as a means of monitoring circumstances during Project construction and operation, through ongoing engagement with WSÁNEĆ bands).* *With regard to cumulative effects considerations in the EIS as a whole, the other projects and activities, including shipping activities, considered in relation to cumulative effects (where such effects were identified on VCs) are identified in EIS Section 8.0 (Table 8-8). As described in EIS Section 32.2.5, projects that had been or were being carried out in the assessment area at the time of writing the EIS were considered for their contribution to the existing conditions of Current Use, which reflect the cumulative effects to date of those past and present projects and activities. These projects and activities are described in EIS Sections 3.4.1 and 3.4.2, which describes the history of development in the Project area, and includes the projects and activities referenced in the comment. The incremental marine shipping associated with the Project (i.e., marine traffic outside VFPA jurisdiction) was also considered in the cumulative effects*	*the qualitative nature of this assessment is further explained, providing clarification on the meaning of "negligible" and "measurable" in the Current Use assessment. Cross-references to these responses are provided in AIEIS Sections 7.2.6 and 7.3.2.* *With regard to the use of "infrequent" and "low levels" in the AIEIS, the AIEIS employs this terminology specifically in relation to crab harvesting for traditional purposes by WSÁNEĆ (see AIEIS Sections 7.2.6.1, p. 84 and 7.2.6.4, pp. 86 and 87). As described in the WSÁNEĆ Study and recounted in AIEIS Section 7.2.4, one WSÁNEĆ harvester reported a crab fishing area in the WSÁNEĆ Study's local study area that he said he frequented with his grandfather. The band affiliation of this harvester was not identified in the WSÁNEĆ Study. As also reported in AIEIS Section 7.2.4, Tseycum First Nation informed the VFPA that they have harvested crab in the Tsawwassen Water Lots on either side of the BC Ferries Terminal causeway, and that they require a Tsawwassen First Nation Member to be with them while using these areas. Specific information about how many crab may have been harvested at Roberts Bank, while requested, was not provided, but the context of the information suggested it was not occurring at a frequency or at levels that would be expected to experience a measurable displacement effect based on information available to the VFPA. See AIEIS Section 7.2.6.1 and the response to AIR-12.04.15-30 for further details.* *Comment #25: The VFPA acknowledges and is in agreement with the comment that there are multiple definitions and concepts of Indigenous traditional knowledge (ITK), as stated in the responses to IR-7.31.15-08 and MSA IR-02.24.16-04.* *As also stated in these responses, the EIS and MSA (as well as the AIEIS and AIMSA) were prepared in consideration of all forms of information from Indigenous groups, including knowledge about the environment itself (defined for the purposes of this EIS as ITK), as well as knowledge about past effects on the environment, cumulative change, risk, notions of health, etc. This knowledge is included and referenced throughout the EIS, MSA, AIMSA, and AIEIS.* *The WSÁNEĆ bands were invited to provide any information they wished to share with the VFPA, and all information provided was considered and incorporated into the MSA, and the AIEIS."*	32.2.5 Expected Conditions **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.4 Existing Conditions 7.2.6 Future Conditions with the Project – Potential Project-Related Effects 7.3.2 Results of the Rights Assessment **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	assessment should include, at the very least, within its cumulative effects assessment, its own project marine shipping contiguous with the Project area.		*assessment for the Project for those VCs and components for which residual Project effects were predicted.* *See the response below to Comment #25 regarding the integration of ITK in the EIS and AIEIS."*		
Tsawout-4.7	Commented on Draft RBT2 AIEIS - Re: Input to VCs and links to rights Table 7.1 presents the VFPA's interpretation of the relationship between the valued components (marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, marine commercial use, outdoor recreation, visual resources, human health, and archaeological and heritage resources) of the assessment and Aboriginal rights, but it likely does not represent *WSÁNEĆ* perspectives on these issues. Further, since *WSÁNEĆ* were engaged after the EA process began, they had no input into the selection of Valued Components. It is recommended that the VFPA consult with the *WSÁNEĆ* to better understand the relationship between the valued components and their understanding of their rights.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #23: With regard to the concern that WSÁNEĆ were not consulted on the selection of VCs, please see the response above to Comment #2.* *As described in the AIEIS, the VFPA has indicated a desire to continue to consult the WSÁNEĆ in relation to the Project (see AIEIS Sections 7.2.7 and 7.3.3). Part of this ongoing consultation includes this review and comment on the AIEIS prior to submission to the CEA Agency and the Panel. This review process and other parallel VFPA engagement efforts with WSÁNEĆ bands are intended to provide an opportunity to present the perspectives referenced in the comment. The VFPA remains open to receiving specific information from WSÁNEĆ regarding their perspectives on the relationship between VCs and their asserted or established rights."*	**Addressed in AIEIS Section 2.3:** AIEIS Section 2.3 summarises the engagement and consultation process undertaken for the EIS, AIEIS, and MSA with the *WSÁNEĆ* bands. **Additional information provided by the VFPA:** **10-Feb-2017, Letter from the VFPA:** *"Comment #2: In response to this comment, the referenced section of the AIEIS has been revised to read "In August 2015, the VFPA was engaged in discussion with each of the WSÁNEĆ bands regarding marine shipping associated with the Project outside of the VFPA's jurisdiction.* *During consultation with the WSÁNEĆ bands in support of preparation of the MSA, some expressed an interest in being consulted on the Project itself, and the associated environmental assessment."* *As described in AIEIS Section 2.3, the WSÁNEĆ bands were each contacted by the VFPA in early 2014 and invited to participate in consultation related to RBT2. As no response was received by the VFPA, and as the CEA Agency had not included the WSÁNEĆ bands in the list of Indigenous groups in the EIS Guidelines issued in January 2013, the WSÁNEĆ bands were not included in the phases of consultation prior to EIS submission. These phases included the 'Project Description Engagement and Consultation' phase, and the 'EIS Development Engagement and Consultation' phase. The activities that took place during these phases of consultation are described in EIS Section 7.2. AIEIS Section 2.3 has been revised as requested to include this information.* *By way of providing the draft AIEIS for review, the VFPA has provided the opportunity for individual bands to comment on the statements in the AIEIS related to consultation."*	**EIS** 7.2 Aboriginal Groups Consultation and Engagement 7.2.1 Engagement and Consultation Process Overview 7.2.2 Pre-EIS Submission Consultation and Engagement 7.2.2.2 Project Description Engagement and Consultation 7.2.2.3 EIS Development Engagement and Consultation **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.3 Engagement and Consultation Process 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.7 Mitigation Measures (Current Use) 7.3.3 Mitigation Measures (Rights)
Tsawout-4.8	Commented on Draft RBT2 AIEIS - Pg. 100 Aboriginal Traditional Knowledge There is no "official" definition of ATK as noted on p. 100 and in response to EIS IR-80 because none is needed. the CEA Agency themselves noted this in their guidance document which the VFPA refers to. There are dozens, if not hundreds, of definitions of traditional knowledge. In other sectors of EA, practitioners would be reasonably expected to draw on their professional knowledge of the academic literature on a subject (fisheries, for e.g.)	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #25: The VFPA acknowledges and is in agreement with the comment that there are multiple definitions and concepts of ITK, as stated in the responses to IR-7.31.15-08 and MSA IR-7.31.15-04.* *As also stated in these responses, the EIS and MSA (as well as the AIEIS and AIMSA) were prepared in consideration of all forms of information from Indigenous groups, including knowledge about the environment itself (defined for the purposes of this EIS as ITK), as well as knowledge about past effects on the environment, cumulative change, risk, notions of health, etc. This knowledge is included and referenced throughout the EIS, MSA, AIMSA, and AIEIS.* *The WSÁNEĆ bands were invited to provide any information they wished to share with the VFPA, and all*	**Addressed in Response to IR-7.31.15-08:** The Canadian Environmental Assessment (CEA) Agency interim principles on considering ITK in EAs (CEA Agency 2015) were considered in the development of the EIS, and in the development of the response. As stated in the interim principles, there is no one universally accepted definition of ITK. The interim guidelines refer to ITK generally as 'knowledge that is held by, and unique to, Indigenous peoples'. ITK is also described as 'a body of knowledge, built up by a group of people through generations of living in close contact with nature. ITK is cumulative and dynamic. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change'. The term traditional ecological knowledge refers to a subset of ITK that is primarily concerned with the environment (CEAA 11 Agency 2015). In the absence of an official definition of ITK, the EIS was developed based on the CEA Agency's interim principles. For the purposes of the EIS, ITK refers to knowledge about the natural environment and is	**EIS** 7.2.1.7 Collection of Aboriginal Traditional Knowledge **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-7.31.15-04 of CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	(Comment abridged for purposes of tabulation.) The important thing about all these definitions is that they make it clear that traditional knowledge is about much more than just environmental knowledge, as VFPA has used it (p. 101). The VFPA's approach to inclusion of traditional knowledge reduces W̱SÁNEĆ knowledge into a series of what Nadasdy (2003) has called "TK nuggets" to be dropped devoid of context into a spreadsheet. But TK also includes embedded cultural notions of acceptable risk, cumulative change over time, management practices, notions of health and wellness, etc., the W̱SÁNEĆ hold considerable knowledge and expertise on these subjects.		*information provided was considered and incorporated into the MSA, and the AIEIS."*	synonymous with TEK. ITK in the EIS refers to information provided by Indigenous groups *specifically about* an IC or VC. This is distinguished from other types of information provided by Indigenous groups, such as information about the *use of* a resource or component by Indigenous groups (considered to be 'Current Use') and *concerns about effects to* a resource or component, expressed by Indigenous groups in consultation or other documentation (considered to be 'interests and issues'). The overall approach taken for collection and integration of ITK is described in EIS Section 7.2.1.7.	
Tsawout-4.9	Commented on Draft RBT2 AIEIS - It is impossible for a Proponent to undertake an impact assessment on their current and traditional use and exercise of Douglas Treaty and other rights without giving the communities co-authorship of the analysis/ interpretation of results.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #26: As described in AIEIS Section 2.0, the VFPA provided funding to each W̱SÁNEĆ band for a traditional use study and for participation in consultation, engaged in ongoing consultation with the W̱SÁNEĆ Nation throughout the development of the AIEIS, and provided a full draft of the AIEIS for review. Through these measures, the W̱SÁNEĆ Nation was provided the opportunity for input to the AIEIS, including the analysis and interpretation of results."*	**Addressed in AIEIS Section 2.0:** In support of Project planning and for information-gathering purposes, the VFPA has provided or offered funding support to ensure the ongoing participation of the W̱SÁNEĆ Nation in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding Current Use and ITK. As a result of these engagement and consultation activities, each of the W̱SÁNEĆ bands has provided traditional use information relating to the Project area (see AIEIS Section 7.0).	**AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.3 Engagement and Consultation Process

Table 5: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-5.1	Stated that the VFPA has not consulted Tsawout First Nation to establish an engagement approach. Requested a meaningful engagement process. Stated that there are some shortcomings with the Consultation Plan document and they would like to meet with the VFPA to discuss. Stated that Tsawout would respond to the Consultation Plan with written comments.	25-Jun-2015, Letter 15-Mar-2016, Letter 25-May-2017, Letter 19-Jun-2017, Meeting	**30-Jun-2015, Letter from the VFPA:** Requested to set up a time to meet to discuss concerns. **24-Aug-2015, Meeting:** The VFPA met with Tsawout First Nation and discussed its proposed consultation activities in relation to the Project and noted its interest in getting feedback from Tsawout on these suggested activities. **23-Mar-2016, Letter from the VFPA:** The VFPA shares Tsawout First Nation's commitment towards a meaningful engagement process. 22-Feb-2015, 18-Aug-2016 and 10-Jan-2017, the VFPA shared with Tsawout a draft Consultation Plan for discussion. The VFPA asked for Tsawout's comments and thoughts on the draft stating that the VFPA would like for the draft to reflect Tsawout's interests. **05-Sep-2017, Email from the VFPA:** The VFPA followed-up with Tsawout to see if they had a chance to review and comment on the Consultation Plan. No response has been received.		
Tsawout-5.2	Requested clarification concerning VFPA's role as a regulator and as a proponent, and whether the VFPA is acting as the Crown in consultations for RBT2. Asked whether the Crown is planning on consulting with the Saanich groups, or whether they are discharging their duty to consult to the VFPA.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations 15-Mar-2016, Letter	**26-Nov-2015, Workshop:** Responded that the VFPA reports to the [federal] Minister of Transport. Responded that the CEA Agency is the Crown consultation coordinator. Offered to provide the contact information for the CEA Agency. Added that the Panel review is a good opportunity to raise these concerns. The Panel will result in recommendations being made to Ministers. **26-Apr-2016, Email from the VFPA:** Post-meeting note: The CEA Agency is responsible for Crown consultation under the CEA Agency process. The VFPA is the proponent for the RBT2 Project. Federal powers, duties, or functions that may be exercised with respect to the Project, and the federal departments and agencies involved in the EA process are identified in Section 6.0 in the EIS. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 3 (#18):** The Project is undergoing an EA led by the CEA Agency, which is also the Crown consultation coordinator. As the proponent for the proposed Project, the VFPA is conducting Indigenous consultation and engagement as directed by the CEA Agency. The BC EAO has stated that it will actively participate in the federal panel process and will coordinate its assessment and consultation with the federal process where possible. The federal decision maker for the Project is either the Minister of Environment and Climate Change or Governor in Council, taking into account the report of the three-member Review Panel. The Executive Director of the BC EAO will rely principally on the Review Panel's report, along with additional information, to make a recommendation to two provincial Ministers: The Minister of Environment and Minister of Transportation and Infrastructure. The Ministers will then decide whether to issue an EA certificate. The EA and permitting process is described in Section 6.0 of the EIS. On completion of the EA, if the Project were to proceed, it would require a VFPA project permit. Under the *Canada Marine Act*, the VFPA has been delegated the authority to manage specified federal lands and waters and therefore conducts Indigenous consultation on behalf of Transport Canada when operations or developments on those lands and waters have the potential to adversely impact asserted or established Aboriginal or treaty rights. The VFPA would consult and, where appropriate accommodate, Indigenous groups prior to issuing a project permit. Consultation relating to VFPA project permit would relate to those aspects of the Project not already considered as part of the CEA Agency's EA. AIEIS Section 2.0 describes the engagement process undertaken by the VFPA with the *W̱SÁNEĆ* groups in support of this document.	**EIS** 6.0 Environmental Assessment and Permitting Process 7.0 Engagement and Consultation **MSA** 5.0 Aboriginal Groups Engagement and Consultation **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation Appendix 2-B Issues and Interests, Table 3 Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Details regarding the engagement and consultation program with Indigenous groups initially consulted in preparation of the EIS are provided in EIS Section 7.0. Details regarding the engagement and consultation program associated with the MSA, including previous and future planned engagement and consultation with the *W̲SÁNEĆ* groups, are provided in MSA Section 5.0. The VFPA shares Tsawout First Nation's interest in a meaningful engagement process and is working with Tsawout First Nation to develop a consultation workplan that meets the needs of Tsawout First Nation.	
Tsawout-5.3	Stated that the VFPA timelines are unreasonable. Requested an extension to the timeline. Reiterated request to discuss timeline for input. Requested an extension of the timeline to complete a Traditional Use Study to August 1, 2016.	25-Jun-2015, Letter 30-Jul-2015, Letter 24-Aug-2015, Meeting	**17-Sep-2015, Email from the VFPA:** Agreed to extension to 21-Sep-2015 for the provision of a summary of Tsawout First Nation's current use, Douglas Treaty Rights and Aboriginal rights and title within the marine shipping area. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#7):** The VFPA acknowledges the challenges associated with participating in consultation during summer months, and as such has been in contact with each Indigenous group about their desire to provide comments or additional information, and has extended timelines for participation into the fall in order to accommodate these expressed interests to participate. **Addressed in MSA Appendix 5-B (#8):** Concern is noted. The VFPA considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** Appendix 5-B Aboriginal Issues and Interests
Tsawout-5.4	Stated that the VFPA participation funding offer is unreasonable. Requested additional participation funding. Criticised the VFPA's use of NEB TMX materials for Tsawout Current Use. Reiterated request to discuss capacity funding. Noted interest in funding for cumulative effects study and MTUS. Acknowledged offer of funding from the VFPA, but requested more funding to complete MTUS work. Requested funding to study current and traditional use within Tsawout territory and potential impacts associated with the Project as well as funding for initial engagement. Requested funding to gather further information to be included in the marine shipping addendum, to respond to the	25-Jun-2015, Letter 30-Jul-2015, Letter 24-Aug-2015, Meeting 02-Sep-2015, Letter 16-Dec-2015, Letter to the CEA Agency (CEAR Document #375) 15-Mar-2016, Letter 14-Apr-2016, Letter 19-Jun-2017, Meeting with Chief, Councillor, Administrative and Consulting Staff	**26-May-2015, Letter from the VFPA:** Offered funding for participation regarding Marine Shipping associated with the Project. **11-Sep-2015, Letter from the VFPA:** Offered funding for a study of Tsawout's use of lands and resources in the marine shipping study area of MSA. **16-Sep-2015, Letter from Tsawout First Nation:** Tsawout accepted the funding. **23-Sep-2015:** Provided a report entitled "Preliminary Traditional Marine and Land Use Baseline Report prepared for Tsawout's Review of the Roberts Bank Terminal 2 Project Marine Shipping Assessment." **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses. **23-Mar-2016, Letter from the VFPA:** Stated that in response to requests for additional funding from Tsawout First Nation and other Saanich Nations, the VFPA is prepared to increase its funding offer to support research, study work and engagement over the next phase. **22-Aug-2016, Letter from the VFPA:** Offered funding for Traditional Use Study and participation and engagement. Tsawout accepted the funding.	**Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of Current Use (MSA Section 9.5). **Addressed in MSA Appendix 5-B (#7):** The VFPA acknowledges the challenges associated with participating in consultation during summer months, and as such has been in contact with each Indigenous group about their desire to provide comments or additional information, and has extended timelines for participation into the fall in order to accommodate these expressed interests to participate. **Addressed in MSA Appendix 5-B (#8):** Concern is noted. The VFPA considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation Appendix 5-B Aboriginal Issues and Interests 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	information requests from the CEA Agency. Requested further funding to support the CEA Agency's request. Suggested capacity funding for a marine biologist to review some of the IRs on behalf of all the *W*SÁNEĆ bands to advise them on the interpretation of the technical information.		**03-Oct-2016, Email from Tsawout:** Attached "*W*SÁNEĆ Traditional Use Study of the Roberts Bank Terminal 2 Project: DRAFT Preliminary Data Summary." **24-Oct-2017, Letter from the VFPA:** Offered additional funding for participation in consultation activities for the RBT2 Project. **30-Oct-2017, Letter from Tsawout First Nation:** Accepted additional funding.		
Tsawout-5.5	Asked whether or not the design of the Project is final.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Presented the alternative design options in the workshop. Explained that several location, orientation, layout and configuration alternatives were considered and assessed for the marine terminal (including berth pocket and marine approach areas), causeway, rail and road corridors, and the tug basin. **12-Dec-2017, Meeting:** The VFPA met with Tsawout First Nation to discuss lessons learned from DP3 and the RBT2 Follow-up Program.	**Addressed in EIS Section 4.0:** EIS Section 4.0 describes the Project components as designed in the Preliminary Engineering phase and as assessed in this EIS. Final designs and construction methodology will be produced and determined by the chosen Terminal Operator Concessionaire and Infrastructure Developer upon Project approval, and as such may vary slightly from those described in this section. Any design or construction changes will be required to meet any commitments made by the VFPA, or conditions stipulated during the EA and regulatory review process.	**EIS** 4.0 Project Description
Tsawout-5.6	Disagreed that the level to consult with Tsawout is moderate for marine shipping. Stated that in the Trans Mountain Expansion Project, which has a similar marine shipping route to the Roberts Bank Project, the Crown acknowledged Tsawout's established s. 35 rights, and that deep consultation by the Crown with Tsawout would be required. Requested deep consultation. Stated that the Crown must consult with Tsawout, not only in respect of the marine shipping component of the Project but on the Project itself. Stated that the Crown's proposed Consultation Plan is wholly inadequate and is not consistent with a nation-to-nation relationship between Tsawout and the Crown.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**02-May-2016, Letter from the CEA Agency:** *"Thank you for your comment. The Agency directed [the] Vancouver Fraser Port Authority (then Port Metro Vancouver) to consult with Tsawout on the effects of the Project on January 13, 2016."*	**Addressed in MSA Section 1.0:** The MSA has been developed in accordance with the "*Updated Guidelines for the Preparation of an Environmental Impact Statement*" issued by the CEA Agency on April 17, 2015. **Addressed in AIEIS Section 2.0:** AIEIS Section 2.0 describes the engagement process undertaken by the VFPA with Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation (collectively, the *W*SÁNEĆ Nation) regarding the Project. **Additional information provided by the VFPA:** The CEA Agency provided additional instructions to the VFPA to consult with Tsartlip First Nation regarding the Project on January 13, 2016. The VFPA has been in touch with Tsawout First Nation regarding the Project and associated marine shipping since February 2014.	***Updated Guidelines for the Preparation of an Environmental Impact Statement*** **(CEAR Document #177)** **MSA** 1.0 Introduction **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation
Tsawout-5.7	Commented on Draft RBT2 AIEIS - Pg. 8 Consultation	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #25: In response to this comment, the referenced section of the AIEIS has been revised to read*	**Addressed in AIEIS Section 2.3:**	**EIS**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	The VFPA states that "In August 2015… During consultation with the *W̲SÁNEĆ* groups in support of preparation of the Marine Shipping Addendum, some expressed interests related to the Project." For the sake of clarity, the *W̲SÁNEĆ* have expressed in many ways over the decades that the VFPA's facilities are within their traditional territory. The VFPA lays out a timeline of consultation on pages 3-16 which describes the communications activities it undertook with the *W̲SÁNEĆ*. For clarity, this account should include a description of the assessment processes that the *W̲SÁNEĆ* did not have input into, such as the selection of VC's, opportunities to shape the assessment methodology, etc. In addition, there are a number of statements in the document related to consultation that may require confirmation or additional information from the individual bands themselves.		*"In August 2015, the VFPA was engaged in discussion with each of the W̲SÁNEĆ bands regarding marine shipping associated with the Project outside of the VFPA's jurisdiction. During consultation with the W̲SÁNEĆ bands in support of preparation of the Marine Shipping Addendum, some expressed an interest in being consulted on the Project itself, and the associated environmental assessment."* *As described in AIEIS Section 2.3, the W̲SÁNEĆ bands were each contacted by the VFPA in early 2014 and invited to participate in consultation related to RBT2. As no response was received by the VFPA, and as the CEA Agency had not included the W̲SÁNEĆ bands in the list of Indigenous groups in the EIS Guidelines issued in January 2013, the W̲SÁNEĆ bands were not included in the phases of consultation prior to EIS submission. These phases included the 'Project Description Engagement and Consultation' phase, and the 'EIS Development Engagement and Consultation' phase. The activities that took place during these phases of consultation are described in EIS Section 7.2. AIEIS Section 2.3 has been revised as requested to include this information.* *By way of providing the draft AIEIS for review, the VFPA has provided the opportunity for individual bands to comment on the statements in the AIEIS related to consultation."*	AIEIS Section 2.3 summarises the engagement and consultation process undertaken for the EIS, AIEIS, and MSA with the *W̲SÁNEĆ* bands.	7.2 Aboriginal Groups Consultation and Engagement 7.2.1 Engagement and Consultation Process Overview 7.2.2 Pre-EIS Submission Consultation and Engagement 7.2.2.2 Project Description Engagement and Consultation 7.2.2.3 EIS Development Engagement and Consultation **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.3 Engagement and Consultation Process

Table 6: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-6.1	Requested confirmation that the VFPA does not have any idea about the procedural aspects of the panel before it is struck. Asked whether or not it will be like Kinder Morgan's Trans Mountain Expansion (TMX) Project. Asked if the Terms of Reference (TOR) explain how evidence is examined.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Noted that the final terms of reference for the Panel are posted on the registry, and then the panel determines the process for carrying out the hearings and making decisions. Explained that the TMX review is different as it is undergoing the National Energy Board (NEB) process. Confirmed that the TOR explains how evidence is examined, and that the process is entirely up to the panel. **26-Apr-2016, Email from the VFPA:** Post-meeting note: Please see the updated *EIS Guidelines*: http://www.ceaa-acee.gc.ca/050/documents/p80054/101303E.pdf and the Panel Terms of Reference http://www.ceaa-acee.gc.ca/050/documents/p80054/101301E.pdf or contact the CEA Agency for more information related to process. Questions regarding the EA process can be directed the Crown Consultation Coordinator at the CEA Agency.		
Tsawout-6.2	Concerned that it will be easier to build an additional terminal at Roberts Bank in the future due to the environmental assessment and permitting completed for RBT2. Concerned that shipping will continue to increase and affect the environment. Concerned that when capacity is no longer adequate at RBT2, the VFPA will expand the terminal or build a new terminal.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that any new projects coming on line would have to do an assessment of their activity. A past project is not able to do an assessment that covers all future assessments. Stated that the Port of Vancouver is one piece of a supply chain that goes across Canada, and is not involved in the decisions made by others within the supply chain. The VFPA's mandate is to facilitate trade, and provide the ship to shore transfer of goods. Railways, transportation hubs, etc. are beyond the VFPA's jurisdiction is outside the VFPA's mandate. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 2 (#13):** Additional shipping in the future is taken into account in the cumulative effects assessments. Marine vessel traffic projections for certain and reasonably foreseeable projects (EIS Table 8-8) are sourced from EIS Appendix 30-A. Projects on the list were included as of October 1, 2013. The VFPA has no plans for expansion at Roberts Bank beyond the proposed Project. The VFPA will continue to monitor the growth of container traffic through the Pacific Gateway, and will consider all available options to deliver additional capacity as it is required. Any future development at Roberts Bank would be subject to project-specific environmental approvals as appropriate.	**EIS** 2.0 Project Overview 2.2.5 Current Canadian West Coast Container Traffic Forecasts 2.2.5.2 North American Container Port Demand 2.2.5.4 Trends in Container Shipping 2.2.6 The Container Capacity Improvement Program: Meeting Increasing Demand for Containerised Trade 8.0 Effects Assessment Methods 8.1.9 Cumulative Effects Assessment Table 8-8 Project and Activity Inclusion List 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment; Table B-2 and Table B-3 **AIEIS** Appendix 2-B Issues and Interests, Table 2 Project Planning, Development, and Implementation
Tsawout-6.3	Criticised the use of representative species.	27-Nov-2015, EIS Results	**27-Nov-2015, Workshop:** Responded that a series of workshops over six months were undertaken with Indigenous groups, the CEA Agency	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0 which describes the overall 3-step VC selection process, including the	**EIS**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that the Site C Panel stressed the importance of studying species that align with current use and are tied to Aboriginal or treaty rights. Concerned that assessing a representative species does not equate to assessing the represented species themselves. Commented that the concept of a representative species is a culturally laden idea.	Workshop #2 – Saanich Nations	and the federal regulators to determine the representative species. Stated that Eulachon was not raised in these workshops, but crab and salmon were heard more frequently. Stated that the justification for why each VC and representative species was chosen is provided in the EIS, and specific answers are provided for sockeye and eulachon. Stated that a number of specialists that worked on the EIS also were involved in the Site C assessment. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0 Marine Fish. **Addressed in EIS Section 8.0:** Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for the ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. **Addressed in AIEIS Appendix 2-B Table 5 (#35):** The rationale for relying on representative species in the assessment is described in EIS Section 8.0. Subsequent to VC selection, VC sub-components were identified to further structure and streamline the assessment as appropriate. For example, for biophysical VCs, sub-component species or groups were chosen for their ability to represent other species that are similar in nature, occupy comparable types of habitats, serve similar ecological roles, or could otherwise be affected by the Project in an analogous way. In selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, during consultation and engagement, and assessment planning. Additional information on representative species was provided in the response to AIR-12.04.15-09. This response provides rationale for the selection of each representative species, including why each one is an appropriate proxy for other species, both in the characterisation of existing conditions as well as the assessment of effects, including cumulative effects where applicable. **Addressed in Information Request Package 5 – Preamble to the IR5 Representative Species Grouping:** Representative species are considered in terms of the biological and ecological similarities they share with other species within the sub-component, and for potential similarities in how the Project may interact with and affect them. In some cases, biological attributes may differ within a sub-component grouping, but their interactions with the Project and mechanisms contributing to potential effects from the Project are considered to be analogous. As a result, the VFPA selected representative species for each sub-component for which sufficient information is known, in order to provide an assessment that considers all potential interactions and Project-related effects. For example, substantial information exists for the southern resident killer whale (SRKW) (the representative species used for toothed marine mammals) and much less so for the transient killer whale. While there are some biological differences between the two, they are	Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process Appendix 8-A Valued Component Selection Rationale **AIEIS** Appendix 2-B Issues and Interests, Table 5 Effects Assessment Methods **Information Requests** Response to Information Request #09 (AIR-12.04.15-09 of CEAR Document #388) Information Request Package 5 – Preamble to the IR5 Representative Species Grouping (CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				considered the same species; both rely on underwater noise for prey detection; and potential Project effects and mitigation measures are the same. In this example, it would be both impractical and inefficient to undertake an assessment on both species as the conclusions of the assessment would be the same. Moreover, in selecting representative species, or in some cases species groups, consideration was given to species of specific importance to regulatory agencies, Indigenous groups, and the public, as identified by community knowledge and ITK, and during consultation and engagement, and assessment planning. This approach was taken as it would be impractical to characterise existing conditions and assess effects on every species that may frequent the Roberts Bank area. In this way, the use of VCs, sub-components, or representative species improves the effectiveness and efficiency of assessment by focusing on the key Project interactions.	
Tsawout-6.4	Asked whether or not regulators (for e.g. DFO) provide guidance regarding the thresholds for effects assessment.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Responded that there are specific thresholds for contaminants, and there may be thresholds for underwater noise in the future. Stated that there is no threshold for changes in productivity. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in EIS Table 13-10:** EIS Table 13-10 summarises the assessment of the impact to productivity, and defines the thresholds used to evaluate whether an impact is negligible or minor. **Addressed in AIEIS Appendix 2-B Table 5 (#32):** As required in the *EIS Guidelines* (part 2, section 13), the EIS presents a detailed analysis of the significance of the residual environmental effects on VCs, which is consistent with the approach described in the CEA Agency's Reference Guide Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects. As stated in EIS Section 7.0, regulatory bodies, including Fisheries and Oceans Canada (DFO), participating in the Technical Advisory Group process provided input on the definition of, and methods to assess and determine, the significance of potential effects (SRKW Technical Advisory Group only). The threshold of significance is defined for each VC, taking into consideration any relevant applicable quantifiable thresholds that may be established by regulation or policy (e.g., an air or water quality limit), as well as the resilience of the VC and other factors that influence the long-term sustainability of the VC (e.g., factors affecting its population). In this regard, the key "barometer" of significance determination is usually the long-term integrity or sustainability of the VC. The EIS describes a range of residual (adverse environmental) effects of the Project, including some that are predicted to be negligible and reversible and some that are predicted to be not reversible, not significant, or (in the case of marine mammals) significant.	**EIS** 7.0 Engagement and Consultation 7.4 Technical Advisory Group Process (2012 to 2013) 8.0 Environmental Assessment Methods 13.0 Marine Fish 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish **AIEIS** Appendix 2-B Issues and Interests, Table 5 Effects Assessment Methods
Tsawout-6.5	Asked whether Project-related marine shipping was included in the assessment. Concerned with the distinction in the environmental assessment process.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that Project shipping was included in the cumulative effects assessment as a reasonably foreseeable activity. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 4 (#30):** The environmental effects of marine shipping associated with the Project that is beyond the care and control of the proponent and extending to the 12 nautical mile limit of Canada's territorial sea ("marine shipping associated with the Project"), were assessed in the MSA, in accordance with the requirements of the *EIS Guidelines*. Marine shipping in the vicinity of the Project is considered in the EIS in two ways:	**AIEIS** Appendix 2-B Issues and Interests, Table 4 Environmental Assessment Process and Regulatory Framework

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				1. The effects of vessel traffic related to the Project, travelling within the VFPA 's jurisdiction, were assessed in the EIS as Project-related effects; and 2. The cumulative effects of Project-associated vessel traffic, travelling outside of the VFPA's jurisdiction, were further considered in the cumulative effects assessments in the EIS (see Table 8-8).	
Tsawout-6.6	Expressed frustration at the review panel process, which relies on the review of three people.	30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Stated that the review panel takes into consideration the comments made during different review periods and First Nations can apply to present to the review panel. Stated that the panel has a serious responsibility to take those comments into consideration.		

Table 7: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-7.1	Interested in the details of the monitoring and follow-up program: • Specific to salmon • Specific to noise. Suggested to include the Aboriginal populations who will be affected by the Project to enable a robust monitoring program that can incorporate their values, perspectives and knowledge in a way the EIS process fails to do. Stated that noise and vibration, sound and visual effects are examples where data can be gathered through community monitoring programs and citizen science projects. Stated that hand held noise monitoring that could be part of a monitoring program can also create employment for people. Noted literature and examples from Europe where this kind of monitoring has been successful.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Responded there will be construction compliance monitoring to ensure that during construction, all the guidelines for water quality and noise are met. The VFPA has also committed to a follow-up monitoring program that is still being developed and for which input, and involvement is being sought to meet the needs of Indigenous groups and address concerns. Stated that the intent of the monitoring is to test EIS predictions and see that they're unfolding as predicted, and to look for early warning signs to adapt to unexpected changes. Noted that the VFPA has a strong track record with adaptive management. DP3 had a successful eight-year adaptive management strategy implemented that was successful. Responded that the details of the follow-up monitoring plan have not yet been drafted, which means people can have their input integrated into the plan. Stated that if Tsawout has suggestions, please share them. The VFPA would appreciate hearing of good examples of programs that have worked well. Responded part of the Current Use section of the EIS speak to not only the participation of Indigenous groups in the monitoring and follow-up programs but also community participation in the development of those monitoring follow-up programs. It's contained within the mitigation measures subsection of EIS Section 32.0. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 5 (#36):** Each technical appendix produced to support the RBT2 assessment includes a section documenting the points of uncertainty and limitations pertaining to the study. Each effects assessment section of the EIS includes information on data quality and reliability, and any uncertainty or gaps in knowledge associated with the existing conditions of each VC. The effectiveness of identified mitigation measures, as well as any uncertainty regarding their effectiveness, is described. The level of confidence in each residual effect prediction considers the level of uncertainty associated with both the significance and likelihood determinations. Each assessment section presents the nature and source of any uncertainty that lowers the level of confidence in the residual effect prediction. The VFPA is committed to developing and implementing a Follow-up Program for RBT2. The purpose of the RBT2 Follow-up Program is to verify the accuracy of residual effect predictions made in this EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. As described in EIS Section 33.0, the Follow-up Program will also report on implementation of mitigation measures resulting from Indigenous engagement, which will include the following: • Verification of predictions of environmental effects with respect to Indigenous people, as well as residual effects that could not be addressed within the context of the EA; • Determination of the effectiveness of mitigation measures as they relate to environmental effects with respect to Indigenous people; • Support for the implementation of adaptive management measures to address previously unanticipated adverse environmental effects with respect to Indigenous people, or unanticipated adverse effects to Aboriginal or treaty rights; • Verification of the measures identified to prevent and mitigate potential adverse effects of the Project on potential or established Aboriginal rights; and • Provision of information that can be used to improve and support future EAs and Indigenous engagement processes.	**EIS** 8.0 Effects Assessment Methods 8.1.4 Description of Existing Conditions 8.1.6 Mitigation Measures 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment 32.3.3 Mitigation Measures 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 5 Effects Assessment Methods
Tsawout-7.2	Requested the VFPA to describe follow-up programs for current use and Aboriginal and Douglas Treaty rights. Stated that there is not enough context information provided on the characterization of residual effects (certainty, confidence, etc.) or on the proposed mitigations to determine whether or not follow-up programs may be warranted.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375) 28-Jul-2016, Issues Workshop – Island Nations	**12-May-2016, Letter from the CEA Agency:** "The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review." **28-Jul-2016, Workshop:** Other consultation mechanisms have been identified to continue engagement with Indigenous groups regarding monitoring and follow-up programs for resources that are relied upon for use. The opportunity for future VFPA-Indigenous group collaboration has been identified. **12-Dec-2017, Meeting:** The VFPA met with Tsawout First Nation and presented information on lessons learned from DP3 and the RBT2Follow-up Program. The VFPA sought input from Tsawout on the Follow-up Program.	**Addressed in EIS Section 33.5:** The VFPA is committed to developing and implementing a Follow-up Program for RBT2. The purpose of the RBT2 Follow-up Program is to verify the accuracy of residual effect predictions made in this EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. As described in EIS Section 33.0, the Follow-up Program will also report on implementation of mitigation measures resulting from Indigenous engagement, which will include the following: • Verification of predictions of environmental effects with respect to Indigenous people, as well as residual effects that could not be addressed within the context of the EA; • Determination of the effectiveness of mitigation measures as they relate to environmental effects with respect to Indigenous people; • Support for the implementation of adaptive management measures to address previously unanticipated adverse environmental effects	**EIS** 32.0 Current Use of Land and Resources for Traditional Purposes, Characterisation of Residual Effects and Context 33.5 Roberts Bank Terminal 2 Follow-up Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that this information is essential when approaching a qualitative assessment, where both the effects prediction and the characterizations appear uncertain. Asked if the VFPA foresees some kind of monitoring program around effects to current use or Aboriginal rights, for example access and availability.			with respect to Indigenous people, or unanticipated adverse effects to Aboriginal or treaty rights; • Verification of the measures identified to prevent and mitigate potential adverse effects of the Project on potential or established Aboriginal rights; and • Provision of information that can be used to improve and support future EAs and Indigenous engagement processes.	
Tsawout-7.3	Requested more information about lessons learned from building the Deltaport Third Berth Project.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses. **12-Dec-2017, Meeting with Tsawout:** The VFPA met with Tsawout First Nation and presented information on lessons learned from DP3 and the RBT2 Follow-up Program. The VFPA sought input from Tsawout on the Follow-up Program.	**Addressed in AIEIS Appendix 2-B Table 2 (#6):** EIS Section 4.0 describes the components of the Project (i.e., the preferred option) as designed in the Preliminary Engineering phase and as assessed in the EIS. Final designs will be produced, and construction methodology will be determined, by the chosen Terminal Operator Concessionaire and Infrastructure Developer upon Project approval, and as such may vary slightly from those described in EIS Section 4.0. Any design or construction changes will be required to meet any commitments made by the VFPA, or conditions stipulated during the EA and regulatory review process. Lessons learned from DP3 were considered in the evaluation of alternative means of carrying out the Project and in the selection of onsite habitat offsetting, and will also be considered in the development of the follow-up program: • EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. As part of the process for identifying and selecting alternatives, the VFPA reviewed and considered Indigenous input provided as part of the EA processes for prior projects at Roberts Bank, including DP3. • Onsite habitat selection considered lessons learned from previous habitat creation programs (e.g., DP3). The effectiveness monitoring reports for DP3 increased the understanding of the successes and challenges of previous habitat projects. The concepts presented in the EIS were presented to communities, stakeholders, Indigenous groups, the public, and regulators in fall 2014. An adaptive management approach is proposed for RBT2 as indicated in EIS Section 33.5 and will consider lessons learned from the DP3 Adaptive Management Program.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 2 Project Planning, Development and Implementation

Table 8: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-8.1	Requested that theVFPA provide more information on the importance and reliance upon marine foods to *WSÁNEĆ*. Stated that the EIS Guidelines (9.1) call for this information, but that it is not provided in such a way as to inform the assessment with useful indicators or qualitative information. Stated that there is information available in the public realm.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** "The Agency requested additional information on traditional foods in AIR #11 Country Foods."	**Addressed in MSA Section 9.5.4.1:** Information on reliance on country foods reported by Tsawout First Nation can be found in MSA Section 9.5.4.1. Specific information on country food reliance is further discussed in MSA IR-02.24.16-11.	**MSA** 9.5.4.1 Tsawout First Nation **Information Requests** Response to Additional Information Request #11 (MSA IR-02.24.16-11 of CEAR Document #386) Appendix MSA IR11-A Summary of Reliance on Country Foods by Aboriginal Group (CEAR Document #386)
Tsawout-8.2	Commented on Draft RBT2 AIEIS - Pg. 31-40 Human Health Assessment Re: Health data and methodology The Human Health Effects Assessment begins at page 31 and looks at the following effect pathways: • exposure to air emissions; • exposure to noise and vibration; • exposure to shellfish contamination; • stress and annoyance; • employment and income; • food security; and • health inequity. Stated that nothing presented in this section, as theVFPA notes, changes the findings in Section 27.0 of the EIS: "Findings of the environmental assessment of the Project on human health for the *WSÁNEĆ* Nation did not change based [on] this additional information" (32). By their own admission, VFPA has little data of direct relevance to the *WSÁNEĆ*; the data which it does have — for e.g., the employment and income data in table 5-3 from Indigenous and Northern Affairs Canada – is several years old and notoriously unreliable. A much more appropriate methodology would have been to hire *WSÁNEĆ* health agencies to conduct surveys with their members on a range of health and social topics. In their review of the document, the *WSÁNEĆ* suggested that this could be a subject for further discussion with the VFPA.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #8: The responses to IR-7.31.15-31 and AIR-12.04.15-31 provide a description of the methods by which health information was solicited from Indigenous groups in support of the EIS health assessment.* *These same methods were followed in the preparation of the AIEIS; the WSÁNEĆ bands were each asked to provide information related to health, in particular to food security and consumption of traditional foods. As stated in the response to IR-7.31.15-31, given the private and sensitive nature of health information, the VFPA respects that individual Indigenous groups may not wish to share such information. No information specific to human health was provided by the WSÁNEĆ bands, and the assessment was conducted relying on other information sources as available. Sources include those referenced in the response to MSA IR-02.24.16-11, which provides a summary of all country food reliance information available for the WSÁNEĆ bands."*	**Addressed in Response to AIR-12.04.15-31:** As noted in the VFPA's response to AIR-12.04.15-31, there is small to no potential for an increase in the concentrations of contaminants in the tissues of country foods in association with Project construction or operation. Moreover, the information presented in the EIS is sufficient to support the Health Impact Assessment and Human Health Risk Assessment conclusions.	**MSA** 9.5.4.1 Tsawout First Nation **Information Requests** Response to Information Request #31 (IR-7.31.15-31 of CEAR Document #314) Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #388) Response to Additional Information Request #11 (MSA IR-02.24.16-11 of CEAR Document #386) Appendix MSA IR11-A Summary of Reliance on Country Foods by Aboriginal Group (CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-8.3	Commented on Draft RBT2 AIEIS - Re: Food Security Food security is a critical issue for *WSÁNEĆ* communities. The VFPA acknowledges that the 2011 First Nations Food, Nutrition & Environment Study (FNFNES) study it refers to does not include survey data from the *WSÁNEĆ*, and rightly includes information drawn from studies produced for Tsawout and Pauquachin for the Trans Mountain hearings, although the Tsawout harvest study did not examine food security as an issue. Again, a much more appropriate methodology would have been to hire WSÁNEĆ researchers to conduct surveys with their members on the topic of food security. In their review of the document, the *WSÁNEĆ* suggested that this could be a subject for further discussion with the VFPA. Nevertheless the FNFNES study indicates a high rate of food insecurity in Ecozone 6, which would include the southern Gulf Islands and the *WSÁNEĆ*. The VFPA notes that the *WSÁNEĆ* study (2016) "supports the importance of traditional foods as an important component of the modern diet" and notes that *WSÁNEĆ* people have identified a number of serious concerns, threats, and existing impacts to their food security.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #9: The previous response (#8) provides information on the methods used to elicit information on traditional food reliance, which supports the assessment of potential effects on food security.* *AIEIS Section 5.1.7 provides a summary of the existing conditions for food security, which is reflective of the comments made here. This section provides detailed information on food security, as available, for each of the WSÁNEĆ bands.* *Existing and historical impacts on food security notwithstanding, the Project is not anticipated to result in a measurable effect on human health due to increased food insecurity. This determination is noted in the AIEIS Section 5.2, and the rationale for the negligible effect is provided in EIS Section 27.6.1.5. As stated in that section, there are no anticipated residual effects to the ability to harvest traditional foods, or to the harvested resources themselves."*	**Addressed in AIEIS Section 5.1.7:** Provides a summary of the existing conditions of food security and detailed information on food security, as available, for each of the *WSÁNEĆ* bands. **Additional information provided by the VFPA:** **10-Feb-2017, Letter from the VFPA:** *"Comment #8: The responses to IR-7.31.15-31 and AIR-12.04.15-31 provide a description of the methods by which health information was solicited from Indigenous groups in support of the EIS health assessment.* *These same methods were followed in the preparation of the AIEIS; the WSÁNEĆ bands were each asked to provide information related to health, in particular to food security and consumption of traditional foods. As stated in the response to IR-7.31.15-31, given the private and sensitive nature of health information, the VFPA respects that individual Indigenous groups may not wish to share such information. No information specific to human health was provided by the WSÁNEĆ bands, and the assessment was conducted relying on other information sources as available. Sources include those referenced in the response to MSA IR-02.24.16-11, which provides a summary of all country food reliance information available for the WSÁNEĆ bands."*	**EIS** 27.0 Human Health (revised June 2016) 27.6.1.5 Negligible Effects Related to Food Security **AIEIS** 5.0 Human Health 5.1.7 Food Security 5.2 Future Conditions with the Project – Potential Project- Related Effects **Information Requests** Response to Information Request #31 (IR-7.31.15-31 of CEAR Document #314) Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #388) Response to Additional Information Request #11 (MSA IR-02.24.16-11 of CEAR Document #386) Appendix MSA IR11-A Summary of Reliance on Country Foods by Aboriginal Group (CEAR Document #386)
Tsawout-8.4	Commented on Draft RBT2 AIEIS - Re: Vulnerability The VFPA identifies the *WSÁNEĆ* as "vulnerable populations because they ranked lower in key determinants of health (income, employment, and education)" compared to other populations examined in the EIS. Nevertheless, for the five effect pathways – exposure to air emissions; exposure to noise and vibration; exposure to shellfish contamination; stress and annoyance; employment and income; food security; health inequity — they determined that there was nothing in the new information supplied by *WSÁNEĆ* to alter the findings presented in the EIS that determined only "negligible" effects.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #10: The VFPA acknowledges the comment, which is reflective of information provided to support the existing conditions section of the human health assessment in the AIEIS, as well as the 'context' section of the EIS, where vulnerability and resilience are considered.* *Existing conditions and vulnerability notwithstanding, the Project is not anticipated to result in measurable health effects for the WSÁNEĆ Nation, for the reasons outlined in AIEIS Section 5.2. The potential effects of the Project on human health are either determined to be negligible, for all human receptors including the WSÁNEĆ bands, or measurable but only for people living in communities in close proximity to the Project, which does not include the WSÁNEĆ bands."*		**EIS** 27.0 Human Health (revised June 2016) 27.8 Characterisation of Residual Effects and Context **AIEIS** 5.0 Human Health 5.1. Existing Conditions 5.2 Future Conditions with the Project – Potential Project- Related Effects

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-8.5	Commented on Draft RBT2 AIEIS - Re: Consideration of Prior/existing conditions In their review of the document, the *WSÁNEĆ* highlighted how important the relationship is between the health of their members, the health of their communities, the health of their relatives of the deep and the environment, and their ability to sustain their way of life. As one elder noted, "people are dying from lack of seafoods." Any effects assessment examining environment and health must take into account the existing conditions limiting ability of *WSÁNEĆ* to access resources, including ongoing clam closures, historically low salmon returns and the effects of DFO's management, among other things, and existing impediments to exercising their right to "fish as formerly" throughout their territory. As one *WSÁNEĆ* councillor noted, "stress is already there. It's constant in a way of life that's disrupted, the constant stress of crossing boundaries."	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #11: The relationship between health of individuals, community, environment, and culture is acknowledged in AIEIS Section 5.1. The importance of seafoods to health is also noted in the description of existing conditions for food security in AIEIS Section 5.1.7.* *The descriptions of existing conditions in the human health assessments in EIS Section 27.0 and AIEIS Section 5.0 take into consideration the effects of past and present projects and activities, including a variety of barriers to harvesting traditional foods. As explained in the EIS and AIEIS, the Project is not predicted to result in a residual effect on human health due to changes in availability of traditional foods (assessed via the 'food security' sub-component). Therefore, the Project is not anticipated to contribute to existing or future cumulative effects on food security."*		**EIS** 27.0 Human Health (revised June 2016) 27.5.7.1 Traditional Food Consumption and Health **AIEIS** 5.0 Human Health 5.1. Existing Conditions 5.1.7 Food Security
Tsawout-8.6	Commented on Draft RBT2 AIEIS - Re: Spatial focus These effect predictions look only at receptor sites that were not informed by engagement with the *WSÁNEĆ* and do not include IRs or harvesting locations in the southern Gulf Islands or harvesting locations identified by the *WSÁNEĆ* as overlapping the Project area. In other words, they do not actually look at the places and pathways where the effects themselves are and will be felt by the *WSÁNEĆ*.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #12: WSÁNEĆ harvesting locations in the Southern Gulf Islands are addressed in the MSA, and are not the subject of this AIEIS. All harvesting locations identified by the WSÁNEĆ as overlapping the Project area and the areas affected by the Project (as defined in section 3.1 of the Updated EIS Guidelines) were considered in the assessment in the AIEIS. The LAA for the human health assessment, including receptor sites, are based on the farthest spatial extent of any potential changes from the Project on air quality, noise, or other components. These assessment areas therefore do not extend to the harvesting locations identified by the WSÁNEĆ if the anticipated effect of the Project is not predicted to extend to that area. A description of the spatial boundaries of the human health assessment is provided in EIS Section 27.0."*		**EIS** 27.0 Human Health (revised June 2016) 27.3.1 Spatial Boundaries

Table 9: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-9.1	Concerned that the EIS did not account for people coming from the island for jobs. Asked whether there are potential benefits that could be captured on the island. Criticised of the use of the Lower Mainland as the study area for the socio-economic assessment. Interested in whether Saanich people are working in jobs at the existing terminals at Roberts Bank, and the potential for workers to commute to the Project from the Island, where rental housing is cheaper. Commented that it is difficult and expensive for people to travel to the mainland for work. Requested for a private First Nations ferry system to transport community members to jobs at the terminal. Asked whether there will be accommodation on site for workers. Interested in the number of First Nations people working in port jobs.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations 30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**27-Nov-2015, Workshop:** Responded that this is entirely possible, and noted the VFPA is here today to learn from the Saanich groups what potential benefits and mitigations might be. Stated that for the labour profile, the Lower Mainland area was looked at for both Indigenous and non- Indigenous workers. Stated that temporary residents of Metro Vancouver would be captured as part of the labour force statistics. There would be a small percentage of the total labour force that will be outside of Metro Vancouver and the Lower Mainland area. Approximately 5% of the total workforce, which may include a small percentage of people at Roberts Bank. This was determined based on trends analysis, and in looking at what has happened for other projects at Roberts Bank. **30-Jan-2017, Meeting:** Stated that the VFPA does not know the number of First Nations working in port-related jobs across Canada but there are many First Nations working as longshoremen at the port. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 23 (#104):** Detailed population and demographic information is presented in EIS Section 18.4, and detailed labour market information in EIS Section 19.0. The LAA for labour market and economic development was defined as Metro Vancouver. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measurable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measurable or detectable. The VFPA is working with Indigenous groups to facilitate access to Project benefits, including training, employment opportunities, and Project contracting opportunities. **Addressed in EIS Section 32.3.3:** The VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. **Addressed in EIS Appendix 7.2-B (#111):** The LAA for labour market and economic development was defined as Metro Vancouver. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measurable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measurable or detectable. **Additional information provided by the VFPA:** The VFPA acknowledges Tsawout First Nation's interest in the potential for workers to commute to the proposed Project area. The VFPA acknowledges Tsawout First Nation's suggestion of a ferry service for First Nations workers, and will consider this suggestion as mitigation measures are finalised.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 18.0 Social and Economic Setting 18.4 Population 19.0 Labour Market 20.0 Economic Development 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments **AIEIS** Appendix 2-B Issues and Interests, Table 23 Labour Market 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.7 Mitigation Measures

Table 10: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-10.1	Asked whether or not the Salish Aboriginal fisheries are included as commercial license holders. Asked if spatial/license information was used, or just the number of licenses in the area.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	Stated that yes, the Salish Seas Limited Partnership was included as commercial license holders. Clarified that DFO provided the number of licenses in the area and not spatial data. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.2.4 on Existing Conditions. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Section 9.2.4:** The Salish Strait Seafoods Association is referenced in MSA Section 9.2.4. **Addressed in AIEIS Appendix 2-B Table 25 (#106):** Information on commercial fish and seafood harvesting by Indigenous groups in the LAA was included in the EIS where available, and interviews were conducted with representatives of Indigenous groups where possible.	**EIS** 21.0 Marine Commercial Use 21.5.2.1 Aboriginal Commercial Fishing and Seafood Harvesting **MSA** 9.2.4 Existing Conditions 9.2.4.1 Overview of Marine Commercial Use in the Regional Assessment Area **AIEIS** Appendix 2-B Issues and Interests, Table 25 Marine Commercial Use 3.0 Marine Commercial Use
Tsawout-10.2	Stated that the VFPA should supply quantitative and qualitative data and analysis on the Aboriginal fishery and aquaculture relevant to the Local Study Area (LSA) and Regional Study Area (RSA). Stated that this information should discuss both Aboriginal companies (Salish Straits Seafood, etc.) and the participation of *W̱SÁNEĆ* individuals in the commercial fishery. Stated that this discussion should link to the assessment of the subsistence fishery in 9.5 and the assessment on impacts to rights in 9.5.11. Stated that there is a paucity of information in the addendum dealing with Aboriginal commercial harvesting to support the EIS Addendum's findings of "negligible" effects. Stated that more information is available in the public record, or from key interviews with Aboriginal fishers.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** "The Agency requested additional information on Port Metro Vancouver's [the VFPA] assessment methodology in AIR #2 Rationale for Effects Characterization."	**Addressed in Response to MSA IR-02.24.16-2:** In relation to the assessment of potential effects of marine shipping associated with the Project on the Current Use by Indigenous groups and potential adverse impacts on their exercise of Aboriginal and Treaty rights, response to MSA IR-02.24.16-2 identifies the receptors of these potential effects and impacts, and provides an explanation of how these potential effects and impacts were determined to be negligible or measurable in the MSA.	**Information Requests** Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)
Tsawout-10.3	Stated that spatial and numerical data and information on the Aboriginal fishery including vessel number, size, type, statistics etc. currently lacking in the Addendum. Stated that these statistics shape both the baseline and provide the indicators for this VC and without them, it is not possible to	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** "The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."	**Addressed in Responses to IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	**Information Requests** Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #13 (IR10-13)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	understand and evaluate the assessors' conclusions of "negligible" effects. Stated that here may be important differences between the non-Aboriginal and Aboriginal fishery which would result in effects of different magnitude.				
Tsawout-10.4	Commented on Draft RBT2 AIEIS - Pg. 16 Marine Commercial Use Effects Assessment Re: Salish Straits Seafood Marine commercial use lumps together marine fish harvesting, seafood harvesting, guided sport fishing and marine-based tourism, and looks for its effect pathways at Area use, Access, Resource availability and resource presence, and Quality of environmental setting. There are several serious problems with the marine commercial use assessment. For e.g., none of the information relating to Salish Straits Seafood is accurate, as the *W̲SÁNEĆ* are no longer active in that entity and have not been for more than a year.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #3: As indicated in EIS Section 21.2.1, the four sub-components identified for the marine commercial use assessment are the main categories of marine commercial uses in the vicinity of the Project. These marine commercial uses share certain spatial areas, including marine waters in the vicinity of the Project, but they are sufficiently different in other attributes that warranted them being considered as sub-components.* *As indicated in EIS Section 21.7 and AIEIS Section 3.2, potential effects of the Project were assessed separately for each of these sub-components. In subsequent verbal correspondence on February 9, 2017, Tsawout First Nation advised the VFPA that the comment provided in relation to Salish Strait Seafoods was incorrect. In light of this correspondence, the final AIEIS includes the text pertaining to W̲SÁNEĆ (Tsawout First Nation and Malahat Nation) participation in Salish Strait Seafoods."*		**EIS** 21.0 Marine Commercial Use 21.2.1 Sub-components 21.7 Expected Conditions with the Project – Potential Project related Effects **AIEIS** 3.0 Marine Commercial Use 3.2 Future Conditions with the Project – Potential Project- Related Effects
Tsawout-10.5	Commented on Draft RBT2 AIEIS - Re: Individual Licenses There is an over-emphasis on community licenses. The effects assessment emphasizes band-owned or commercial/communal entities or licenses, and pays little attention to individual license holders, for whom fishing is an important past, current, and future activity with a high economic as well as social/cultural value, which they understand as related to their Douglas Treaty rights.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #4: As indicated in EIS Section 21.4, the sources of information for commercial fish and seafood harvesting activities in the marine commercial use assessment included secondary and primary sources. The secondary source information was primarily obtained from the DFO website and documents on DFO licences, harvesting statistics, and fisheries management plans; DFO and academic reports and studies; and publicly available information from Indigenous groups on commercial fish and seafood harvesting. DFO publishes information on the number of communal commercial fish and seafood harvesting licences held by specific Indigenous groups for specific fisheries and Pacific Fisheries Management Areas. Information published by DFO on individual commercial fish and seafood harvesting licences identifies individual licence holders by name, but does not discern or identify individual licences held by Indigenous individuals.* *In the case of Indigenous groups, primary information collection was focused on interviews with representatives of Indigenous groups in order to acquire additional information, including to address data gaps (in the secondary sources) and to identify marine commercial use interests and concerns related to the Project. Information was requested from each*		**EIS** 21.0 Marine Commercial Use 21.4 Information Sources **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.3.2 Direct Communication 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests Including Current Use of Lands and Resources

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			of the WSÁNEĆ bands, and information provided by Indigenous groups was included in the AIEIS. *As indicated in AIEIS Section 2.3.2, the VFPA directly engaged with WSÁNEĆ through meetings, workshops, telephone calls, letters, reports, and emails on the Project. In this context, the VFPA contacted each of the WSÁNEĆ bands to request information from community and fishery representatives on commercial fish and seafood harvesting activity under commercial licences (individual and communal), including the number and types of licences held; harvest activity locations in the waters surrounding Roberts Bank; harvest access routes; trends in harvest activity; and other aspects of commercial harvesting of interest with respect to the Project. In response to the VFPA's requests, interviews were conducted with representatives from Malahat Nation and Tseycum First Nation. Any information provided to the VFPA on individual licences held by community members obtained through these interviews was included in the AIEIS. Project effects on commercial crab harvesting as indicated in AIEIS Section 3.2, mitigation measures as indicated in AIEIS Section 3.3, residual effects as indicated in AIEIS Section 3.4, and determination of significance of residual effects as indicated in AIEIS Section 3.5, apply to both individual and communal commercial crab licence holders.* *AIEIS Section 7.0 addresses social/cultural value, and rights, associated with fishing.* *If there is additional information regarding individual licence holders, the VFPA is receptive to receiving additional information. Alternatively, the WSÁNEĆ Nation may submit additional information separately to the Panel."*		
Tsawout-10.6	Commented on Draft RBT2 AIEIS - Re: MCU Mitigation In reference to the *WSÁNEĆ* Nation Addendum, the *WSÁNEĆ* Nation Addendum Review document (pg. 3) states that "VFPA employs the "go elsewhere" argument to mitigate the effects of the Project on commercial harvesting. The main mitigation available to harvesters, the VFPA notes, will be their ability to simply fish elsewhere outside the affected area, in accordance with DFO licensing and management framework. As noted elsewhere in this memo, the VFPA has not taken any steps to understand and describe what effects those displaced harvesters may have on existing harvesters and resources, or whether the activities can simply be transferred to another area, as no assessment of the ability of other	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #5: As indicated in EIS Section 21.7.5, it is anticipated that crab licensees who have been using marine waters that overlap with the marine waters of the proposed navigational closure expansion and the new terminal footprint would shift crab harvesting activity to the west; i.e., the marine waters of the open area near the western boundary of the proposed navigational closure expansion during construction and operations.* *As described in EIS Section 21.1.1 and shown in EIS Figure 21-6, a navigational closure area was put in place in the vicinity of the Roberts Bank terminals and the BC Ferries Terminal on January 1, 2009 to ensure and maintain a safe approach for deep-sea vessels, ferries, and berthing tugs transiting in and out of the Roberts Bank terminals and BC Ferries Terminal. A similar process occurred with the establishment of the navigational closure area in 2009, whereby commercial crab licensees relocated their harvesting activities from inside the area affected by the navigational closure to the open area near the closure's western boundary.* *As indicated in EIS Section 16.0, the assessment of potential Project-related effects on the ongoing productivity of commercial, recreational, and Aboriginal fisheries was*		**EIS** 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.3.1 Spatial Boundaries 21.0 Marine Commercial Use 21.1.1 Marine Fish and Seafood Harvesting and Guided Sport Fishing Figure 21-6 Commercial Crab Harvesting Activity Areas and Navigational Closure Area 21.5.1.1 Seafood Harvesting 21.7.5 Seafood Harvesting – Potential Effect #1 – Changes in Area, Harvest and Revenue 21.8 Mitigation Measures **AIEIS** 3.0 Marine Commercial Use Assessment 3.3 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	areas to absorb the harvest is offered.		*undertaken. EIS Section 16.3.1 presents the spatial boundaries (EIS Figures 16-1 and 16-2), where the ongoing productivity of commercial, recreational, and Aboriginal fisheries was assessed. As indicated in EIS Section 21.7.5, the assessment considered effects in the form of greater competition due to the re-located activity anticipated for crab harvesters who currently use the area along the new western boundary. This competition could take the form of greater effort (although current Area I management rules, such as trap and haul limits, constrain this avenue) and gear conflicts.* *It is expected that the proposed navigational closure expansion would not apply to crab harvesting for food, social, or ceremonial (FSC) or domestic purposes by Indigenous groups, but would apply to Aboriginal groups and persons harvesting under an individual commercial or communal commercial crab licence.* *EIS Section 21.8 outlines the proposed mitigation measures, and the VFPA's commitment to work with DFO to ensure that consultation with commercial crab harvesters and Aboriginal groups is undertaken. Where identified and agreed upon through this consultation process, the VFPA will work with DFO and commercial crab harvesters and Aboriginal groups to implement additional mitigation measures to address effects from displacement of commercial crab harvesting associated with the proposed navigational closure expansion during construction and operation. This commitment was reiterated in AIEIS Section 3.3."*		
Tsawout-10.7	Commented on Draft RBT2 AIEIS - Re: Uncertainty and Monitoring In reference to the *W̱SÁNEĆ* Nation Addendum, the *W̱SÁNEĆ* Nation Addendum Review document (pg. 3) states that "The ability to go somewhere else to fish plays into VFPA's definition of "resilience," which it used as context for the characterization of residual effects, and described as "...the capacity to effectively respond to imposed stresses through some combination of collaborative planning, arrangements, compensation, and agreements)." The VFPA says that, "where individual Aboriginal group commercial crab harvesters and/or the broader Aboriginal communities may be highly reliant on the revenues generated by the affected commercial vessel, there could be a lower degree of economic resilience" (p. 24). This statement suggests a high degree of uncertainty about the effects prediction, which is not reflected in the confidence with	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #6: EIS Section 21.9 and AIEIS Section 3.4 identify a residual Project effect on commercial seafood (crab) harvesting. As indicated in EIS Section 21.10.2, the level of confidence in this residual effects prediction is high based on availability of DFO information on vessel activity, harvest and revenue by subarea in the LAA, and key interviews, including interviews with Indigenous commercial crab harvesters on harvesting locations, practices, and revenues. This information was used to inform the VFPA's understanding of Indigenous groups' resilience to Project effects of commercial crab harvesting, where known communal and individual licensed based commercial crab harvesting takes place based on available information.* *In the context of EAs, follow-up regarding residual project effects is recommended to understand the effectiveness of applied mitigation, to identify unanticipated effects, and/or to identify adaptive management mechanisms where mitigation is not deemed to be effective. No monitoring or follow-up programs were proposed for the marine commercial use VC; however, as stated in EIS Section 21.8, the VFPA will work with DFO to ensure that consultation with commercial crab harvesters and Indigenous groups is undertaken regarding the proposed navigational closure and associated displacement of harvesting."*		**EIS** 21.0 Marine Commercial Use 21.8 Mitigation Measures 21.9 Characterisation of Residual Effects and Context 21.10.2 Significance Determination **AIEIS** 3.0 Marine Commercial Use Assessment 3.4 Characterisation of Residual Effects and Context

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	which the VFPA makes the final determination of "not significant." This is why confidence is an important aspect of an effects assessment. Wherever there are uncertainties in effects prediction, there should be clearly defined follow-up and monitoring proposals				
Tsawout-10.8	Commented on Draft RBT2 AIEIS - Pg. 25 Cumulative Interactions On p. 25, the VFPA notes that it has determined there will likely be a cumulative interaction between effects from the Trans Mountain expansion and the RB[T]2 Project on marine commercial use for area, harvest, and revenue, which it predicts will be of moderate magnitude and is "not considered to be beyond historical norms." The VFPA does not say what timescale and data it is using to establish a "historical norm." It will be "not significant," according to theVFPA. In their review of the document, the W̲SÁNEĆ identified cumulative effects as a critical issue requiring more attention by the VFPA. In particular, they want to see an accurate baseline reflecting environmental and administrative changes over time that have impacted W̲SÁNEĆ use of the area and the ability to exercise their Aboriginal and Douglas treaty rights there.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #7: As indicated in the response to AIR-12.04.15-13, Schedule 13-6 Marine Commercial Use Total Cumulative Effects Assessment, with respect to timescale used in the assessment of marine commercial use, the assessment of cumulative effects considers past and present projects and activities that have been or are being carried out during the period from the late 1950s to 2018. This temporal boundary includes existing conditions, which reflect the cumulative effects to date of past and present projects and activities occurring from the late 1950s to 2013, and expected conditions, which will reflect the cumulative effects of present projects and activities occurring between 2014 and 2018. Environmental and administrative changes in marine commercial use over time due to past and present projects and activities were described in Part 3 of the response to AIR-12.04.15-13, Schedule 13-6. As indicated in Schedule 13-6 of AIR-12.04.15-13, as well as in EIS Sections 21.4 and 21.15, numerous literature and data sources were taken into account in the marine commercial use Project effects and cumulative effects analysis, including ITK, scientific literature, previous studies, and interviews.* *A moderate-magnitude adverse cumulative effect was determined on change in seafood harvesting area, harvest volumes, and revenue, with moderate magnitude defined as an "effect that would result in demonstrable change, but remain within historic norms". The assessment considered the cumulative change in marine commercial use due to past and present projects and activities over the period from the late 1950s to 2018 (described in Part 3 of AIR-12.04.15-13, Schedule 13-6, as noted above), to understand the range of historical norms in marine commercial use. In particular, the experience with the navigational closure established in 2009 near the Roberts Bank terminals was drawn upon (see references to such on pages 21-48, 21-52, and 21-61 of EIS Section 21.0).* *Understanding of this experience was obtained through discussions with DFO representatives, interviews with commercial crab harvesters (including Indigenous commercial crab harvesters), and other information sources.* *The VFPA is interested in receiving any additional information from the W̲SÁNEĆ on other environmental and administrative changes over time that have impacted W̲SÁNEĆ use of the area that are not already considered in the EIS or AIEIS.*	**Additional information provided by the VFPA:** **10-Feb-2017, Letter from the VFPA:** *"Comment #21: The approach to the assessment of cumulative effects on Current Use in the EIS and AIEIS follows the approach adopted for VCs. These methods are described in EIS Section 8.0, and were further explained in the response to IR-7.31.15-13 and AIR-12.04.15-13. The VFPA notes that it is not a requirement of the Updated EIS Guidelines to assess the cumulative effects of other projects and activities (past, present, or future) unless the Project itself is expected to contribute to those cumulative effects; however, changes over time were considered in the assessment, as those cumulative effects over time are reflected in existing conditions that are seen today. A description of cumulative effects to date on components of the natural environment upon which Current Use depends can be found in Part 3 of the response to EIS AIR-12.04.15-13, Schedule 13.* *All information provided by W̲SÁNEĆ to the VFPA regarding W̲SÁNEĆ perspectives on cumulative effects in W̲SÁNEĆ marine territory over time has been described in existing conditions sections of the MSA and the AIEIS. This information includes W̲SÁNEĆ perspectives on changes to the environment and ability to use and exercise rights within and around the Project.* *While potential Project-related incremental effects on Current Use by W̲SÁNEĆ are not predicted in the AIEIS based on limited reported use of the Project area (see response above to Comment #19 regarding levels and frequency of use), the AIEIS assessed potential effects for W̲SÁNEĆ based on potential future use (i.e., their expressed desire to restore or increase use based on past use), and therefore applied the mitigation measures described in EIS Section 32.2.7 to the W̲SÁNEĆ. As these measures are expected to be effective, there are no measurable residual effects predicted that could contribute to cumulative effects in the future. In accordance with the methodology for the assessment, an assessment of future incremental cumulative effects was therefore not carried out. The VFPA wishes to emphasise that the measures identified in EIS Section 32.2.7, and applied in the AIEIS, include measures that would serve to confirm the conclusions of the Current Use assessment (i.e., as a means of monitoring circumstances during Project*	**EIS** 3.0 Geographical Setting 3.4.1 Projects Contributing to Existing Conditions 3.4.2 Activities Contributing to Existing Conditions 8.0 Effects Assessment Methods 8.1.9.1 Identification of Other Certain and Reasonably Foreseeable Projects and Activities Table 8-8 Project and Activity Inclusion List 21.0 Marine Commercial Use 21.4 Information Sources 21.15 References 21.9 Characterisation of Residual Effects and Context 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.7 Mitigation Measures **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedule 13-6 Marine Commercial Use Total Cumulative Effects (CEAR Document #388) Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Additional Information Request #4 (MSA IR-7.31.15-04 of CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			See also the response to Comment #21 regarding the incorporation of W̲SÁNEĆ perspectives on cumulative effects."	*construction and operation, through ongoing engagement with W̲SÁNEĆ bands).* *With regard to cumulative effects considerations in the EIS as a whole, the other projects and activities, including shipping activities, considered in relation to cumulative effects (where such effects were identified on VCs) are identified in EIS Section 8.0, Table 8-8. As described in EIS Section 32.2.5, projects that had been or were being carried out in the assessment area at the time of writing the EIS were considered for their contribution to the existing conditions of Current Use, which reflect the cumulative effects to date of those past and present projects and activities. These projects and activities are described in EIS Sections 3.4.1 and 3.4.2, which describes the history of development in the Project area, and includes the projects and activities referenced in the comment. The incremental marine shipping associated with the Project (i.e., marine traffic outside VFPA jurisdiction) was also considered in the cumulative effects assessment for the Project for those VCs and components for which residual Project effects were predicted.* *See the response below to Comment #25 regarding the integration of ITK in the EIS and AIEIS.* *Comment #25: The VFPA acknowledges and is in agreement with the comment that there are multiple definitions and concepts of ITK, as stated in the responses to IR-7.31.15-08 and MSA IR-7.31.15-04.* *As also stated in these Information Request responses, the EIS and MSA (as well as the AIEIS and AIMSA) were prepared in consideration of all forms of information from Indigenous groups, including knowledge about the environment itself (defined for the purposes of this EIS as ITK), as well as knowledge about past effects on the environment, cumulative change, risk, notions of health, etc. This knowledge is included and referenced throughout the EIS, MSA, AIMSA, and AIEIS.* *The W̲SÁNEĆ bands were invited to provide any information they wished to share with the VFPA, and all information provided was considered and incorporated into the MSA, and the AIEIS.* *Comment #19 - As required by the Updated EIS Guidelines, AIEIS Section 7.2.4 describes information, where provided to the VFPA by W̲SÁNEĆ bands, that would assist the Panel in understanding intensity of use. For example, per section 17.5 of the Updated EIS Guidelines, the assessment endeavours to provide information on "types, number, size and capacity of fishing vessels used in the area, gear types, and existing interactions with shipping," "commercial, recreational and aboriginal fisheries statistics (e.g., species, annual catch and number of licences)." The VFPA requested this information from W̲SÁNEĆ bands.*	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The Updated EIS Guidelines also requires the assessment to distinguish between interactions that could potentially result in measurable effects from those that are not expected to be measurable (i.e., negligible effects) and why. As described in EIS Section 32.2.5, "Potential Project-related effects to Current Use have…been described based on a qualitative assessment of change from existing conditions," as these were understood by the VFPA at the time of filing. In the responses to AIR-12.04.15-30 and MSA IR-7.31.15-02, the qualitative nature of this assessment is further explained, providing clarification on the meaning of "negligible" and "measurable" in the Current Use assessment. Cross-references to these responses are provided in AIEIS Sections 7.2.6 and 7.3.2. *With regard to the use of "infrequent" and "low levels" in the AIEIS, the AIEIS employs this terminology specifically in relation to crab harvesting for traditional purposes by W̱SÁNEĆ (see AIEIS Sections 7.2.6.1, p. 84 and 7.2.6.4, pp. 86 and 87). As described in the W̱SÁNEĆ Study and recounted in AIEIS Section 7.2.4, one W̱SÁNEĆ harvester reported a crab fishing area in the W̱SÁNEĆ Study's local study area that he said he frequented with his grandfather. The band affiliation of this harvester was not identified in the W̱SÁNEĆ Study. As also reported in AIEIS Section 7.2.4, Tseycum First Nation informed the VFPA that they have harvested crab in the Tsawwassen Water Lots on either side of the BC Ferries Terminal causeway, and that they require a Tsawwassen First Nation Member to be with them while using these areas. Specific information about how many crab may have been harvested at Roberts Bank, while requested, was not provided, but the context of the information suggested it was not occurring at a frequency or at levels that would be expected to experience a measurable displacement effect based on information available to the VFPA. See AIEIS Section 7.2.6.1 and the response to AIR-12.04.15-30 for further details.*	

Table 11: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-11.1	Concerned that halibut fishing will be impacted by increased traffic, especially at reefs close to US border, throughout Haro Strait and Boundary Pass.	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Section 9.2.5.1:** Potential effects of vessel transit from Project-associated shipping on commercial fish and seafood harvesting marine area displacement, access, fish and seafood availability, and gear damage or loss would not be measurable from existing conditions and are therefore considered to be negligible. Potential consequential effects on harvest and associated revenues of commercial fishing and seafood enterprises are also considered to be negligible. When all lines of evidence are considered, the effect of vessel transit on commercial fishing and seafood harvesting is considered to be negligible.	**MSA** 9.2.5.1 Negligible Effects
Tsawout-11.2	Requested more information on why chum and Chinook were used as representative species. Concerned with the exclusion of sockeye as representative species within the EIS and what this means for the assessed or non-assessed impacts to these species.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations 28-Jul-2016, Issues Workshop – Island Nations	**27-Nov-2015, Workshop:** Responded that chum and Chinook were chosen as representative species because they are the most estuarine dependent, use the area as juveniles, and are thus most likely to interact with the Project. Sockeyes come through the river and head straight out to sea. Stated that this is a conservative approach: it is assumed that the pathway of effects for sockeye will be similar to those for chum and Chinook, but chum and Chinook are more likely to experience potential Project effects based on their estuarine use. Another reason for choosing Chinook is that it is a preferred food source for the SRKW, which have an endangered status. **28-Jul-2016, Workshop:** Explained that sockeye salmon and all salmon species were assessed through the detailed assessment of chum and Chinook salmon. They were also in the EcoPath with EcoSim (EWE) model, but not explicitly. The rationale behind this is that juvenile Chinook and chum are the most estuarine dependent species. Juvenile Chinook and chum spend the most time in the estuary relative to other species of salmon, and therefore are most likely to interact with the Project. Therefore, any predicted Project effects to Chinook or chum will conservatively predict effects to other species, as well as other anadromous species such as Steelhead and trout. The use of representative species is a fairly common EIS approach. The rationale is based on habitat use predominately, but taking a deeper dive into sockeye habitat use and history – the information includes past studies from DFO, academia, field data collected as part of the RBT2 base line studies and past EAs indicate that juvenile sockeye don't use Roberts Bank (RB) in abundance. They tend to use lakes for rearing and smoltification and migrate out the river immediately. So, the spatial overlap of the Project with sockeye is considered fairly limited. The information that we have on adult sockeye habitat use indicates they don't spend much time in the RB area either. They typically enter the Fraser River with little or no delay, so again, there is	**Addressed in EIS Appendix 7.2-B (#78):** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon subcomponent, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the subcomponent Pacific salmon, as represented by chum and Chinook. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in this section (EIS Section 21.0). **Addressed in Response to IR5-15:** In its response to *IR5-15 Marine Fish – Representative Species* issued by the Review Panel on June 6, 2017 (CEAR Document #975), the VFPA specifically discusses existing conditions related to Cultus Lake sockeye and describes the status and management practices associated with the species. The IR response also further assesses potential effects of the project on Sockeye directly.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			limited spatial and temporal overlap with the Project. So, to sum that up, the EA is about capturing Project interactions and pathways of effects and we definitely recognise and understand the importance of sockeye – and took the approach that we believe represents the most conservative assessment by assessing the species that spend the most time in the estuary.		
Tsawout-11.3	Concerned with the exclusion of eulachon as representative species within the EIS and what this means for the assessed or non-assessed impacts to these species.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Explained that aspects of eulachon life history are captured through the assessment of other species. For example, salmon are anadromous, herring are hearing sensitive, and Pacific sand lance have a similar diet to eulachon (they both eat zooplankton) – so the unique features of eulachon have been assessed by proxy. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#80):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. **Addressed in AIEIS Appendix 2-B Table 18 (#77):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. **Addressed in Response to IR5-15:** The VFPA specifically discusses existing conditions related to eulachon and describes the status and management practices associated with the species. Rationale as to how eulachon were assessed via use of Pacific herring and surf smelt as representative species, as well as similarities between species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect eulachon, as well as effectiveness of mitigation, are presented in AIR-12.04.15-09 (CEAR Document #388), including Appendix AIR-12.04.15-09 Table 2.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-09 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)
Tsawout-11.4	Interested in whether the VFPA will be undertaking additional field studies around salmon.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Responded there will be more shorebird studies to look at some things brought up by the Canadian Wildlife Service, but there are no additional salmon field studies planned. Asked what *W̱SÁNEĆ* nations would be interested in the VFPA undertaking. Noted the VFPA would consider suggestions and ideas for additional studies related to salmon.		
Tsawout-11.5	Concerned with shipping effects of migrating salmon with the number of ships that will go	23-Sep-2015, Tsawout Preliminary Traditional Marine and	**19-Jun-2017, Meeting:** Explained that the ships would go along the same route as they do now.	**Addressed in AIEIS Appendix 2-B Table 18 (#80):** An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. Information regarding effects in relation to changes in habitat availability and migration is available in EIS Section 13.0.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **AIEIS**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	along the route and the risk of invasive species being introduced.	Land Use Baseline 19-Jun-2017, Meeting with Chief, Councillor, Administrative and Consulting Staff	Committed to provide Tsawout with information on Transport Canada's regulations regarding invasive species and vessels. **12-Jul-2017, Email from the VFPA:** The Chief requested additional information related to ballast water exchange and invasive species – please see some information on this topic below. The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the International Maritime Organization (IMO), are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles (nm) and in water deeper than 2,000 m. By requiring vessels to complete this ballast "flush" well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Section 8 of MSA Appendix 3-A, Canada's Marine Safety and Security System describes the current domestic regulations and international conventions implemented in Canada's legislative framework governing ballast water management, biofouling of ships hulls, air emissions from vessel engines and other discharges including garbage, sewage, and bilge water. Ballast water is covered in subsection 8.1, and bilge water in subsection 8.3. In their recent response to the Review Panel (TC IR-04 and TC IR-05), Transport Canada provided some additional information about the regulations around vessel ballast and bilge water. More information on this topic can be found in: EIS Appendix 7.2-B #100 (page 110): https://www.ceaa-acee.gc.ca/050/documents/p80054/101378E.pdf MSA Appendix 3-A, Subsection 8.1 (page 43) and Subsection 8.3 (page 45): https://www.ceaa-acee.gc.ca/050/documents/p80054/103690E.pdf Transport Canada Responses to TC IR-04 and TC IR-05 (pages 5-9): https://www.ceaa-acee.gc.ca/050/documents/p80054/119300E.pdf	As outlined in EIS Section 13.6.3.1, while terminal placement will result in the loss of wetted area, this is unlikely to measurably affect adult salmon returning to their freshwater spawning grounds as they are not considered habitat-limited within the LAA or regional assessment area. For out-migrating juvenile Pacific salmon, terminal placement will increase travel distance and time spent in deeper waters along the terminal length, assuming migration is linear. Effects to vegetated habitats used by juvenile salmon, including eelgrass and intertidal marsh, are predicted to be negligible and positive, respectively. Overall, Project-related changes in juvenile salmon migration and habitats are predicted to have a minor adverse effect on productivity. **Addressed in MSA Appendix 5-B (#38):** The assessment of potential effects of marine shipping associated with the Project on marine fish, including salmon, is included in Section 8.1. Physical disruption or vessel strikes of salmon are not anticipated to be a form of interaction between marine shipping and marine fish, and therefore these aspects are not included in the assessment. **Addressed in Responses to IR5-18 and IR-22:** Potential Project-related effects on juvenile salmon migration due to changes in habitat availability (i.e., terminal placement) are assessed in EIS Section 13.6.3.1 as minor. Additional rationale on the effect characterisation is provided in responses to IR5-18 and IR5-22. With mitigation, including onsite offsetting in the form of eelgrass transplants and tidal marsh creation, effects on juvenile salmon migration are assessed as negligible. **Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles (nm) and in water deeper than 2,000 m. By requiring vessels to complete this ballast "flush" well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen First Nation land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary. **Addressed in Responses to IR02 to IR06:** Additional information regarding enforcement and compliance related to Marine Water Quality was provided by Transport Canada in their responses to Review Panel TC IR #02 to 06. Available on the CEA Agency Registry at: https://www.ceaa-acee.gc.ca/050/documents/p80054/119300E.pdf.	Appendix 2-B Issues and Interests, Table 18 Marine Fish **Information Requests** Response to Sufficiency Information Request #18 (IR5-18 of CEAR Document #1153) Response to Sufficiency Information Request #22 (IR5-22 of CEAR Document #1153) **From Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on May 10, 2017 (CEAR Document #962)**

Table 12: Marine Invertebrates

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-12.1	Concerned about crabs during molting season from vessel wake. Stated that when crabs molt, they change their shells, and during this time they are very light and get disturbed and damaged by sudden changes in wave action. Stated that one Tsawout superharvester observed: "you go there [to Taylor's Beach] at zero tide I could show you. Because of the [shipping] wake they don't have time to bury themselves in the sand and it's just like a big windy day [under water]. (MUS 2014:76. Stated that increased wake and wave action may be greater on culturally significant species such as urchins, and other species that are unable to bury themselves in the sand for protection.	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline	**23-Sep-2015:** Recorded comment for consideration by the Project team.	**Addressed in MSA Section 8.1:** MSA Section 8.1 presents an effects assessment of marine shipping associated with the Project on fish and fish habitat (including marine invertebrates). Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	**MSA** 8.1 Fish and Fish Habitat

Table 13: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-13.1	Asked what the Project-related contribution to the cumulative effect to SRKW would be. Requested confirmation on whether this is typically how assessments on endangered species are conducted. Concerned that this approach shifts the focus away from specific projects (i.e., 100 projects could all conclude no new effects).	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that detailed information is available in the EIS. Committed to follow-up with the section of the EIS that contains this information. Stated that some EAs do not use this methodology. More recently, cumulative effects are focused on past, present and future, which may result in a determination that past effects are significant. Responded that in both underwater noise and marine mammals, the EIS articulates the Project's contribution to existing effects. There is a lot of focus on the methodology for SRKW because they are endangered. The EIS determined that the background noise remains similar when the noise levels from the Project are added. **26-Apr-2016, Email from the VFPA:** Post-meeting note: Please refer to EIS Section 14.10 Marine Mammals, Cumulative Effects Assessment. An electronic copy of the EIS is available at the following link: http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482.	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKW (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKW. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. **Addressed in AIEIS Appendix 2-B Table 19 (#86):** Project-related adverse residual effects to SRKW (and all toothed whales) are described in EIS Section 14.6, and are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated. Due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. The approach to assessing cumulative effects on SRKW is consistent with the CEA Agency Guidance for cumulative effects assessments including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012* (CEA Agency 2013) and Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects (CEA Agency 1994), the Cumulative Effects Assessment Practitioners' Guide (Hegmann et al. 1999).	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods 14.0 Marine Mammals 14.5 Existing Conditions 14.6 Future Conditions with the Project 14.7 Mitigation Measures 14.9 Determination of Significance of Residual Adverse Effects 14.10 Cumulative Effects Assessment **AIEIS** Appendix 2-B Issues and Interests, Table 19 Marine Mammals **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedule 13-4 Marine Mammals Total Cumulative Effects (CEAR Document #388)

Table 14: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-14.1	Asked whether or not there is historical data on the number of vessel transits.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Explained that one ship causes two movements amounting to 520 movements. Noted that container ships are growing in size. In the EIS Executive Summary there is a graph that shows how the numbers of TEU's have grown.	**Additional information provided by the VFPA:** As part of its 2016 container traffic forecast, Ocean Shipping Consultants presents historical containerised trade throughput (TEU and tonnage) at various west coast, Pacific Northwest and VFPA ports. C*ontainer Traffic Forecast Study – Port of Vancouver, 2016* by Ocean Shipping Consultants is available as Appendix IR1-03-A. Historical vessel movement information is available in the technical volume: Seaport Consultants Canada Inc. (2013). Projections of Vessel Movements. Vancouver, which is Appendix B of Report TR 8C-2 TEMPOL 3.2 Origin, Destination & marine Traffic Volume Survey of the Trans Mountain Expansion Termpol Review Process. Available at: https://apps.neb-one.gc.ca/REGDOCS/File/Download/2393050.	**Information Requests** Response to Sufficiency Information Request #02 (IR1-02 of CEAR Document #897) Ocean Shipping Consultants 2016 Container Traffic Forecast Report http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf
Tsawout-14.2	Asked whether or not there has been a consideration of night time vessel traffic light in the viewscape modelling, and, if so, how it was incorporated in the visual resources assessment.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded that night time vessel traffic light is not included in the EIS. The MSA includes a light assessment for vessels in transit. The EIS includes terminal light, and light along the causeway. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Section 7.5:** An assessment was conducted to determine the potential changes to the light environment related to vessel transit activities for representative points of reception along the shipping lanes throughout the MSA. Existing light conditions vary within the study area, depending on surrounding sources of light. Existing light trespass characteristics at assessed points of reception in the study area are similar to those in residential rural areas, whereas sky glow characteristics range from areas of low district brightness to areas of high district brightness. The incremental light from vessel transit activities is not expected to result in a change in light trespass classifications. Sky glow classifications are expected to temporarily change during the nighttime at two points of reception: Saturna Island and Stuart Island. However, these predicted changes are overestimated, based on the conservative assumption of two ships passing at the same time. The anticipated changes in light conditions related to Project-associated vessel transit activities are representative of a cumulative case (two ships passing at the same time). Although there would be more marine shipping activity in the future, it is highly unlikely that there would ever be more than two vessels passing in the shipping lanes at any given time. **Addressed in AIEIS Appendix 2-B Table 9 (#47):** The visual resources assessment included both daytime and nighttime components and was based on the *B.C. Visual Landscape Inventory Guidelines*. The daytime component was based on the character and extent of visual changes as a result of the Project. The nighttime component focused on changes in light trespass and sky glow. Predictions of light from Project sources were modelled. The model incorporated the preliminary lighting designs for the Project (see EIS Appendix 9.4-A), which includes high mast lighting, flood lighting, and crane lighting on RBT2, and road and rail switch lighting on the causeway. The preliminary RBT2 lighting design includes more than 900 fixtures and indicates the proposed location, type, luminous output, and quantity of each additional light fixture on the terminal and causeway. The light model does not include light from vessel traffic as a Project source, and therefore this source of light is not considered in the visual resources assessment. The MSA includes an assessment of light from Project-associated vessels in transit in the marine shipping area (MSA Section 7.5).	**EIS** 9.4 Light 9.4.4 Relevant Guidelines 9.4.5.3 Study Methods 9.4.8 Future Conditions with the Project Appendix 9.4-A Roberts Bank Terminal 2 Light Assessment Study 25.0 Visual Resources 25.1 Component Overview and Regulatory Setting 25.4 Information Sources 25.6 Future Conditions with The Project - Potential Project-Related Effects **MSA** 7.5 Light **AIEIS** Appendix 2-B Issues and Interests, Table 9 Light/Visual
Tsawout-14.3	Asked whether noise monitoring was focused only on construction. Commented that noise would be expected to	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Worksop:** Responded that noise was modelled during construction and during operations and that extensive work was	**Addressed in EIS Section 33.3.1:** The Construction Compliance Monitoring Plan will describe the environmental compliance monitoring and reporting framework for the Project's construction phase. The purpose of compliance monitoring is to verify compliance with the terms and conditions of Project approval and other legislation, industry standards, regulatory requirements, and with the	**EIS** 33.3.1 Construction Compliance Monitoring Plan **MSA**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	travel to the other side of the Gulf Islands from the shipping activities.		done to look at the broader shipping area. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses.	other sub-plans of the Construction EMP. The Plan will outline the approach to be taken with respect to the scope of compliance monitoring activities to be undertaken by the construction Environmental Monitors, including routine compliance-checking sample collection of measurable parameters at locations, frequencies, and durations to be determined in consultation with regulators (likely including above-ground noise). **Addressed in MSA Section 7.4:** As noted in MSA Section 7.4, the container ships associated with the Project are expected to result in minor and mostly imperceptible (less than 1 dBA) changes in the noise environment. At a setback of approximately 800 m, ship pass-by noise levels are predicted to be lower than the ambient daytime noise level, and lower than the ambient nighttime noise level at a setback of approximately 2 km. Most populated land areas within the MSA are located further than 2 km from the shipping routes. As a result of future marine vessel activity in the MSA, in combination with vessel activity associated with the Project, cumulative average daytime and nighttime atmospheric noise levels due to vessel transit are expected to increase imperceptibly by approximately 1 dBA.	7.4 Atmospheric Noise
Tsawout-14.4	Noted recent observation of more small-boat fishers in proximity to the BC Ferries terminal. Asked if all shipping is included in the Marine Shipping Addendum.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Responded that the MSA accounts for shipping between the VFPA's jurisdiction and the 12-nautical mile limit. **26-Apr-2017, Email from the VFPA:** Shared workshop notes and clarified that shipping within VFPA jurisdiction is accounted for in the EIS.		

Table 15: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-15.1	Requested more information regarding the state of eelgrass in Roberts Bank in relation to the presence of eelgrass in other areas. Commented that fishers have observed eelgrass health declining and eelgrass beds disappearing. Asked whether there is confidence in the prediction that levels of eelgrass will increase. Interested in the presence of types of eelgrass (i.e. Japanese/non-native and native) in the Project area. Concerned the Project and related vessel traffic will disturb existing eelgrass sites.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations 30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum) 19-Jun-2017, Meeting with Chief, Councillor, Administrative and Consulting Staff	**27-Nov-2015, Workshop:** Stated that Roberts Bank is the biggest eelgrass bed in the Salish Sea, on the south coast of B.C. The assessment predicts that there will be an increase in eelgrass resulting from the Project, largely because the footprint blocks wave action, providing a good environment (i.e., calm conditions) for eelgrass. There was a huge expansion of eelgrass resulting from the Roberts Bank and BC Ferries causeways. Eelgrass beds at Roberts Bank are comparatively healthy and large compared to other areas of the Salish Sea. Referred to EIS Section 9.5 Coastal Geomorphology, which includes air photos of the area, and figures showing the expansion of eelgrass in the area since the 1970s. Stated that confidence in the predictions in the EIS is fairly high. The assessment drew upon information about the effects of the Deltaport and the BC Ferries causeways, which tests the hypothesis that blocking of wave action and turbidity leads to flourishing of eelgrass. Turbidity blocks access to light, which is important for eelgrass to photosynthesise. **30-Jan-2017, Meeting:** Noted that species of both Japanese and native eelgrass currently exist in the Roberts Bank area. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses. **19-Jun-2017, Meeting:** Explained that with studies and mitigation an overall increase in eelgrass is expected. Explained some of the Habitat Enhancement Program work the VFPA is doing related to eelgrass.	**Addressed in AIEIS Appendix 2-B Table 16 (#63):** Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species, including juvenile salmon. Eelgrass is a sub-component of the marine vegetation assessment. Existing conditions, as well as potential effects on eelgrass habitat, are described in EIS Section 11.0. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Following terminal construction, up to 3 ha of native eelgrass would be established through transplants in the inter-causeway area at Roberts Bank as a mitigation measure. The proposed transplant site overlaps with an existing stand of sparse eelgrass (i.e., less than 30% cover). The existing presence of eelgrass at this location is an indication of suitable conditions for establishment and growth of eelgrass. Although eelgrass populations are considered to be in decline, both in B.C. and globally, this does not appear to be the case for Roberts Bank. Studies show that, although some eelgrass areas in the Fraser River estuary have expanded and contracted over time, the native eelgrass area at Roberts Bank has been, and continues to be, increasing since the early 1970s. The native eelgrass bed north of the Roberts Bank causeway has increased over 15-fold since 1994. **Specific to Japanese eelgrass, information is provided in AIEIS Appendix 2-B Table 16 (#66):** The location of non-native eelgrass (*Zostera japonica*) at Roberts Bank is included in the Eelgrass Survey technical study, as listed and referenced in EIS Table 11-4. It is also shown on EIS Figure 11-2 (as *Z. japonica*).	**EIS** 11.0 Marine Vegetation 11.2.1 Sub-components 11.4.1 Desktop and Field Studies Table 11-4 Desktop and Field Studies Related to Marine Vegetation Figure 11-2 Roberts Bank Marine Vegetation Habitat Map (2012) 11.5.1 Existing Conditions, Eelgrass 11.6 Future Conditions with the Project 11.8.1 Residual Effect – Changes in Biofilm Assemblage Composition 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.3.2.2 Onsite Habitat Concepts, Eelgrass **AIEIS** Appendix 2-B Issues and Interests, Table 16 Marine Vegetation
Tsawout-15.2	Concerned about impacts to seaweed and eelgrass caused by increased wave action due to greater size and volume of shipping lane traffic may lead to corresponding impacts to traditional marine resources that feed on seaweed	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 8.1 on Fish and Fish Habitat.	**Addressed in MSA Section 8.1:** MSA Section 8.1 presents an effects assessment of marine shipping associated with the Project on fish and fish habitat (including marine vegetation). Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions.	**MSA** 8.1 Fish and Fish Habitat

Table 16: Marine Water Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-16.1	Concerned with reduction or removal of water visibility: Required for harvesting of marine invertebrates due to ship wake disturbing the seafloor at otherwise productive harvesting areas.	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Section 7.2:** An assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project on wake-generated waves. The existing wind-wave climate varies greatly across the local study area in response to differences in local wind conditions, variations in fetch length, and incoming swell from Juan de Fuca Strait. The majority of wind-generated wave heights are in the range of 10 to 50 cm, but they can reach up to 200 cm. Vessel wake is a small component of the existing wave climate. Wake waves generated by a representative-size container ship travelling at typical speeds through the MSA were calculated. The results showed that wake waves larger than 10 cm (wave heights smaller than this height are considered to reflect calm conditions) would reach shorelines adjacent to the shipping lanes only in Segment B of the MSA in three zones – near Tumbo and Saturna Islands, at the western end of Stuart Island, and in the vicinity of Victoria, including Discovery Island. Based on the spectrum of wind-generated waves, ship wake would be indistinguishable from wind-generated waves except during calm conditions. Calm conditions are experienced 40%, 46%, and 25% of the time within these three identified zones in Segment B. Therefore, container ship wake waves are expected to be exceeded by (and indistinguishable from) natural waves 60%, 54%, and 75% of the time in these Segment B zones. Vessel wake height calculations indicate that the majority of wake-related waves approaching shorelines in the three zones would be between 10 cm and 12.5 cm in height. Project-associated traffic is expected to increase vessel traffic through Segment B by 6% compared to existing conditions; therefore, the potential for wake-generated waves to occur during calm conditions is also expected to increase by 6%. With all future vessels transiting the MSA, including Project-associated traffic (a cumulative vessel traffic increase of 36%), the potential for these small wake-related waves (10 cm to 12.5 cm) is anticipated to cumulatively increase by 36%. The length of shoreline that falls within the zone of influence of existing vessel wake is not anticipated to change with future increases in the number of vessel movements. **Addressed in MSA Section 7.3:** Marine water quality in the MSA is influenced by many factors, including freshwater inputs, tidal currents, seasonal influences, and other natural physical factors that affect temperature, dissolved oxygen levels, salinity, and other parameters. Due to federal and international pollution prevention provisions and regulations, discharges of bilge water or ballast water are not expected to alter marine water quality within the MSA. Routine Project-associated shipping activities are therefore not expected to affect marine water quality.	**MSA** 7.2 Wave Environment 7.3 Marine Quality

Table 17: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-17.1	Asked whether or not the VFPA will be consulting on monitoring plans, and if there will be opportunities for First Nations involvement in monitoring. Asked what the requirements/ qualifications would be.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that the VFPA will be consulting with Indigenous groups on some, all or most of the monitoring plans. This is still being determined. Stated that local First Nations have been heavily involved in the work previously conducted. Community members were trained as marine mammal observers during the EIS field studies. The authority for marine mammal observers to shut down an activity is stated in the EIS as a commitment. Numerous opportunities can be expected to be available as part of on-going monitoring work. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#32):** An adaptive management approach will be taken as indicated in Section 33.5 RBT2 Follow-up Program. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-Up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-Up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft Program will be sought through the VFPA's ongoing engagement initiatives. **Addressed in AIEIS Appendix 2-B Table 30 (#162):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA has committed to undertaking the development of the Follow-up Program following the submission of the EIS. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives. Drawing on the elements described in EIS Appendix 33-A and ongoing post-EIS submission regulator consultation, the VFPA will lead the development of the RBT2 Follow-up Program document, which will include details on the duration and frequency of field data collection, based on an evaluation of the length of time needed to detect effects given observed environmental variability, likely magnitude of environmental effect, and desired level of statistical confidence in the results.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.7 Mitigation Measures 32.2.7.1 Mitigation Measure #1: Changes in Access to Preferred Current Use Locations 32.2.7.2 Mitigation Measure #2: Changes in Availability of Preferred Current Use Resources 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements **AIEIS** Appendix 2-B Issues and Interests, Table 30 Environmental Management Program 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.3 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Participation by Indigenous groups in follow-up monitoring is discussed in EIS Section 32.0, and in AIEIS Section 7.0. The measures related to participation in environmental monitoring and follow-up programs are specifically extended to the *W̲SÁNEĆ* Nation. AIEIS Section 7.3 also includes the suggestion of *W̲SÁNEĆ* participation in monitoring in the list of mitigation measures suggested by Indigenous groups.	
Tsawout-17.2	Asked whether or not there will be monitoring opportunities related to marine shipping, and who is responsible for mitigations for marine shipping.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that marine shipping is within the purview of the federal government. Stated that information provided as part of the MSA was provided to the federal government to inform federal programs.	**Addressed in MSA Appendix 5-B (#21):** Follow-up measures are addressed in EIS Section 11.0. Follow-up programs to verify predicted effects are generally proposed to address uncertainty, such as any gaps in knowledge or understanding related to key conclusions. Because confidence in the residual effect predictions for this assessment is moderate to high, no follow-up programs are suggested specifically related to the predicted effects of marine shipping associated with the Project in the marine shipping area.	**EIS** 11.0 Follow-up Program **MSA** Appendix 5-B Aboriginal Issues and Interests
Tsawout-17.3	Interested in the success of previous efforts to transplant eelgrass. Interested in enhancement opportunities for eelgrass, clam and oyster beds.	30-Jan-2017, *W̲SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum) 19-Jun-2017, Meeting with Chief, Councillor, Administrative and Consulting Staff	**30-Jan-2017, Workshop:** Explained that previous eelgrass transplants have been undertaken successfully. Explained the work that was done for DP3. **19-Jun-2017, Meeting:** Explained the types of projects undertaken for the Habitat Enhancement Program, including eelgrass transplants.	**Addressed in EIS Appendix 7.2-B (#201) and EIS Section 17.0:** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorisation will require that functional objectives are met. **Addressed in Response to IR-7.31.15-12:** In response to IR-7.31.15-12 – Mitigation Measures, on 26-Oct-2015 the VFPA provided Appendix IR12-A – Summary of Proposed Mitigation and Anticipated Effectiveness, which summarises the various mitigation measures proposed in the EIS (including habitat offsetting), and indicates their anticipated effectiveness and risks. Appendix IR12-A notes that the creation of eelgrass habitat is anticipated to be effective, based on the proven success of previous habitat creation projects within the Fraser River Estuary and similar environments.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting **Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314) Appendix IR12-A – Summary of Proposed Mitigation and Anticipated Effectiveness (CEAR Document #314)

Table 18: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-18.1	Asked whether vehicular traffic and routes for construction were included in the local study area for noise and vibration. Asked whether the CEA Agency had not given VFPA the direction to scope the study area in that way.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that the sources of noise considered in the noise and vibration assessment included activities on the terminal, and truck and train traffic on the causeway. Stated that noise from construction, and truck and train traffic once they leave the causeway are considered in the cumulative effects assessment as a certain or reasonably foreseeable activity. Stated that the scope of the study was defined by the CEA Agency. Pointed out the dividing line (VFPA jurisdiction), which changes whether activities were considered as a Project activity, or a reasonably foreseeable activity in the cumulative effects assessment. Stated that it is typical for the CEA Agency to determine the spatial scope of the Project. Believes it makes sense for traffic associated with the Project to be included in some way, so it's included as a cumulative effect. Cannot speak to the professional judgement involved or opinions on how the study was scoped. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in EIS Section 8.0:** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including incremental road, rail, and marine vessel traffic associated with RBT2 and other projects. **Addressed in AIEIS Appendix 2-B Table 10 (#49):** The spatial boundaries for the noise and vibration assessment, and the rationale for their selection, is included in EIS Section 9.3. • The upland study area extends to Canoe Passage. • The marine study area includes all marine areas within 10 km of the proposed terminal, including areas at the mouth of the Fraser River and Canoe Passage, north of the northern tip of Westham Island. The noise and vibration assessment considers construction phase activities, based on the list of construction equipment provided in EIS Appendix 4-F.	**EIS** 4.0 Project Description Appendix 4-F Construction Equipment Peak Analysis 8.0 Effects Assessment Methods 8.1.9 Effects Assessment Methods, Environmental Assessment Methods, Cumulative Effects Assessment 9.3 Noise and Vibration 9.3.6.2 Methods, Study Area VC Effects Assessment Sections: Biophysical VCs (Sections 11.0 through 16.0) Socio-economic VCs (Sections 19.0 through 28.0) **AIEIS** Appendix 2-B Issues and Interests, Table 10 Noise and Vibration

Table 19: Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-19.1	Asked how the VFPA determines which ships can come into port, and whether there is any quality control.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that this is regulated by Transport Canada. Explained that the VFPA has incentives for better environmental performers, and these incentives are described on the VFPA's website. The incentive program is called EcoAction. There are financial incentives for using shorepower, where vessels plug into the hydro grid for power as opposed to burning diesel. Stated that for trucking, the VFPA has no real control over trucking after it leaves VFPA jurisdiction. However, the VFPA restricts the type of engines that are allowed to operate on VFPA property, which provides a method of regulation. Stated that the VFPA has engaged with the BC Ministry of Transportation and Infrastructure to encourage improvements in infrastructure such as truck staging areas, which decrease truck idling. Added that the VFPA sits on the board for an independent organisation, Clear Seas, which aims to be at the global forefront of environmental protections for shipping on the west coast. It is noted other parts of Canada are interested and joining. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 1 (#1):** EIS Section 1.0 provides an overview of the VFPA's mandate and jurisdiction. The VFPA is a port authority created pursuant to the *Canada Marine Act*, accountable to the federal Minister of Transport. The *Canada Marine Act* gives port authorities the authority to take, permit, or prevent certain activities within a port, which is defined as "the navigable waters under the jurisdiction of a port authority and the real property and immovables that the port authority manages, holds or occupies as set out in the letters patent". The letters patent issued for the VFPA describe the geographic boundaries of the navigation jurisdiction of the VFPA, the federal real property that it manages, and the lands other than federal real property, namely lands that the VFPA holds in its own name. The VFPA's territorial jurisdiction therefore includes the federal lands and lands other than federal real property that it manages, together with the navigable waters over which it has navigation jurisdiction. The federal real property managed by the VFPA and its navigation jurisdiction are shown in EIS Figure 1-3. In fulfilling the mandate under the *Canada Marine Act*, the port authority carries out a variety of duties, including safety and security of all land and waters, in collaboration with other agencies, using technology and land and water patrols. For core activities related to shipping and navigation, the VFPA acts as agent to the federal Crown. In accordance with this statutory authority, the VFPA has issued a Port Information Guide for marine operations within its jurisdiction (http://www.portvancouver.com/marine-operations/port-information-guide/). The guide's purpose is to promote safe and efficient navigation within the local waters of the port and to protect the marine environment. The practices and procedures apply to all vessels in the port, including pleasure craft and recreational vessels, and to all persons responsible for the planning, operation, conduct, and safe navigation of such vessels, including tenants. Among other things, the Port Information Guide outlines practices and procedures related to arrival and departure checklists, navigation, movement of dangerous goods, waste removal, marine mammal critical habitat, speed, use of pilots, anchorage procedures, environmental requirements, vessel discharges, noise and lights, adverse weather conditions, bunkering, and cargo operations, including loading/discharging and cleaning. Appendices to the Port Information Guide provide data sheets for all terminals within the Port of Vancouver. Every vessel either in or seeking to enter the port is subject to the orders of the port authority with respect to its entry, departure, draught, berth, anchorage, location, speed, direction, and means and method of movement, whether or not such orders are issued through or by the Canadian Coast Guard's Marine Communications and Traffic Services. The VFPA asserts its authority on vessels that intend to enter, or are within the waters controlled by the port authority by monitoring and enforcing the practices and procedures described in the Port Information Guide. Additional information regarding the VFPA's jurisdiction and scope of authority, including how the VFPA asserts its jurisdictional authority on vessels that intend to enter or are within VFPA navigable waters, is provided in the VFPA's response to IR1-01. The Port Information Guide is provided as an appendix to the response to IR1-01. **Additional information provided by the VFPA:** Links to various initiatives are provided at the following link: http://www.portvancouver.com/environment/ More information on the Clear Seas initiative can be found at the following link: http://clearseas.org/	**EIS** 1.0 Introduction 1.3.2 VFPA Overview 1.3.2.2 Mandate and Jurisdiction Figure 1-3 VFPA Managed Federal Lands and Navigation Jurisdiction 1.3.3 Governance and Corporate Structure 1.3.3.1 Insurance and Liability Management 1.3.3.2 Environmental Policy **AIEIS** Appendix 2-B Issues and Interests, Table 1 Port Operations **Information Requests** Response to Sufficiency Information Request #1 (IR1-01 of CEAR Document #897)

Table 20: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-20.1	Requested more information on the predictions of the likelihood of accident occurring during a particular time frame, and noted that there was huge discrepancy in these numbers for Northern Gateway. Stated that a quantitative risk assessment is controversial and subject to debate. Concerned with the accuracy of predictions of the likelihood of an accident occurring. Requested information regarding previous incidents at Roberts Bank. Concerned with potential accidents and malfunctions and potential effects to the environment, including sea life, birds, eagles, whales, and mammals.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that the approach is described in Section 30 and EIS Appendix 30-A. Stated that an independent consultant determined the probabilities by looking at those types of accidents globally for vessels and container ships, which is reflected in EIS Appendix 30-A. Predictions incorporated global and local information. Container ships have a high level of controllability, and a lower likelihood of an accident compared to other types of ships. Stated that quantitative risk assessment is a well-recognised method for assessing the risks associated with these activities. The findings will be open to debate through the independent panel process, which includes expert review. The VFPA has been transparent in providing the information on how the assessment was calculated in the EIS. Stated that the Panel will review the modelling approach and the calculations in the EIS. Where possible, the VFPA has tried to learn from other EAs. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 29 (#158):** The probabilities of various accident scenarios are provided in the RBT2 Quantitative Risk Assessment (QRA) in EIS Appendix 30-A. The QRA also includes information on historical incidents, including at Roberts Bank, in EIS Appendix 30-A, Section 3.1.1. The sensitivity and level of certainty associated with accident rate predictions is described in EIS Appendix 30-A, Section 4.2. The frequency assessment conducted indicates that all shipping-related accidents can be considered improbable, with or without RBT2. The QRA explicitly included uncertainty in analyses and utilised 95% confidence bounds to make that assessment. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described in EIS Section 30.0. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on SRKW, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS.	**EIS** 3.1.1 Representative Historical Container Ship Accident Scenarios 4.2 Sensitivity to Key Assumptions 30.0 Potential Accidents or Malfunctions 30.4 Potential Marine-Based Accidents and Malfunctions 30.6 Assessment of Plausible Worst-Case Scenarios 30.6.1 Container Vessel Allision and Fuel Spill at RBT2 Terminal Berth Face 30.6.1.3 Plausible Worst-case Scenario #1 Effects Assessment Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 10.0 Potential Accidents or Malfunctions **AIEIS** Appendix 2-B Issues and Interests, Table 29 Potential Accidents or Malfunctions 8.0 Potential Accidents or Malfunctions
Tsawout-20.2	Commented that the VFPA has used the determination of likelihood differently than other environmental assessments. Stated that the VFPA has determined the likelihood that an adverse effect will occur, given that an accident has occurred. Other environmental assessments determine the likelihood	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Clarified that some EAs are incorrect in their methodology of determining significance after likelihood. The event itself is unlikely. In *CEAA, 2012*, a cumulative effects assessment is not required to be conducted on unlikely events. In other sections of the EIS, cumulative effects assessments have been conducted on factors such as changes in air	**Addressed in AIEIS Appendix 2-B Table 29 (#159):** The determination of likelihood of residual effects related to potential accidents or malfunctions is applied consistently with common EA practice. The characterisation of all residual effects, and determination of significance of those effects, is carried out in addition to the determination of likelihood.	**AIEIS** Appendix 2-B Issues and Interests, Table 29 Potential Accidents or Malfunctions 8.0 Potential Accidents or Malfunctions **EIS** 30.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	of an adverse effect occurring without assuming the occurrence of an accident.		quality or human health, because these potential changes or effects are likely to occur. In the case of accidents or malfunctions, if the event is unlikely, then a cumulative effects analysis is not required. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.		Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix B – Tables 30.6.1.3 Plausible Worst Case Scenario #1 Effects Assessment 30.6.2.3 Plausible Worst Case Scenario #2 Effects Assessment 30.6.3.3 Plausible Worst Case Scenario #3 Effects Assessment
Tsawout-20.3	Asked what location is for the grounding accident scenario.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Committed to follow-up. **25-Aug-2015, Email from the VFPA:** Confirmation of exact location for accident scenario: EIS Section 30.0 of the (existing) EIS evaluates a worst-case scenario involving a container ship impact incident at the terminal. The MSA evaluates a worst-case scenario involving a container ship experiencing a hard grounding in Boundary Passage near South Pender Island. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#98):** The assessment of potential accidents or malfunctions (EIS Section 10.0) considers a plausible worst-case spill scenario located in Boundary Passage at the south end of South Pender Island, within Segment B of the marine shipping area. Moresby and Stuart islands are located within this area. The assessment considers potential effects of a spill on marine commercial use, as well as outdoor recreation.	**EIS** 30.0 Potential Accidents or Malfunctions **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions
Tsawout-20.4	Asked why the VFPA's worst case scenario is different than the one in the TMX assessment, which considered a grounding at Turning Point, in between Stuart and Moresby Islands.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that the VFPA's site is very close to the TMX site. The assessment considered a powered grounding south of Pender Island. Stated that an independent consultant reviewed the sites used in the TMX assessment, and associated probabilities of an accident occurring, and considered this information in choosing a site for the MSA assessment. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#98):** The assessment of potential accidents or malfunctions (EIS Section 10.0) considers a plausible worst-case spill scenario located in Boundary Passage at the south end of South Pender Island, within Segment B of the marine shipping area. Moresby and Stuart islands are located within this area. The assessment considers potential effects of a spill on marine commercial use, as well as outdoor recreation.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation
Tsawout-20.5	Commented on Draft RBT2 AIEIS - Pg. 96 Potential Accidents or Malfunctions (8.1), Potential Effects of Accidents and Malfunctions on Rights (8.5) Aboriginal Traditional Knowledge (9.0):	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** Comment #24: For the purposes of assessing the effects of accidents and malfunctions, the EIS and AIEIS both assume that the accident would occur, and then assess the effects that could result from that accident. Any predicted residual effects of the accident or malfunction		**AIEIS** 2.0 Aboriginal Groups Engagement and Consultation Appendix 2-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	The VFPA describes three different accident scenarios, and concludes that one of them, a vessel collision and heavy fuel spill at the wharf, would result in a significant adverse residual effect on marine use and the exercise of Aboriginal and treaty rights. The VFPA argues that such an event has an extremely low chance of occurring, and as a result no [cumulative] impact assessment on rights and use was undertaken. This is an excellent example of the inability of *CEAA 2012*'s definition of "ATK" to capture Aboriginal knowledge in a way that could improve project assessment. Aboriginal people have their own notions of "risk," that should be reflected in this assessment, but which are excluded by the scientific assessment of risk instead.		are then characterised and evaluated for significance, and then a determination of likelihood of the residual effects actually occurring is made. The determination of likelihood of residual effects in the EIS (and AIEIS) and the determination of the need to consider the residual effects of accidents and malfunctions in the assessment of cumulative effects are consistent with the requirements of applicable federal guidance, including the CEA Agency's Operational Policy Statements Determining Whether a Designated Project is Likely to Cause Significant Adverse Environmental Effects under *CEAA, 2012* and Assessing Cumulative Environmental Effects under the *CEAA, 2012*. As per these policy statements, residual effects of accidents and malfunctions must be considered in an assessment of cumulative effects, if the residual effects are considered likely to occur. As noted in the EIS (and AIEIS), the residual effects of the accidents and malfunctions are not considered likely to occur. The VFPA acknowledges that the *W̲SÁNEĆ* Nation may hold different views on the determination of likelihood, and the VFPA remains open to receiving specific information from *W̲SÁNEĆ* regarding their perspectives on 'risk' and likelihood as they pertain to accidents and malfunctions.		

Table 21: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-21.1	Stated that there is a lot of room for interpretation for current use, and the CEA Agency allows for that. Commented that how it is used here in the EIS is restrictive. Stated that future use is supposed to be included.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded that is why setting temporal boundaries are important. Stated that "Current Use" is the language in the *CEAA, 2012*. The VFPA has no choice in the matter; it is written in the Act as current use of lands and resources. Added that the author of the current use portion is not present today to fully explain the requirements and methodology. There is a historic component incorporated into the section, and this is reflected in EIS Section 32.0. If there is interest, the VFPA can arrange a meeting to provide further detail. Requested participants to advise the VFPA if there is intended use as well. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0 Effects Assessment Methods. These methods are consistent with existing federal guidance. The effects of other projects and activities that have been carried out are reflected in the existing (and expected) conditions of the ICs and VCs, and in EIS Section 32.0. By assessing potential Project-related effects against those conditions, the cumulative effects of the Project and other past projects and activities are inherently considered. The EIS also includes historical data, where available and applicable, to assist interested parties to understand the potential effects, including cumulative effects, of the Project. The EIS does not include an assessment of historical infringements on the ability of Indigenous groups to exercise rights or impacts to traditional use. **Addressed in AIEIS Appendix 2-B Table 28 (#129):** The terminology "current use of lands and resources for traditional purposes" (Current Use) is the language of subsection 5(1)(c) of *CEAA, 2012*. The assessment of potential effects on Current Use in EIS Section 32.0 and AIEIS Section 7.0 reflects the understanding of Current Use outlined in the CEA Agency's draft Technical Guidance on Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*, dated December 2015. The EIS was filed in March 2015, prior to that draft guidance being issued; however, EIS Section 32.0 and AIEIS Section 7.0 considered use for traditional purposes that may not be occurring presently or occurring at sufficient levels to meet community needs, but was reported by Indigenous groups to have occurred in the past. As part of that consideration, the EIS and AIEIS included Indigenous groups' perspectives on the effects over time (as a result of other projects and activities) that have contributed to existing conditions of use. The EIS and AIEIS also considered the desire to restore use (based on past use) or increase use (over present or recent limited levels), where this desire was expressed by Indigenous groups to the VFPA.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis **AIEIS** Appendix 2-B Issues and Interests, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2 Current Use of Lands and Resources for Traditional Purposes Assessment 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests
Tsawout-21.2	Commented that *W̱SÁNEĆ* traditional territory is not accurately represented on the map provided by the VFPA.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Explained the source of the map and noted that Tsawout First Nation can provide a preferred map for the VFPA to include in the marine shipping report if there is one available. **23-Sep-2015:** Tsawout provided the VFPA with *Preliminary Traditional Marine and Land Use Baseline* marine shipping report, which included a map of Tsawout traditional territory.		
Tsawout-21.3	Stated that the Point Roberts area is the location of the *W̱SÁNEĆ* First Nations' most important village site, and the only reason the *W̱SÁNEĆ* people left the most important reef nets sites at	24-Aug-2015, Meeting 23-Sep-2015, Tsawout Preliminary Traditional	**24-Aug-2015, Meeting:** Recorded comment for consideration by the Project team. **23-Sep-2015:** Recorded comment for consideration by the Project team.	**Addressed in Response to IR7-21:** As requested by the Review Panel, IR7-21 discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area. For all segments discussed in	**Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1141)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Point Roberts is because they were kicked out. Stated that the increased size and volume of vessel traffic may negatively impact community efforts to revitalize the traditional reef net fishery. Stated that as a stationary, anchored fishing technique practiced using small vessels such as canoes, it will be significantly impacted by vessel wake.	Marine and Land Use Baseline		the MSA, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators.	
Tsawout-21.4	Stated that gathering dietary staples and culturally significant resources such as sea crab, urchin, seaweed, etc. from sites along rocky shores throughout the shipping lane will be negatively impacted by increased vessel wake.	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5.5.1 Negligible Effects of Vessel Transit on Current Use.	**Addressed in MSA Section 9.5.5.1:** As reported in EIS Sections 9.2 Marine Commercial Use and 9.3 Outdoor Recreation (based on the findings of MSA Section 7.2 Wave Environment), ship wake from Project-associated vessels is not expected to be distinguishable from existing wave action on vessels engaged in commercial or recreational activities except in calm conditions (i.e., when wave heights are below 10 cm), given that ship-related wake is within the wave-height spectrum of wind-generated waves. In Segment B of the MSA, the only segment in which shorelines fall within the potential zone of influence of wake-generated waves (or those waves potentially greater than 10 cm in height when they reach the shoreline), calm conditions are experienced 40%, 46%, and 25% of the time in Zone 1, 2, and 3 of that segment, respectively (see MSA Section 7.2 Wave Environment and MSA Figure 7.2-1). Ship wake waves are therefore expected to be exceeded in these zones by natural waves 60%, 54%, and 75% of the time, respectively. In calm conditions, waves may be more readily identifiable as generated by passing ships as opposed to wind during Current Use activities that coincide with ship pass-bys, and the ability to make this distinction may increase in calm conditions by the same factor that Project-associated shipping is expected to increase shipping traffic within the MSA (i.e., by 9% (Segment D) to 12% (Segment B)); however, waves from vessel wake generally dissipate to a height of less than 25 cm in most areas of the MSA by 50 m from the point of origin (except near Discovery Island in Segment B, where wake waves are not expected to dissipate to a height of less than 25 cm until approximately 1.25 km away from the point of origin). As a result, Current Use activities that would be expected to experience wake wave heights of above 10 cm in calm conditions would be taking place within or very near the shipping lanes (i.e., in open water); however, since ship-related wave heights are expected to be within the spectrum of wind-generated waves (i.e., smaller than 10 cm) for a larger percentage of the time, and since Current Use activities would not be expected to always occur during calm conditions, wake from Project-associated vessel traffic is not expected to result in a measurable change in access to preferred Current Use locations, either in open water or along the shorelines within the MSA.	**MSA** 9.5.5.1 Negligible Effects of Vessel Transit on Current Use
Tsawout-21.5	Expressed concern that *W̱SÁNEĆ* were not included in the EIS, as there is no evidentiary reason to exclude them.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Stated that the CEA Agency and the VFPA reached out to the *W̱SÁNEĆ* First Nations previously [in early 2014] regarding the RBT2 project and did not receive a response.	**Addressed in AIEIS Appendix 2-B Table 28 (#131):** *W̱SÁNEĆ* use of Point Roberts is described in AIEIS Section 7.0 and MSA Section 9.5. Cumulative effects on this use to date, from the perspective of the *W̱SÁNEĆ*, are also described in AIEIS Section 7.0 and MSA Section 9.5. **Addressed in AIEIS Appendix 2-B Table 3 (#25):**	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Stated that the VFPA is approaching Tsawout First Nation again now to ask if Tsawout would like to participate in consultation for the RBT2 project. Clarified that the VFPA's intention is to engage Tsawout at the same level as the Cowichan groups. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	As described in AIEIS Section 2.3, the *W̲SÁNEĆ* bands were each contacted by the VFPA in early 2014 and invited to participate in consultation related to RBT2. As no response was received by the VFPA, and as the CEA Agency had not included the *W̲SÁNEĆ* bands in the list of Indigenous groups in the *EIS Guidelines* issued in January 2013, the *W̲SÁNEĆ* bands were not included in the phases of consultation prior to EIS submission. These phases included the 'Project Description Engagement and Consultation' phase, and the 'EIS Development Engagement and Consultation' phase. The activities that took place during these phases of consultation are described in EIS Section 7.2. AIEIS Section 2.3 has been revised as requested to include this information. By way of providing the draft AIEIS for review, the VFPA has provided the opportunity for individual bands to comment on the statements in the AIEIS related to consultation.	**AIEIS** Appendix 2-B Issues and Interests, Table 3 Engagement and Consultation Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
Tsawout-21.6	Stated that vessel wake impacts both the safety and the practice of harvesting marine invertebrates and fishing. Stated that there is a personal risk travelling and anchoring by small vessel from shipping activity, including wake. Stated that vessel wake reduced the brief window of time Tsawout members have to harvest at peak low tide periods by making harvesting too risky or removing the sitelines required to harvest certain species. Stated that this includes crossing the shipping lanes to access harvesting locations. Stated that Tsawout members have to travel slowly during ship transits and have to wait for ships to pass. Stated that Tsawout members express concerns and experience reticence about accessing preferred harvesting locations on the other side of the shipping lane. Concerned that increased frequency of vessel traffic in	23-Sep-2015, Tsawout Preliminary Traditional Marine and Land Use Baseline 26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B summarising concerns raised by Tsawout First Nation and the VFPA's responses. **26-Nov-2015, Workshop:** Responded that the assessment determines adverse effects to current use associated with vessel collisions in the MSA. The MSA is currently undergoing a completeness review, and the public and Indigenous groups may comment on the completeness or sufficiency of the assessment. Suggested that Tsawout review the assessment and follow up with the VFPA with any questions.	**Addressed in EIS Section 30.0:** Using information from DFO, EIS Appendix 30-A also provided calculations for collisions involving RBT2-associated ships with fishing and recreational vessels. For the portion of the marine shipping area that incorporates the waters between the proposed RBT2 terminal and the eastern shore of Saturna Island, the probability of a collision occurring between a commercial fishing vessel and a container ship or other large vessel, which reflects 2012 conditions, has a return period of 57 years, i.e., the potential to occur once in 57 years (EIS Appendix 30-A). In 2030 without the Project, due to the increased vessel traffic expected at that time even without the Project, the probability of a collision in this portion of the marine shipping area increases compared to the 2012 circumstance, and is estimated as having a return period of 51 years. The estimated probability of a collision would increase only slightly in 2030 when Project-associated shipping is taken into account; the estimated return period for this scenario is 50 years (EIS Appendix 30-A). **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of a plausible worst-case collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for the following VCs: marine commercial use, outdoor recreation, and human health, as well as Current Use. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, current use, and asserted or established Aboriginal and treaty rights. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For current use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake current use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment of Current Use (MSA Section 9.5) considers cultural practices, such as the acquisition of traditional foods and the transmission of traditional knowledge. Perceptions of safety, as well as access to preferred harvesting locations and visual or auditory disturbances, are covered in the assessment of	**EIS** 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use Access to Preferred Current Use Locations Quality of Current Use Experience 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures **Information Requests** Response to Sufficiency Information Requests #06 (IR10-06) Response to Sufficiency I Information Requests #13 (IR10-13)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	the shipping lane will effectively cut harvesters off from some of their most reliable traditional harvesting sites in the San Juan Islands or make traveling to these sties considerably more dangerous. Stated that community members frequently express concern with small vessel strikes, and increased congestion around shipping lanes. Stated that increases in the number of vessels directly impacts Aboriginal harvesters. Stated that an increase in shipping makes it impossible to move through the shipping lane in small boats, and alienates the community from much of their territory.			potential changes to the following: Access to preferred Current Use locations; and Quality of Current Use experience. **Addressed in Responses to IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	
Tsawout-21.7	Commented on the conclusion that there are existing cumulative effects to orcas. This logic could apply to Aboriginal or treaty rights. There are fewer harvesters supporting communities than there are SRKWs, so they could be determined to be endangered.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Recorded comment for consideration on the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B Table 28 (#133):** Existing (cumulative) effects on *W̲SÁNEĆ* use, from the perspective of the *W̲SÁNEĆ*, are described in AIEIS Section 7.0 and MSA Section 9.5. Existing effects on asserted or established rights associated with *W̲SÁNEĆ* use are also considered in AIEIS Section 7.0 and MSA Section 9.5.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes Appendix 2-B Issues and Interests, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes
Tsawout-21.8	Concerned with the anchorages located in the Gulf Islands. Stated that the anchorages disrupt travellers in small boats. Concerned that the anchorages located in the Gulf Islands are unsettling contaminated sediment.	30-Jan-2017, *W̲SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Appendix 5-B (#3):** Anchorage is discussed in MSA Section 4.0. Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. The assessment of marine shipping associated with the Project is based on a routine vessel transit scenario. Because anchorage only	**MSA** 4.0 Activity Description 4.2.2.2 Anchorage Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				occurs in rare circumstances, anchorage is not assessed as an activity related to marine shipping associated with the Project. **Additional information provided by the VFPA:** An interim protocol for the use of Southern B.C. anchorages has been developed by Transport Canada (TC) in collaboration with the Chamber of Shipping of B.C., the Shipping Federation of Canada, the Pacific Pilotage Authority, the VFPA and the Port of Nanaimo (working group members). It also takes into account comments provided to TC by coastal communities about the impact of increased use of anchorages in their surrounding waters. Drafts of the interim protocol were also shared with coastal communities and First Nations. Under the protocol, the VFPA assigns anchorages as equitably as possible, subject to individual anchorage size restrictions, using their computerised queueing system which takes into account the dimensions of the vessel and specific anchorage usage over the previous 30 days. The objective of this approach is to balance the usage, so that no single anchorage is in constant use, and that that there is an equitable rotation of use through all suitable anchorages. Noise and Lights All vessels, while at anchor, should minimise noise levels and light usage in consideration of local residents. The following guidelines apply: Noise: • Generator usage should be reduced to the minimum required generator(s) to operate essential services and systems; • External doors and hatches to machinery spaces must be kept closed as often as possible; • Use of power tools and chipping hammers must be kept to a minimum and is not permitted on deck on weekends, nor between 1900 and 0700 hours on weekdays. Lights: • While the vessel is to be lit in compliance with the Collision Regulations, deck lights must be kept to a minimum; and • Lighting used to illuminate. Concerns with any of the specifics related to the responsibilities of ships at anchor (e.g., noise, light) within the protocol, can be reported to the VFPA Operations Centre. The VFPA Operations Centre will relay the complaints to the vessel agent with a copy to the Chamber of Shipping of B.C., the Shipping Federation of Canada and Transport Canada with the request to follow up with the vessel. The Interim Protocol is a temporary and voluntary measure that addresses some of the concerns Canada and the Port have heard in recent years. The Oceans Protection Plan, National Anchorage Framework will be undertaking the studies and consultation necessary to develop principles that determine the location and management practices for anchorages outside of ports in the future. In 2017, Transport Canada announced the Oceans Protection Plan's Anchorages initiative. The Anchorages Initiative will engage governments, marine industry, Indigenous groups, community organisations and stakeholders to: • Develop a process to identify anchorage locations; • Analyse and respond to environmental, economic, cultural, safety and security concerns now and over the long-term;	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Draft a "best practices at anchor" manual; and • Propose oversight/management options for anchorage locations outside port authority's boundaries. The comprehensive review will use an evidence-based approach, and includes hearing feedback on issues from First Nations, coastal communities, other levels of governments, and industry. Results and lessons learned from the Interim Protocol will help inform the national Anchorages Initiative.	
Tsawout-21.9	Stated that although different rights regimes are identified, the spatial extent of established treaty rights and asserted Aboriginal rights is not discussed in detail. Stated that there is limited discussion, or visualization, of the existence of established treaty rights and asserted Aboriginal title and rights. Stated that Tsawout's Douglas Treaty right to "fish as formerly" requires a more extensive treatment in order to accurately inform the effects assessment.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Tsawout's rights from the Project and marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel."*		
Tsawout-21.10	Requested that VFPA assess the adverse effects of shipping associated with the Project on the current use of lands and resources for traditional purposes for each First Nation or by group, in respect of their unique marine use patterns and rights. Stated that this approach should also be followed in the rights section (9.5.11), given that there are several different rights frameworks contiguous with the study areas. Stated that First Nations have different subsistence economies, resource use patterns, territories, rights regimes, etc. A biophysical effect on a species at a particular locale might have different magnitudes of	16-Dec-2015, Letter to the CEA Agency (CEAR Document #375)	**12-May-2016, Letter from the CEA Agency:** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in Response to IR10-13:** The VFPA's response to IR10-13, as requested by the Review Panel, provides additional information concerning the rationale for the effects assessment conclusions. **Addressed in Response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project.	**Information Requests** Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	effect on current use for different First Nations.				
Tsawout-21.11	Commented on Draft RBT2 AIEIS - Pg. 1 Description of WSÁNEĆ Nation Stated that the VFPA's description "together, these five groups are known as 'the *WSÁNEĆ* Nation' and are referred to collectively as such herein" messily conflates a number of interrelated issues such as ethnicity and political alliance. Semiahmoo should be referenced, and other Sencoten-speaking communities, such as the Lummi. It is recommended that the VFPA go with the description provided to it by the *WSÁNEĆ*. Additionally, references to the bands as "groups" is somewhat confusing.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #1: AIEIS Section 1.1 has been revised to include a description of the WSÁNEĆ Nation as provided in the WSÁNEĆ Study. Additional ethnographic information, including the relationship of Semiahmoo First Nation and the Lummi to the WSÁNEĆ Nation, is included in EIS Section 32.2 and MSA Section 9.5.* *Throughout the AIEIS, references to the WSÁNEĆ bands as 'groups' have all been changed to 'bands', except where the WSÁNEĆ report is directly quoted and the term 'groups' is used."*		**EIS** 32.2 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4.1 Tsawout First Nation **AIEIS** 1.0 Introduction
Tsawout-21.12	Commented on Draft RBT2 AIEIS - Pg. 53 Indicators Chosen for Rights and Current Use Assessment Stated that the indicators chosen by VFPA – access to preferred Current Use locations; Availability of preferred Current Use resources; Quality of preferred Current Use resources; and Quality of Current Use experience – do not facilitate such an analysis of impacts to their Aboriginal rights. Stated that the *WSÁNEĆ* had no input into the selection of VCs or indicators. The notions of "practice, traditions, and custom" are essential ideas to examining effects on Aboriginal rights, because it is through practices that Aboriginal rights acquire their unique character.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #13: The assessment of potential effects on the "current use of lands and resources for traditional purposes" (Current Use) is a statutory requirement under subsection 5(1)(c) of the CEAA, 2012, which uses this language to denote traditional use (i.e., a continuum of past, present, and future use for traditional purposes).* *The assessment of potential impacts on the exercise of rights is a common law requirement of the Crown pursuant to the duty to consult and accommodate, rooted in Section 35 of the Constitution Act, 1982. Given these differing requirements, the Updated EIS Guidelines draws a distinction between the assessment of Current Use and the assessment of rights.* *This distinction is described in EIS Section 32.1 and has been applied to the assessments in EIS Section 32.0, MSA Section 9.5, and AIEIS Section 7.0. Notwithstanding that distinction, the description of "existing" or current conditions of use presented in AIEIS Section 7.2.4 understands traditional use as lying along a continuum of past, present, and future use. As explained in AIEIS Section 7.2.4, information on past use was included to help "support an understanding of the context in which any*		**EIS** 27.0 Human Health (revised June 2016) 32.1 Component Overview and Regulatory Setting 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.1 Indicators 32.2.4 Existing Conditions 32.2.6.3 Potential Effect 3: Changes in Quality of Preferred Current Use Resources 32.2.7.3 Mitigation Measure #3: Changes in Quality of Preferred Current Use Resources **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the

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	The heart of the thing that we need to have understanding about – how will the project affect the ability of W̲SÁNEĆ to exercise their rights in the event the Project goes ahead, is no clearer than it was before. In their review of the document, the W̲SÁNEĆ suggested that the VFPA needs to tell them in very clear terms, as part of this assessment, all the ways in which this project will affect their Douglas Treaty rights to "fish as formerly."		*incremental effects to Current Use may occur [as presented in AIEIS Section 7.2.6]; it also serves to provide an understanding of use that grounds, or has the potential to ground, the exercise of Aboriginal rights, including title, and treaty rights. The descriptions of existing conditions also include information regarding desired future use, where such information was provided to the VFPA by Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, or Malahat Nation." This approach is reiterated in the rights analysis (AIEIS Section 7.3.2).* *The VFPA is of the view that information provided by W̲SÁNEĆ to the VFPA to date regarding W̲SÁNEĆ perspectives on access to locations in the Project area for the exercise of rights; the availability and quality of resources in the Project area for the exercise of rights; and the quality of experience while exercising or tied to the exercise of rights in the Project area, has therefore been described in existing conditions sections of both MSA Sections 9.5.4.1 through 9.5.4.4) and Section 7.2.4.* *The VFPA is also of the view that the Current Use indicators selected for the assessment of potential effects on Current Use also account for potential impacts to W̲SÁNEĆ practices, customs, or traditions associated with the exercise of asserted or established rights, where information on these practices, customs, or traditions was provided by W̲SÁNEĆ to the VFPA. The assessment of potential Project-related effects on W̲SÁNEĆ asserted and established rights, including Douglas Treaty rights to fish as formerly, are specifically addressed in AIEIS Section 7.3.* *The rationale for the selection of indicators is presented in EIS Section 32.2.1, as cross-referenced in AIEIS Section 7.2.1. In relation to the example provided in the comment regarding the "Quality of Preferred Current Use Resources" indicator, and specifically the concern regarding perception of quality of those resources, the rationale for the selection of that indicator, as presented in EIS Section 32.2.1, states: "Considers changes to the real or perceived quality of preferred Current Use resources…" (p. 32-17). Perceived issues with the quality of resources, from the perspective of Indigenous groups (as presented in EIS Section 32.2.4), is directly addressed in the discussion of potential effects on the quality of preferred Current Use resources (see EIS Section*		Current Use of Lands and Resources for Traditional Purposes 7.2.1 Indicators 7.2.4 Existing Conditions 7.2.7 Mitigation Measures 7.3.2 Results of the Rights Assessment

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			32.2.6.3, p. 32-108). The WSÁNEĆ were specifically asked to provide their perspectives on changes in the quality of resources (among other things) through consultation with the VFPA and through WSÁNEĆ studies funded by the VFPA. All information provided by WSÁNEĆ to the VFPA regarding WSÁNEĆ perspectives on quality of resources in the Project area was incorporated into AIEIS Section 7.2.4. *While incremental Project-related changes in the measurable quality of marine resources that have been identified as currently or formerly harvested in or near the Project area by WSÁNEĆ for traditional purposes are not expected, the mitigation measures proposed in EIS Section 32.2.7.3 to address perception of issues with quality of resources, and specifically those identified in EIS Section 27.0 Human Health, have also been applied to the WSÁNEĆ, per the analysis in AIEIS Section 7.2.7."*		
Tsawout-21.13	Commented on Draft RBT2 AIEIS - Pg. 54 Existing Conditions (Current Use) The VFPA's [separating] of the material supplied by the WSÁNEĆ together into four sections — one for each "band" – doesn't work. It results in statements sourced to bands who did not make those statements. VFPA writes "while the VFPA recognizes that the study information may therefore apply equally to all WSÁNEĆ groups, descriptions of existing conditions have been supplied for each of the four WSÁNEĆ groups that collaborated on the WSÁNEĆ Study" (Tsawout, Pauquachin, Tsartlip, and Tseycum) and for Malahat. As a solution, it is suggested that the VFPA redrafts the WSÁNEĆ section to clarify who the WSÁNEĆ are, following the community WSÁNEĆ report (2016) more closely. Secondly, the existing conditions sections for the bands should be blended into one section. Where the VFPA wishes to	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #14: A description of who the WSÁNEĆ are and their relationship to each other and to the Semiahmoo First Nation and Lummi Nation has been referenced in EIS Section 32.2.4 and MSA Section 9.5.4 (EIS Section 32.2.4.3, MSA Sections 9.5.4.1 and 9.5.4.3). Building on this previously provided information, the AIEIS reiterates who the WSÁNEĆ are and their relationship to each other in AIEIS Section 7.1.1 and in the introduction to AIEIS Section 7.2.4, where the WSÁNEĆ Study is directly referenced and quoted.* *While the relationship between the WSÁNEĆ bands is acknowledged in the AIEIS, each band was identified separately by the CEA Agency in Section 17.5 of the Updated EIS Guidelines and in its direction to the VFPA in January 2016. The VFPA has been consulting with each WSÁNEĆ band on the Project separately and has received no direction from the WSÁNEĆ that they wish to consult collectively. Through individual meetings with each WSÁNEĆ band, the VFPA has received information specific to each band. Based on direction from the CEA Agency and the structure of the MSA, which identifies or describes each band separately, the AIEIS was structured to be consistent with the way information has been previously supplied to the CEA Agency, and subsequently, the Panel.* *Information in the WSÁNEĆ Study, received by the VFPA in October 2016, was thoroughly incorporated into draft Current Use summaries*		**EIS** 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.4 Existing Conditions 32.2.4.3 Semiahmoo First Nation **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.4.1 Tsawout First Nation 9.5.4.3 Tsartlip First Nation **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.1.1 Aboriginal Groups 7.2.4 Existing Conditions

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	add in additional material derived from its contacts with individual bands, it should do so. The text would simply move back and forth between the general *WSÁNEĆ* view to the specific band-level view. This would result in a more readable and more accurate report.		*that had already been developed for each band based on information received through consultation, which has yielded unique information and perspectives from each band. Descriptions common to all subsections within AIEIS Section 7.2.4 were only used where it was reasonably clear the information applied to all WSÁNEĆ bands. If there are common descriptions that do not apply to specific bands, the VFPA is receptive to receiving specific information that helps the VFPA understand to which bands they do not apply, either in whole or in part.* *The VFPA notes that WSÁNEĆ are at liberty to submit the WSÁNEĆ Study to the Panel if there is a preference to share the information on the WSÁNEĆ Nation as a collective."*		
Tsawout-21.14	Commented on Draft RBT2 AIEIS - Pg. 58 Reefnetting (Current Use) Please include more information on the *WSÁNEĆ* revival of reef-netting.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #15: The revival of reef-netting has been described in relation to WSÁNEĆ in MSA Section 9.5.4 (see Sections 9.5.4.1 through 9.5.4.4) and in AIEIS Section 7.2.4, drawing on several sources of information, including meetings between the VFPA and the WSÁNEĆ bands. If there is specific information about the revival of reef-netting that WSÁNEĆ bands feel is missing from the AIEIS, the VFPA is receptive to receiving that information. At this time, the VFPA is of the view the information contained in the MSA and the AIEIS is sufficient to inform the Panel about the practice and revival of reef-netting among WSÁNEĆ."*		**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.4 Existing Conditions
Tsawout-21.15	Commented on Draft RBT2 AIEIS - Pg. 58 Marine Vegetation (Current Use) Fishing stations were villages that were occupied for the majority of the year; *WSÁNEĆ* people conducted all of their traditional land and marine use activities from those locations, and would have harvested over a wide region centered on the village sites. In identifying their village sites, harvesting of other resources in the surrounding area is of course assumed.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #16: AIEIS Section 7.2.4 explains, for each WSÁNEĆ band, that use of marine vegetation for traditional purposes is described in the MSA, which focused on such use in the marine shipping area. AIEIS Section 7.2.4 also explains that harvesting of marine vegetation by each band in the Project area (which lies north of the marine shipping area) "was not identified in sources reviewed" for either the MSA or the AIEIS. If there is specific information regarding the harvesting of marine vegetation (e.g., species targeted in the Project area or the area affected by the Project and the timing and frequency of such harvesting), the VFPA is receptive to receiving this information, which the VFPA has previously requested from each WSÁNEĆ band."*		**AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.4 Existing Conditions

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Tsawout-21.16	Commented on Draft RBT2 AIEIS - Pg. 81 Expected Conditions (7.2.5) (Current Use) The VFPA, both here and in the main EIS (Section 32.2.5) uses the existing conditions as described in the WNA as its baseline against which to assess future project effects, rather than the conditions at the time the project would likely proceed, were it to be permitted. As its assessment, the VFPA imagines a future in which the existing conditions continue, and adds the Project in. However, there is no description of future conditions without the Project, which is an important part of a full assessment picture. The VFPA notes that its assessment logic – i.e., the analysis it uses, or technique, to arrive at conclusions about whether the project will affect the W̲SÁNEĆ and how – is reproduced from Section 32.2.6 of the EIS and is also used in the Marine Shipping Addendum (7.2.6, p. 82). I have already noted above that, in my opinion, the VFPA's indicators are flawed because they do not include practices, customs, or traditions, especially practices which are Treaty rights.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #17: The methods applied in the Current Use assessment follow the methodology adopted for the assessment of effects on VCs.* *EIS Section 32.2.5 acknowledges that other projects and activities could contribute to potential effects on Current Use in the future without the Project, and a detailed description of these projects and activities, as well as their interactions with Current Use, is provided in this section. The rationale for assessing potential effects of the Project on Current Use (qualitatively) against "existing" rather than "expected" conditions (future without the Project) is also explained in EIS Section 32.2.5 (pp. 32-97 to 32-99), and cross-referenced in AIEIS Section 7.2.5.* *See the response above to Comment #13 regarding the concern that the indicators do not account for practices, customs, or traditions associated with the exercise of asserted or established rights."*	**Additional information provided by the VFPA:** **10-Feb-2017, Letter from the VFPA:** *"Comment #13: The assessment of potential effects on the "current use of lands and resources for traditional purposes" (Current Use) is a statutory requirement under subsection 5(1)(c) of the CEAA, 2012, which uses this language to denote traditional use (i.e., a continuum of past, present, and future use for traditional purposes). The assessment of potential impacts on the exercise of rights is a common law requirement of the Crown pursuant to the duty to consult and accommodate, rooted in Section 35 of the Constitution Act, 1982. Given these differing requirements, the Updated EIS Guidelines draws a distinction between the assessment of Current Use and the assessment of rights. This distinction is described in EIS Section 32.1 and has been applied to the assessments in EIS Section 32.0, MSA Section 9.5, and AIEIS Section 7.0.* *Notwithstanding that distinction, the description of "existing" or current conditions of use presented in AIEIS Section 7.2.4 understands traditional use as lying along a continuum of past, present, and future use. As explained in AIEIS Section 7.2.4, information on past use was included to help "support an understanding of the context in which any incremental effects to Current Use may occur [as presented in AIEIS Section 7.2.6]; it also serves to provide an understanding of use that grounds, or has the potential to ground, the exercise of Aboriginal rights, including title, and treaty rights. The descriptions of existing conditions also include information regarding desired future use, where such information was provided to the VFPA by Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, or Malahat Nation." This approach is reiterated in the rights analysis (AIEIS Section 7.3.2).* *The VFPA is of the view that information provided by W̲SÁNEĆ to the VFPA to date regarding W̲SÁNEĆ perspectives on access to locations in the Project area for the exercise of rights; the availability and quality of resources in the Project area for the exercise of rights; and the quality of experience while exercising or tied to the exercise of rights in the Project area, has therefore been described in existing conditions sections of both the MSA (Sections 9.5.4.1 through 9.5.4.4) and the AIEIS (Section 7.2.4).* *The VFPA is also of the view that the Current Use indicators selected for the assessment of potential effects on Current Use also account for potential impacts to W̲SÁNEĆ practices, customs, or traditions associated with the exercise of asserted or established rights, where information on these practices, customs, or traditions was provided by W̲SÁNEĆ to the VFPA. The assessment of potential Project-related effects on W̲SÁNEĆ asserted and established rights, including Douglas Treaty rights to fish as formerly, are specifically addressed in AIEIS Section 7.3.* *The rationale for the selection of indicators is presented in EIS Section 32.2.1, as cross-referenced in AIEIS Section 7.2.1. In relation to the example provided in the comment regarding the "Quality of Preferred Current Use Resources" indicator, and specifically the concern regarding perception of quality of those resources, the rationale for the selection of that indicator, as presented in EIS Section 32.2.1, states: "Considers changes to the real or perceived quality of preferred Current Use resources…" (p. 32-17). Perceived issues with the quality of resources, from the perspective of Indigenous groups (as presented in EIS Section 32.2.4), is directly addressed in the discussion of potential effects on the quality of preferred Current Use resources (see EIS Section 32.2.6.3, p. 32-108). The W̲SÁNEĆ were specifically asked to provide their perspectives on changes in the quality of resources (among other things) through consultation*	**EIS** 27.0 Human Health (revised June 2016) 32.1 Component Overview and Regulatory Setting 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.1 Indicators 32.2.4 Existing Conditions 32.2.6.3 Potential Effect 3: Changes in Quality of Preferred Current Use Resources 32.2.7.3 Mitigation Measure #3: Changes in Quality of Preferred Current Use Resources 32.2.5 Expected Conditions **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.1 Indicators 7.2.4 Existing Conditions 7.2.5 Expected Conditions 7.2.7 Mitigation Measures 7.3.2 Results of the Rights Assessment

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				with the VFPA and through WSÁNEĆ studies funded by the VFPA. All information provided by WSÁNEĆ to the VFPA regarding WSÁNEĆ perspectives on quality of resources in the Project area was incorporated into AIEIS Section 7.2.4. *While incremental Project-related changes in the measurable quality of marine resources that have been identified as currently or formerly harvested in or near the Project area by WSÁNEĆ for traditional purposes are not expected, the mitigation measures proposed in EIS Section 32.2.7.3 to address perception of issues with quality of resources, and specifically those identified in EIS Section 27.0 Human Health, have also been applied to the WSÁNEĆ, per the analysis in AIEIS Section 7.2.7."*	
Tsawout-21.17	Commented on Draft RBT2 AIEIS - Pg. 83 Calculation of "displacement" Effects in 7.2.6.1 (Current Use) The VFPA predicts a certain amount of "displacement" of harvesters from the area of the Project as a result of Project construction and operation, but they go no further in describing the effects of displacement on areas outside the project area, other users, or on other aspects of the Environment. If harvesters are displaced from the project area – or the shipping lanes – they will move their harvesting activity elsewhere: this effect, and the effects that arise from it, including increased competition for resources, are direct effects of the Project and are currently not accounted for. These effects will occur and will adversely impact the *WSÁNEĆ*. This problem cuts across the EIS and the Marine Shipping Addendum. If the VFPA is aware of the likelihood of a direct effect of the Project, that effect should be described, and the area in which it is likely to occur should be included in the study area for that VC. That is why we used a slightly larger study area in the *WSÁNEĆ* report.	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #18: The "displacement of harvesters from the area of the Project" is predicted in the EIS in relation to crab harvesting for traditional purposes by certain Indigenous groups for whom the area is, and has been, a primary crab harvesting area for traditional purposes (see the response to Comment #5 regarding commercial crab harvesting displacement). In the MSA, the potential displacement effect on Current Use relates to incremental ship pass bys within established shipping lanes in the marine shipping area, where ship pass bys are already occurring and where WSÁNEĆ report continued use for traditional purposes.* *Based on information provided by WSÁNEĆ bands, the incremental displacement effect on crab harvesting in the area of the Project (or on cultural heritage associated with accessing this location for this purpose) is not predicted to apply to WSÁNEĆ bands, as explained in the AIEIS (see Sections 7.2.6 and 7.3.3). The WSÁNEĆ may wish to consult the VFPA's response to AIR-12.04.15-29 for further information regarding the VFPA's rationale for describing these effects as either negligible (not measurable) or measurable for a given Indigenous group. The assessment's conclusion notwithstanding, the VFPA has indicated a desire to continue to consult the WSÁNEĆ in relation to the Project (see AIEIS Sections 7.2.7 and 7.3.3).* *Based on information provided by WSÁNEĆ bands, the incremental displacement effect as a result of Project-associated ship pass-bys within established shipping lanes (and on cultural heritage associated with accessing this location) in the marine shipping area is predicted to apply to WSÁNEĆ bands, as explained in the MSA (see Sections 9.5.5.2 and 9.5.11.2) and in the VFPA's response to MSA IR-02.24.16-2.*	**Additional information provided by the VFPA:** **10-Feb-2017, Letter from the VFPA:** *"Comment #5: As indicated in EIS Section 21.7.5, it is anticipated that crab licensees who have been using marine waters that overlap with the marine waters of the proposed navigational closure expansion and the new terminal footprint would shift crab harvesting activity to the west; i.e., the marine waters of the open area near the western boundary of the proposed navigational closure expansion during construction and operations.* *As described in EIS Section 21.1.1 and shown in EIS Figure 21-6, a navigational closure area was put in place in the vicinity of the Roberts Bank terminals and the BC Ferries Terminal on January 1, 2009 to ensure and maintain a safe approach for deep-sea vessels, ferries, and berthing tugs transiting in and out of the Roberts Bank terminals and BC Ferries Terminal. A similar process occurred with the establishment of the navigational closure area in 2009, whereby commercial crab licensees relocated their harvesting activities from inside the area affected by the navigational closure to the open area near the closure's western boundary.* *As indicated in EIS Section 16.0, the assessment of potential Project-related effects on the ongoing productivity of commercial, recreational, and Aboriginal fisheries was undertaken. EIS Section 16.3.1 presents the spatial boundaries (EIS Figures 16-1 and 16-2), where the ongoing productivity of commercial, recreational, and Aboriginal fisheries was assessed. As indicated in EIS Section 21.7.5, the assessment considered effects in the form of greater competition due to the re-located activity anticipated for crab harvesters who currently use the area along the new western boundary. This competition could take the form of greater effort (although current Area I management rules, such as trap and haul limits, constrain this avenue) and gear conflicts.* *It is expected that the proposed navigational closure expansion would not apply to crab harvesting for food, social, or ceremonial (FSC) or domestic purposes by Indigenous groups, but would apply to Indigenous groups and persons harvesting under an individual commercial or communal commercial crab licence.* *EIS Section 21.8 outlines the proposed mitigation measures, and the VFPA's commitment to work with DFO to ensure that consultation with commercial crab harvesters and Indigenous groups is undertaken. Where identified and agreed upon through this consultation process, the VFPA will work with DFO and commercial crab harvesters and Indigenous groups to implement additional mitigation measures to address effects from displacement of commercial crab harvesting associated with the proposed navigational closure expansion during construction and operation. This commitment was reiterated in AIEIS Section 3.3."*	**EIS** 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.3.1 Spatial Boundaries 21.0 Marine Commercial Use 21.1.1 Marine Fish and Seafood Harvesting and Guided Sport Fishing Figure 21-6 Commercial Crab Harvesting Activity Areas and Navigational Closure Area 21.5.1.1 Seafood Harvesting 21.7.5 Seafood Harvesting – Potential Effect #1 – Changes in Area, Harvest and Revenue 21.8 Mitigation Measures **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions **AIEIS** 3.0 Marine Commercial Use Assessment 3.3 Mitigation Measures 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.6 Future Conditions with the Project – Potential Project- Related Effects 7.3.3 Mitigation Measures **Information Requests** Response to Additional Information Request #29 (AIR-12.04.15-29 of CEAR Document #388)

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			Mitigation measures to address this potential incremental effect are also identified."		Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)
Tsawout-21.18	Commented on Draft RBT2 AIEIS - Pg. 82 onward: Calculation of "levels and frequencies" throughout Effects Assessment (Current Use) The VFPA erroneously uses the information it was able to glean on *WSÁNEĆ* marine use or which was supplied to it to inform its effects assessment, in particular to arrive at conclusions about the intensity of *WSÁNEĆ* marine and land use in the area of the Project, which it characterizes in terms of "levels and frequencies." [Sited examples]. It is unclear what the VFPA means by its repeated assertions that *WSÁNEĆ* use is "infrequent" and occurring at "low levels." The information provided to it by the *WSÁNEĆ* cannot be used to quantify use in the area of the Project in terms of intensity, levels, or frequency of harvest. The information, gathered from life-world interviews and then visualized on maps, is qualitative. The fact that it has been represented on maps in no way makes it quantitative data capable of supporting this kind of analysis. There is nothing in it to suggest "levels" or frequency of harvest, or size of user group relative to the population as a whole: it is not known how many active harvesters there are in the communities, nor how many of them use the Project area. The interviews are not a representative sample for the rest of the community population (which, in any	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #19: As required by the Updated EIS Guidelines, AIEIS Section 7.2.4 describes information, where provided to the VFPA by WSÁNEĆ bands, that would assist the Panel in understanding intensity of use. For example, per section 17.5 of the Updated EIS Guidelines, the assessment endeavours to provide information on "types, number, size and capacity of fishing vessels used in the area, gear types, and existing interactions with shipping," "commercial, recreational and aboriginal fisheries statistics (e.g., species, annual catch and number of licences)." The VFPA requested this information from WSÁNEĆ bands.* *The Updated EIS Guidelines also requires the assessment to distinguish between interactions that could potentially result in measurable effects from those that are not expected to be measurable (i.e., negligible effects) and why. As described in EIS Section 32.2.5, "Potential Project-related effects to Current Use have…been described based on a qualitative assessment of change from existing conditions," as these were understood by the VFPA at the time of filing. In the responses to AIR-12.04.15-30 and MSA IR-02.24.16-2, the qualitative nature of this assessment is further explained, providing clarification on the meaning of "negligible" and "measurable" in the Current Use assessment. Cross-references to these responses are provided in AIEIS Sections 7.2.6 and 7.3.2.* *With regard to the use of "infrequent" and "low levels" in the AIEIS, the AIEIS employs this terminology specifically in relation to crab harvesting for traditional purposes by WSÁNEĆ (see AIEIS Sections 7.2.6.1, p. 84 and 7.2.6.4, pp. 86 and 87). As described in the WSÁNEĆ Study and recounted in AIEIS Section 7.2.4, one WSÁNEĆ harvester reported a crab fishing area in the WSÁNEĆ Study's local study area that he said he frequented with his grandfather. The band affiliation of this harvester was not identified in the WSÁNEĆ Study. As also reported in AIEIS Section 7.2.4, Tseycum First Nation informed the VFPA that they have harvested crab in the Tsawwassen Water Lots on either side of the BC Ferries Terminal causeway, and that they require a Tsawwassen First Nation Member to be with them while using*		**EIS** 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.5 Expected Conditions **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.4 Existing Conditions 7.2.6.1 Access to Preferred Current Use Locations 7.3.2 Results of the Rights Assessment **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	case, is too small for a statistically representative sample) and one cannot determine rates or levels of use based on their information. Although it might have been possible to gather information that could support an analysis like this, through a harvest study, for example, it would have required much more time and resources. The information describes use of an area by a certain number of individuals, their history with the area, and the cultural values associated with it. This narrative is a representation of some aspects of *W̲SÁNEĆ* knowledge of and relationships with the Project area. The findings of "negligible" effect have been arrived at by incorporating the notion that *W̲SÁNEĆ* use of the area is at a low level and infrequent. Since the data is silent on this, the VFPA's conclusions are flawed.		*these areas. Specific information about how many crab may have been harvested at Roberts Bank, while requested, was not provided, but the context of the information suggested it was not occurring at a frequency or at levels that would be expected to experience a measurable displacement effect based on information available to the VFPA. See AIEIS Section 7.2.6.1 and the response to AIR-12.04.15-30 for further details."*		
Tsawout-21.19	Commented on Draft RBT2 AIEIS - Moreover, the information provided by Tsawout First Nation in the Trans Mountain review militates against this interpretation, in demonstrating that a small number of "providers" may be gathering a large quantity of some marine resources relied upon by the community, and that this may be a traditional structure of the *W̲SÁNEĆ* communities. If you interpret the activities of these providers through GIS data alone, you miss all the nuance and context of what's going on. Further, there is an inherent	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #20: With regard to the comment that there is a small number of providers gathering a large quantity of some marine resources relied upon by the community, this element of W̲SÁNEĆ resource reliance was described in the MSA (e.g., MSA Section 9.5.4.1). As residual effects on Current Use were predicted as a result of a potential accident and malfunction in the MSA (see Section 10.5.13), this element was also considered when developing the concept of resiliency (or sensitivity to further change) applied in characterisation of residual effects on Current Use, and determination of significance of those effects.* *The W̲SÁNEĆ Study was reviewed carefully by the VFPA to identify additional information regarding Current Use and the exercise of rights in the Project area not captured in the MSA or sources reviewed for that addendum. This information was incorporated into the existing*	**Additional information provided by the VFPA:** **10-Feb-2017, Letter from the VFPA:** *"Comment #21: The approach to the assessment of cumulative effects on Current Use in the EIS and AIEIS follows the approach adopted for VCs. These methods are described in EIS Section 8.0, and were further explained in the response to IR-7.31.15-13 and AIR-12.04.15-13. The VFPA notes that it is not a requirement of the Updated EIS Guidelines to assess the cumulative effects of other projects and activities (past, present, or future) unless the Project itself is expected to contribute to those cumulative effects; however, changes over time were considered in the assessment, as those cumulative effects over time are reflected in existing conditions that are seen today. A description of cumulative effects to date on components of the natural environment upon which Current Use depends can be found in Part 3 of the response to AIR-12.04.15-13, Schedule 13.* *All information provided by W̲SÁNEĆ to the VFPA regarding W̲SÁNEĆ perspectives on cumulative effects in W̲SÁNEĆ marine territory over time has been described in existing conditions sections of the MSA and the AIEIS. This information includes W̲SÁNEĆ perspectives on changes to the environment and ability to use and exercise rights within and around the Project.* *While potential Project-related incremental effects on Current Use by W̲SÁNEĆ are not predicted in the AIEIS based on limited reported use of the Project area*	**EIS** 32.2 Current Use of Lands and Resources for Traditional Purposes 32.2.7 Mitigation Measures **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.4.1 Tsawout First Nation 10.0 Potential Accidents or Malfunctions 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIEIS – WSÁNEĆ Nation** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the

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	vulnerability in such a system that needs to be taken into account in any effects assessment. In other EA processes where proponents have confronted this problem – that the qualitative information on traditional use does not support quantitative analysis – they have made better efforts to incorporate the perspectives of the Indigenous group in the existing conditions descriptions and in the analysis and characterization of effects, or they have described the effects qualitatively and stated that no significance determination could be made. It is recommended that the VFPA address the issues both with the characterization of *W̲SÁNEĆ* use and the effects analysis. In addition, the VFPA should commit to follow-up and monitoring programs specifically to address uncertainty in its effects prediction (and therefore the mitigation).		*conditions descriptions of AIEIS Section 7.0, using as much as possible the words and expression used in the W̲SÁNEĆ Study.* *While the W̲SÁNEĆ Study was incorporated wherever possible into the AIEIS, the assessment of potential Project-related effects was based on multiple avenues of inquiry, including direct consultation by the VFPA with representatives of each of the W̲SÁNEĆ bands, some of whom stated that use was not currently occurring in the Project area. Notwithstanding those statements, as reviewed in the response below to Comment #21, desired future use (based on past use) was considered in the assessment.* *As explained in the response above to Comment #19, the assessment of potential Project-related effects was qualitative not quantitative, and explicitly acknowledged that the descriptions of traditional (past, present, future) use described in AIEIS Section 7.2.4 were not considered by the VFPA to be exhaustive (see p. 56). Additional caveats regarding the information informing the assessment was also provided in the EIS (e.g., see EIS Section 32.2.2 with regard to assessment boundaries, which are cross-referenced in AIEIS Section 7.2.2). With regard to the comment that requests that the VFPA commit to follow-up and monitoring programs specifically to address uncertainty in its effects prediction, the VFPA notes that uncertainty in the assessment is acknowledged in AIEIS Section 7.2.7 (i.e., "Taking a precautionary approach, EIS Section 32.2.7 proposed measures to assist with confirming the conclusions of the Current Use assessment (i.e., as a means of monitoring circumstances during Project construction and operation), through ongoing engagement," p. 88). As stated in AIEIS Section 7.2.7, the VFPA has extended the measures described in EIS Section 32.2.7 to W̲SÁNEĆ."*	*(see response above to Comment #19 regarding levels and frequency of use), the AIEIS assessed potential effects for W̲SÁNEĆ based on potential future use (i.e., their expressed desire to restore or increase use based on past use), and therefore applied the mitigation measures described in EIS Section 32.2.7 to the W̲SÁNEĆ. As these measures are expected to be effective, there are no measurable residual effects predicted that could contribute to cumulative effects in the future. In accordance with the methodology for the assessment, an assessment of future incremental cumulative effects was therefore not carried out. The VFPA wishes to emphasise that the measures identified in EIS Section 32.2.7, and applied in the AIEIS, include measures that would serve to confirm the conclusions of the Current Use assessment (i.e., as a means of monitoring circumstances during Project construction and operation, through ongoing engagement with W̲SÁNEĆ bands).* *With regard to cumulative effects considerations in the EIS as a whole, the other projects and activities, including shipping activities, considered in relation to cumulative effects (where such effects were identified on VCs) are identified in EIS Section 8.0 (Table 8-8). As described in EIS Section 32.2.5, projects that had been or were being carried out in the assessment area at the time of writing the EIS were considered for their contribution to the existing conditions of Current Use, which reflect the cumulative effects to date of those past and present projects and activities. These projects and activities are described in EIS Sections 3.4.1 and 3.4.2, which describes the history of development in the Project area, and includes the projects and activities referenced in the comment. The incremental marine shipping associated with the Project (i.e., marine traffic outside VFPA jurisdiction) was also considered in the cumulative effects assessment for the Project for those VCs and components for which residual Project effects were predicted.* *See the response below to Comment #25 regarding the integration of ITK in the EIS and AIEIS.* *Comment #25: The VFPA acknowledges and is in agreement with the comment that there are multiple definitions and concepts of ITK, as stated in the responses to IR-7.31.15-08 and MSA IR-02.26.16-04.* *As also stated in these Information Request responses, the EIS and MSA (as well as the AIEIS and AIMSA) were prepared in consideration of all forms of information from Indigenous groups, including knowledge about the environment itself (defined for the purposes of this EIS as ITK), as well as knowledge about past effects on the environment, cumulative change, risk, notions of health, etc. This knowledge is included and referenced throughout the EIS, MSA, AIMSA, and AIEIS.* *The W̲SÁNEĆ bands were invited to provide any information they wished to share with the VFPA, and all information provided was considered and incorporated into the MSA, and the AIEIS.* *Comment #19 - As required by the Updated EIS Guidelines, AIEIS Section 7.2.4 describes information, where provided to the VFPA by W̲SÁNEĆ bands, that would assist the Panel in understanding intensity of use. For example, per section 17.5 of the Updated EIS Guidelines, the assessment endeavours to provide information on "types, number, size and capacity of fishing vessels used in the area, gear types, and existing interactions with shipping," "commercial, recreational and aboriginal fisheries statistics (e.g., species, annual catch and number of licences)." The VFPA requested this information from W̲SÁNEĆ bands.* *The Updated EIS Guidelines also requires the assessment to distinguish between interactions that could potentially result in measurable effects from*	Current Use of Lands and Resources for Traditional Purposes 7.2.2 Assessment Boundaries 7.2.4 Existing Conditions 7.2.7 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				those that are not expected to be measurable (i.e., negligible effects) and why. As described in EIS Section 32.2.5, "Potential Project-related effects to Current Use have…been described based on a qualitative assessment of change from existing conditions," as these were understood by the VFPA at the time of filing. In the responses to AIR-12.04.15-30 and MSA IR-02.26.16-02, the qualitative nature of this assessment is further explained, providing clarification on the meaning of "negligible" and "measurable" in the Current Use assessment. Cross-references to these responses are provided in AIEIS Sections 7.2.6 and 7.3.2. *With regard to the use of "infrequent" and "low levels" in the AIEIS, the AIEIS employs this terminology specifically in relation to crab harvesting for traditional purposes by W̲SÁNEĆ (see AIEIS Sections 7.2.6.1, p. 84 and 7.2.6.4, pp. 86 and 87). As described in the W̲SÁNEĆ Study and recounted in AIEIS Section 7.2.4, one W̲SÁNEĆ harvester reported a crab fishing area in the W̲SÁNEĆ Study's local study area that he said he frequented with his grandfather. The band affiliation of this harvester was not identified in the W̲SÁNEĆ Study. As also reported in AIEIS Section 7.2.4, Tseycum First Nation informed the VFPA that they have harvested crab in the Tsawwassen Water Lots on either side of the BC Ferries Terminal causeway, and that they require a Tsawwassen First Nation Member to be with them while using these areas. Specific information about how many crab may have been harvested at Roberts Bank, while requested, was not provided, but the context of the information suggested it was not occurring at a frequency or at levels that would be expected to experience a measurable displacement effect based on information available to the VFPA. See AIEIS Section 7.2.6.1 and the response to AIR-12.04.15-30 for further details."*	
Tsawout-21.20	Commented on Draft RBT2 AIEIS - Pg. 90 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Re: Overlap of territory and Project area Problems that have been identified in the assessment affect the section purporting to assess impacts on rights because, as the VFPA notes, the assessment on rights "relies on the summary of existing conditions of use for each W̲SÁNEĆ band…" and on "the same methods as the Current Use assessment presented above in Section 7.2, and draws forward the results of that assessment to support the analysis presented below in Section 7.3.2" (WNA, p. 90). On p. 90, the VFPA writes that "[t]he W̲SÁNEĆ nation territory is reported to	20-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** *"Comment #22: With regard to the concern pertaining to the reliance of the rights assessment on the descriptions of traditional use contained in AIEIS Section 7.2.4, see the VFPA's responses to Comment #13 through #21 and #23. As described in AIEIS Sections 7.2.4.1 (p. 56), 7.2.4.2 (p. 62), 7.2.4.3 (p. 68), and 7.2.4.4 (p. 73), "The W̲SÁNEĆ Study states that the RBT2 Project is entirely within W̲SÁNEĆ territory." While the VFPA is of the view that the language on p. 90 (AIEIS Section 7.3.1) is consistent with the description in the earlier sections, the text on p. 90 has been revised, based on comments received, to read: "The W̲SÁNEĆ Study states that the RBT2 Project is entirely within W̲SÁNEĆ territory (W̲SÁNEĆ Nation 2016), but Malahat Nation's Statement of Intent / Agreement-in-Principle Area (AIEIS Figure 7-2) does not overlap the Project area."*		**AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including the Current Use of Lands and Resources for Traditional Purposes 7.2.4 Existing Conditions 7.2.4.1 Tsawout First Nation 7.2.4.2 Pauquachin First Nation 7.2.4.3 Tsartlip First Nation 7.2.4.4 Tseycum First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	overlap the Project area (*W̱SÁNEĆ* Nation 2016)" (WNA, p. 90). VFPA should be able to simply state in clear language that their Project is within the traditional territory of the *W̱SÁNEĆ*.				

Table 22: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-22.1	Asked how the harvesters benefit in compensation for the effects. Asked about a Mutual Benefits Agreement.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations 19-Jun-2017, Meeting	**27-Nov-2015, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, including Appendix 2-B summarizing the issues raised by Tsawout First Nation and the VFPA's responses. **16-Jun-2017, Letter from VFPA:** *"The VFPA is interested in initiating discussions with Tsawout First Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Indigenous groups involved in the RBT2 Project.* *We welcome input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. With that in mind, we request a meeting with Tsawout First Nation to hear about your community's priorities in relation to this funding.* *In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Tsawout First Nation regarding a potential mutual benefits agreement ("MBA") for the Project."* **19-Jun-2017, Meeting:** Tsawout First Nation indicated that they would advise the VFPA when they are ready to begin MBA discussions. **23-May-2018, Letter from the VFPA:** *"On June 19, 2017, the Vancouver Fraser Port Authority ("the port authority") met with Tsawout First Nation regarding the Project; potential benefits associated with the Project, including legacy benefits and potential negotiation of a mutual benefits agreement ("MBA"); and the port authority's Habitat Enhancement Program ("HEP"). In this meeting, the port authority and Tsawout First Nation discussed next steps with respect to the consultation plan for the Project and several areas of interest to Tsawout First Nation.* *The port authority remains interested in continuing conversations with Tsawout First Nation."*	**Addressed in EIS Section 32.3.3:** The VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. **Addressed in AIEIS Appendix 2-B Table 21 (#93):** Potential effects to Indigenous fishing are assessed in EIS Sections 21.0, 24.0, and 32.2, and in AIEIS Sections 3.0 and 7.0. Proposed mitigation for effects related to Indigenous harvesting are described in the marine commercial use assessments in EIS Section 21.0 and AIEIS Section 3.0, as well as the Current Use assessments in both documents (EIS Section 32.2 and AIEIS Section 7.3). As stated in EIS Section 21.8, the VFPA will work with DFO to ensure that consultation with commercial crab harvesters and Indigenous groups is undertaken to provide a process for commercial crab harvesters and Indigenous groups to ask questions and submit concerns about the proposed navigational closure expansion and associated displacement of commercial crab harvesting, and where identified and agreed upon through this consultation process, the VFPA will work with DFO and commercial crab harvesters and Indigenous groups to implement additional mitigation measures to address effects from displacement of commercial crab harvesting associated with the Project.	**EIS** 21.0 Marine Commercial Use 21.8 Mitigation Measures 24.0 Outdoor Recreation 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments **AIEIS** Appendix 2-B Issues and Interests, Table 21 Commercial, Recreational, or Aboriginal Fisheries 3.0 Marine Commercial Use 3.3 Mitigation Measures 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.7 Mitigation Measures (Current Use) 7.3.3 Mitigation Measures (Rights)

Table 23: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsawout-23.1	Interested in being provided with additional and more detailed information about the ECHO program.	30-Jan-2017, *WSÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Offered to provide an in-depth presentation with ECHO Program representatives who can provide more detailed information at a future date. **10-May-2017, Email from the VFPA:** Provided Tsawout with the Echo Program 2016 Annual Report, and stated that the port authority is available to provide a presentation about the program at a time convenient for the group. **19-Jun-2017, Meeting:** The VFPA met with Tsawout. The ECHO program was discussed, explaining that it is a program separate from the Project, but it does monitoring on underwater noise i.e., research on what types of ships make more or less noise, changes that can be made to limit noise. Also referenced a new incentive program with discounts that shippers can get if they generate less noise coming in to incentivise quieter ships. **12-Dec-2017, Meeting:** The VFPA met with Tsawout First Nation and provided a presentation on the ECHO program.	**Addressed in Response to IR4-10:** As noted in response to IR4-10, in 2014, the VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.	**Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

APPENDIX IR10-01-C14

PAUQUACHIN FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-1.1	Asked whether wind force was a consideration in the air quality assessment, noting that pilots can see effects.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded that Environment Canada asked the Vancouver Fraser Port Authority (VFPA) to do a sensitivity analysis using a data set called ACARS (aircraft communications addressing and reporting system). Explained that aircraft have monitoring data and it was used to run a sensitivity analysis, which aligned well.	**Addressed in EIS Appendix 9.2-A:** EIS Appendix 9.2-A discusses how air quality modelling used comparisons of vertical temperature and wind speed and direction to aircraft-derived data (ACARS) in support of validating meteorological model outputs. Attachment C in Appendix C of EIS Appendix 9.2-A presents the original technical analysis memo.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 9.2-A Roberts Bank Terminal 2 Technical Report Air Quality Study
PFN-1.2	Asked why the study area for the air quality assessment is focused east of the RBT2 footprint and if it was because of traffic associated with moving containers.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Explained that the focus was on the east side of the Roberts Bank Terminal 2 (RBT2 or Project) footprint because of meteorological conditions in the area.	**Addressed in AIEIS Appendix 2-B, Table 8 (#44):** The local study area (LSA) for the assessment of air quality included a 19 km by 16 km area, which extended beyond the RBT2 footprint as far east as Boundary Bay, south to the tip of Point Roberts, U.S.A., and north to the southern boundary of Richmond. The LSA captures the extent of emissions originating within the Project footprint. Characterisation of the existing climate and meteorological conditions in the vicinity of the Project is important because these are the main forces driving the transport (dispersion or mixing) of emissions in the atmosphere. To ensure that the meteorological conditions were adequately represented, the area over which the air dispersion model was run included all of North Delta and most of Richmond, a domain of approximately 26 km x 24 km (EIS Figure 9.2-1). The air dispersion model included site-specific meteorological data inputs, as described in Appendix C of EIS Appendix 9.2-A.	**Additional Information to the EIS – *W̲SÁNEĆ* Nation (AIEIS, CEAR Document #930)** Appendix 2-B Aboriginal Issues and Interests, Table 8 Air Quality
PFN-1.3	Concerned with air quality and pollution, and associated effects on the environment.	30-Jan-2017, *W̲SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Responded that there is a predicted increase in emissions because of the Project, but in the long-term there will be a decrease because of stringent standards on new trucks, and ship emissions going down. Committed to organising a technical presentation on air quality.	**Addressed in AIEIS Appendix 2-B, Table 8 (#45):** An assessment was carried out to predict potential changes in air quality as a result of the Project. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving air quality. The assessment concludes the following: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels; • Cumulative changes incorporating the Project and other certain and reasonably foreseeable projects and activities are predicted to be small relative to expected future ambient air quality levels; • Project construction activities are predicted to cause a small increase in concentrations of some contaminants; • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions; • The Project is expected to have a negligible effect on future ozone levels and an increase in greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide); and	**EIS** 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 8 Air Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Although the Project activities would emit black carbon, black carbon emissions are expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that will meet more stringent emission standards for particulate matter.	
PFN-1.4	In the context of air quality, interested in how the assessment results conclude that black carbon will decrease. Expressed the view that the amount of black carbon will increase. Interested in who is responsible for regulating emission standards.	30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum),	**30-Jan-2017, Meeting:** Responded that there is a predicted incremental increase in emissions because of RBT2, but in the long-term there will be a decrease because of stringent standards on new trucks, and ship emissions going down.	**Addressed in AIEIS Appendix 2-B, Table 8 (#45):** An assessment was carried out to predict potential changes in air quality as a result of the Project. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving air quality. The assessment concludes the following: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels; • Cumulative changes incorporating the Project and other certain and reasonably foreseeable projects and activities are predicted to be small relative to expected future ambient air quality levels; • Project construction activities are predicted to cause a small increase in concentrations of some contaminants; • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions; • The Project is expected to have a negligible effect on future ozone levels and an increase in greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide); and • Although the Project activities would emit black carbon, black carbon emissions are expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that will meet more stringent emission standards for particulate matter. **Additional information provided by the VFPA:** Metro Vancouver, the B.C. Ministry of the Environment, and Environment Canada all have established Ambient Air Quality Objectives and Standards. As a conservative measure in the EIS, study criteria were selected based on the most stringent criteria from federal and provincial objectives or standards. Regional objectives or standards were considered for comparison purposes only. Regulatory initiatives and their incorporation in the assessment of future emissions are briefly described in EIS Section 9.2.7.1. Initiatives for specific types of engines (marine, cargo handling equipment, on-road and off-road vehicles, and rail locomotives) are discussed in more detail in EIS Appendix 9.2-A (Section 3.1.4 and Appendix A).	**EIS** 9.2 Air Quality 9.2.4 Applicable Standards and Criteria for Compounds of Potential Concern 9.2.6.2 Existing Conditions, Modelling of Existing Conditions 9.2.7.1 Regulatory Initiatives Appendix 9.2-A Air Quality Study Main Report 3.1.4 Regulatory Initiatives Appendix A – Emissions Inventory **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 8 Air Quality

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-2.1	Concerned that the proponent's market projections may be unrealistic, and thus that there may be no need to the Project. Requested that Canada conduct a rigorous assessment of the proponent's market projections. Stated that if Canada concludes that the proponent's market projections are reasonable and that there is indeed a need for the Project, Pauquachin First Nation seeks written rationale for that conclusion. Requested that Canada conduct a rigorous assessment of all potentially viable alternatives to this Project, including the PATH Project, and should consult with Pauquachin First Nation both during and regarding the outcome of that assessment. Stated that the submissions in the CEA Agency process to date suggest there is no need for the Project.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** All levels of government have plans to capitalise on a growing global economy, which requires Canada to be prepared for the trade that will come to Canadian ports. At the Port of Vancouver, we handled a record 3.25 million 20-foot-equivalent unit containers (also called TEUs) in 2017. Historical trade figures and third-party forecasts have long signalled that the ability of west coast ports to serve this growth is becoming constrained, and by the mid-2020s we will not have the capacity to handle anticipated future growth of trade in containers at the Port of Vancouver The role of the VFPA is to ensure the port is ready for Canada's trading future. As we plan, we must consider how to provide needed port facilities within a growing metropolitan area. To date, we have partnered with industry, governments, and communities to improve road and rail networks, investing to help goods flow smoothly throughout our region. We have also consulted with local governments, Indigenous groups, and residents on the ways we can grow responsibly. Investments in increased size and improved efficiency are being, or have been, made to west coast container terminals, including recent improvements at the Port of Vancouver's Deltaport, Canada's largest container terminal, and Fairview in Prince Rupert. However, even with these investments, we will not have enough space to accommodate the shortfall in needed capacity. The RBT2 Project represents the best option to accommodate growth and is needed to deliver the capacity we need as demand for goods shipped in containers continue to grow. **Additional information provided by the VFPA in regards to independent container capacity forecasts:** Since 2011, the port authority has commissioned independent forecasts which consider many factors that influence container traffic demand, including: • Gross Domestic Product growth; • World demand for Canadian resources; • Increased consumer demand for trade with Asia; • Opening of the expanded Panama Canal; • Planned container terminal expansion at the Port of Prince Rupert; • Macroeconomic trends in North America; • North American container port demand and competitive developments; • Trends in container shipping; and • Vancouver's competitive position compared to other North American ports. The 2016 Ocean Shipping Consultants forecast shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of about 4%, and reinforces the need for planned increases of capacity to ship goods in containers through the existing container terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s. **Addressed in response to IR1-06:** For each marine terminal alternative location considered in EIS Section 5.3, Table IR1-06-1 in Appendix IR1-06-A summarises the criteria used to assess technical feasibility and provides the conclusion of the feasibility assessment along with supporting rationale. To be considered technically feasible, potential	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project Description 5.7 Identification of the Preferred Means Table 5-10 Summary of Preferred Alternative Means **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) **Ocean Shipping Consultants 2016 Container Traffic Forecast Report** http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				alternatives to the location of the marine terminal within B.C. needed to first meet all technical criteria (as stated in EIS Section 5.2), which included the following: • Meeting the long-term container capacity growth by the mid-2020s, through operating efficiencies and a sufficient land base to accommodate growth; • Meeting the requirement for the necessary road and rail connections to efficiently transport containers to and from the market; and • Providing the ability for larger container ships to safely navigate the waterways. Safe navigation includes a minimum berth depth requirement of approximately 18.4 m and the ability to safely turn the vessel around, even in situations of sufficient draught. In addition, consideration was given to terminals with other uses (e.g., serving bulk or break-bulk markets) and if they could retain these capabilities if conversion to container handling was undertaken. The marine terminal location alternatives evaluated (including a combination of these alternatives) were determined not to be technically feasible, and therefore, an evaluation of economic feasibility was not conducted, and an assessment of environmental effects was not required. Based on the analyses of the location alternatives (see Table IR1-06-1), RBT2 was deemed to be the only viable option to meet the anticipated long-term growth and demand of containerised trade on the west coast of Canada, and a full assessment of environmental effects on this preferred alternative was conducted and is described in the EIS. **Further information provided by the VFPA in response to alternative supply chain concepts:** Several options for how containers move through the supply chain beyond the main container terminals, such as inland ports, have been proposed as a way to increase container capacity and/or improve efficiency. Shippers will ultimately decide how best to contract supply chain options for moving cargo, and the VFPA supports any opportunity for greater efficiency. However, these options could only ever be complementary to a new container terminal, rather than replacing it, because capacity is needed to manage ship-to-shore container movements.	

Table 3: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-3.1	Concerned about potential impacts the Project may have on its economic interests, including potential impacts on the development potential of Pauquachin First Nation lands. Asked that their economic interests be reflected in the Marine Shipping Addendum Current Use Summary.	18-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** Stated that comments on the contents of the draft summary of Pauquachin First Nation's current use of lands and resources for traditional purposes (Current Use) will be considered and incorporated into the MSA. The VFPA will additionally respond to each of these concerns directly in a letter at a later date.	**Addressed in MSA Section 9.2:** As potential adverse effects due to vessel transit from Project-associated shipping on marine area displacement, access, presence of southern resident killer whales (SRKWs) and marine birds, and environmental conditions are considered to be negligible, potential effects on activities and revenue from marine-based tourism are also considered to be negligible. When all lines of evidence are considered, a negligible effect is expected for the marine-based tourism sub-component. **Addressed in MSA Appendix 5-B (#5):** The assessment of potential effects on marine commercial use (MSA Section 9.2) considers potential effects on relevant economic interests of Indigenous groups that have been identified through a review of existing information as well as information provided directly to the VFPA by Indigenous groups engaged in consultation. **Additional information provided by the VFPA:** Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project. **Addressed in response to IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**EIS** 2.0 Project Overview **Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 9.2 Marine Commercial Use **Information Requests** Response to Sufficiency Information Request #27 (IR10-27)

Table 4: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-4.1	Concerned with increased marine traffic associated with RBT2, including cumulative effects. Stated that there are a number of current and proposed projects that would utilize marine shipping lanes within and near the Strait of Juan de Fuca, including this Project, the proposed Trans Mountain Expansion Project, the Neptune Terminals Upgrade Project and the Fraser Surrey Docks Upgrade Project. Stated that they share concerns raised by other parties that the proponent's cumulative impacts assessment fails to include several projects that should have been assessed. Stated that the Panel should require the proponent to expand the projects included in its cumulative effects assessment to include projects that are reasonably foreseeable, and are either not mentioned in or are mentioned in the proponent's EIS but excluded from the cumulative effects assessment, including the following projects: • the Wespac Tilbury Marine Jetty Project (a proposed LNG marine jetty), • the Woodfibre LNG Project, and • the BURNCO Aggregate Project.	18-Sep-2015, Letter 26-Nov-2015, EIS Results Workshop #1 – Saanich Nations 22-Jul-2015, Meeting 28-Oct-2016, Letter to Panel (CEAR Document #639)	**26-Nov-2015, Workshop:** Responded that if something is reasonably foreseeable then it has been considered in the cumulative effects assessment. Stated that there are projects considered within the region, both for marine shipping and for the Project. **22-Jul-2015, Meeting:** Recorded comment for consideration by Project team. **26-Apr-2016, Email from the VFPA:** Provided a copy of the 26-Nov-2015 draft meeting notes, which included a post-meeting note: Please refer to EIS Section 8.0 Effects Assessment Methods, Table 8-8 Project and Activity Inclusion List for the list of Projects included in the incremental future cumulative effects assessment. **05-Jan-2018, Email from the VFPA:** Shared information that was recently posted to the panel registry for the Project that the VFPA thought Pauquachin may find helpful. The submission to the registry (attached) came from Transport Canada, and provides more information on the Oceans Protection Plan, including the Cumulative Effects of Marine Shipping Initiative, which is a joint initiative between Transport Canada and Fisheries and Oceans Canada (DFO) to find better, more pro-active ways to look at the cumulative impacts of marine vessel activities in specific pilots sites across Canada. Copied Transport Canada on the email so that Pauquachin could follow-up directly with Transport Canada if interested.	**Addressed in EIS Appendix 7.2-B (#38):** The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including effects on local and Indigenous communities. A review of previous studies, effects assessments, and commitments from other projects was conducted and has informed the Project's environmental assessment, as discussed in the EIS. Projects and activities contributing to existing and expected conditions in the Project area are identified and described. Information sources considered in the characterisation and assessment of each intermediate component (IC) and valued component (VC) are identified in the respective effects assessment section. **Addressed in EIS Appendix 7.2-B (#39):** The list of certain and reasonably foreseeable projects and activities that have the potential to interact cumulatively with the Project-related effects is in Table 8-8. This list includes all projects with the potential for a cumulative interaction with the Project. The Canadian Environmental Assessment Agency (CEA Agency) is the appropriate authority to address questions related to the *Canadian Environmental Assessment Act* (*CEAA*)*, 2012* and designated projects. **Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. The assessment of Current Use (MSA Section 9.5) describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. **Addressed in MSA Appendix 5-B (#24):** The assessment of potential effects of marine shipping associated with the Project incorporates the existing vessel traffic within the marine shipping area (defined in MSA Section 4.0). The list of certain and reasonably foreseeable projects and activities considered in the cumulative effects assessment is included in MSA Appendix 6-A. **Addressed in response to IR4-09:** In responding to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new	**EIS** 3.0 Geographical Setting 3.4 Projects and Activities Contributing to Existing and Expected Conditions Appendix 7.2-B Aboriginal Issues and Interests IC Effects Assessment Sections: Physical ICs (Section 9.2 through 9.8) Population (18.4) VC Effects Assessment Sections: Biophysical VCs (Sections 11.0 through 16.0) Socio-economic VCs (Sections 19.0 through 28.0) **MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights **Response to IR4-09 from Transport Canada to the Review Panel re: Additional information regarding the Government of Canada's Ocean Protection Plan (CEAR Document #954)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				projects considered to be certain or reasonably foreseeable (as of July 1, 2017). As part of this update, Woodfibre LNG Project, Wespac Tilbury Marine Jetty Project, and Neptune Terminals Coal Handling – Replacement Stacker Reclaimer vessel projections are updated. However, because the Burnco Aggregate project's activities fall outside the marine shipping area, it is not updated as part of the response.	
PFN-4.2	Asked about the ecosystem modelling and food web diagram: • Asked why chum salmon is highlighted in the food web diagram but Chinook and chum are separated out. • Asked if chum or Chinook are included in the generic salmon bucket. • Asked whether human beings could be added to the food web as part of the ecosystem, to connect Aboriginal fisheries to the salmon species, eelgrass, to determine how reliant these species and activities are on each other. • Criticised the assumption in the ecosystem modelling that current human consumption rates will be the same as future consumption rates.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Responded that for the assessment, representative species were used to assess impacts on salmon. Chum and Chinook are used as representative species for Pacific salmon. The biomass of other species still had to be accounted for, so they were lumped into a generic salmon bucket. Stated that chum or Chinook are not in the generic bucket to avoid double counting (as these species were assessed separately). Stated that an assumption was made regarding consumption rates that were fed into the model. It was assumed that the consumption rates for today would continue. Consumption rates are difficult to predict, and are dependent on such things as use, management by DFO, etc. Responded that the VFPA will look into whether human beings can be incorporated into the model but noted that this may not be possible.	**Addressed in EIS Section 10.3:** The ecosystem model is described in EIS Section 10.3. The model incorporated predator-prey relationships (biotic factors) and environmental factors within the marine environment. Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. The model does not explicitly incorporate anthropogenic influences such as fishing. Since changes are determined by comparing productivity in the future with the Project, to the future without the Project, the level of human influence is deemed to be the same with and without the Project, and humans are not explicitly included in the food web. However, the existing conditions for species included in the model are reflective of existing harvesting levels by humans; therefore, human interaction within the model is implicit. **Addressed in response to IR3-09:** IR3-09 asked the VFPA to re-run the Roberts Bank ecosystem model to incorporate the predominant source of fishing mortality at Roberts Bank: Dungeness crab fishing. Salmon harvesting was not included as salmon harvesting occurs over large geographic areas (i.e., Gillnet Salmon Area E, Seine Net Salmon Area B, Troll Salmon Area H), and is considered limited at Roberts Bank, with only a small proportion of the salmon catch coming from areas in the periphery of or adjacent to Roberts Bank; as such, salmon fishing mortality was considered to be unlikely to influence model results. The results showed that biomass and production ratios (with/without Project) from the Roberts Bank ecosystem model re-run, including Dungeness crab fishing mortality, are generally the same when compared to the ratios described in the EIS.	**EIS** 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 10.3.4 Roberts Bank Ecosystem Model Predictions Appendix 10-B Roberts Bank Ecopath with Ecosim and Ecospace Model Parameter Estimates Appendix 10-C Roberts Bank Ecosystem Model Development and Key Run Appendix 10-D Roberts Bank Spatial Ecosystem Model Sensitivity Analysis **Information Requests** Response to Sufficiency Information Request #9 (IR3-09 CEAR Document #984)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-4.3	Concerned with cumulative impacts of development on the Salish Sea, including the proposed Project, and the long term health of the Salish Sea as a result of that development. Recommended establishing a Salish Sea Environmental Foundation. To better understand the cumulative impacts of development on the Salish Sea and take steps to monitor its health and recommend policy changes aimed at ensuring its long term health.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information	**Additional information provided by the VFPA:** The VFPA acknowledges concerns about cumulative effects of development on the Salish Sea. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is leading and encouraging several regional environmental initiatives that enhance the cumulative environmental performance of the shipping industry and port operations in and around the Salish Sea. More information on the VFPA's environmental initiatives can be found at https://www.portvancouver.com/environment/. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Cumulative Effects of Marine Shipping initiative*.	**https://www.portvancouver.com/environment/** **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
PFN-4.4	Commented that proponents never state that they anticipate significant and severe effects; effects are always characterized as negligible and reversible. Requested that more information (data) be presented, so that the listener can determine whether the effect is significant or not. Disagreed with statements in the EIS that the proposed Project will not result in significant environmental effects; sizable projects like this do create significant environmental impacts. Requested clarification regarding what barometer is used for determining whether a significant environmental effect will occur.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Acknowledged the scepticism associated with the environmental assessment process. Many projects never get off the ground because they are predicted to have significant effects, and as a result, never reach the environmental assessment phase. For RBT2, assessments were conducted on multiple design options in order to choose the option with the least impact. All predicted productivity changes, the supporting rationale, and all of the associated data are presented in the EIS.	**Addressed in AIEIS Appendix 2-B, Table 5 (#32):** As required in the *EIS Guidelines* (part 2, section 13), the EIS presents a detailed analysis of the significance of the residual environmental effects on VCs, consistent with the approach described in the CEA Agency's Reference Guide "*Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects"*. The threshold of significance is defined for each VC, taking into consideration any relevant applicable quantifiable thresholds that may be established by regulation or policy (e.g., an air or water quality limit), as well as the resilience of the VC and other factors that influence the long-term sustainability of the VC (e.g., factors affecting its population). In this regard, the key 'barometer' of significance determination is usually the long-term integrity or sustainability of the VC. The EIS describes a range of residual effects of the Project, including some that are predicted to be negligible and reversible and some that are predicted to be not reversible, not significant, or (in the case of cumulative effects on marine mammals) significant.	**EIS** 8.0 Environmental Assessment Methods 11.0 Marine Vegetation 12.0 Marine Invertebrates 13.0 Marine Fish 14.0 Marine Mammals 15.0 Coastal Birds 21.0 Marine Commercial Use 25.0 Visual Resources 26.0 Land and Water Use 27.0 Human Health (revised June 2016) 28.0 Archaeological and Heritage Resources **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 5 Effects Assessment Methods 3.0 Marine Commercial Use 5.0 Human Health 6.0 Archaeological and Heritage Resources

Table 5: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-5.1	Criticized the budget and timeline as insufficient for their review of the Marine Shipping Addendum Current Use Summary.	18-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** *"In your letter, you also express concern with the sources of information used by VFPA to compile the draft summary, and the amount of time and budget provided to Pauquachin First Nation to conduct a detailed review of the summary. In recent correspondence with Pauquachin First Nation, VFPA invited Pauquachin First Nation to participate in the RBT2 Project, and in this capacity, VFPA offered additional funding for participation and to support work on a Traditional Use Study.* *Comments on the contents of the draft summary of Pauquachin First Nation's Current Use of Lands and Resources for Traditional Purposes will be considered and incorporated into the [MSA]. VFPA will additionally respond to each of these concerns directly in a letter at a later date."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which includes MSA Appendix 5-B Aboriginal Issues and Interests.	**Addressed in MSA Appendix 5-B (#7):** The VFPA acknowledges the challenges associated with participating in consultation during summer months, and as such has been in contact with each Indigenous group about their desire to provide comments or additional information, and has extended timelines for participation into the fall in order to accommodate these expressed interests to participate. **Addressed in MSA Appendix 5-B (#8):** Concern is noted. The VFPA considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests. **Additional information provided by the VFPA:** **25-May-2015, Letter from the VFPA:** Provided information on marine shipping associated with the Project. Stated it is expected that information required for the assessment can be gathered from existing materials, and the VFPA is currently compiling information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Pauquachin First Nation. Asked if there any additional current use and fisheries information that Pauquachin First Nation would like the VFPA to consider in the assessment. Noted that the VFPA plans to provide a draft summary of our understanding of Pauquachin First Nation's Current Use in the marine shipping area, based on existing information, to Pauquachin First Nation for your review and comment in 1 to 2 months. Offered Pauquachin First Nation with funding to support this participation in this process. **14-Jul-2015, Letter from the VFPA:** Provided Pauquachin with the document Roberts Bank Terminal 2 Project Marine Shipping Study: Pauquachin First Nation – Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions. Requested that Pauquachin First Nation review the report and confirm if the information is accurately presented and whether any revisions, additions, or deletions are required. Requested a response comments on the document by 14-Aug-2015. **10-Sep-2015, Email from the VFPA:** The VFPA extended the timeline to 21-Sep-2015. **18-Sep-2015:** Pauquachin provided comments on the MSA draft Current Use Summary.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-5.2	Requested additional studies and participation funding. Stated they could possibly pool resources with other Saanich groups and develop a joint study.	18-Sep-2015, Meeting 17-Feb-2016, Meeting	**18-Sep-2015, Meeting:** Committed to following up with Pauquachin about funding and the Traditional Use Study. **03-Dec-2015, Letter from VFPA:** Offered funding to support a Project-specific study and to support Pauquachin First Nation in gathering information on current use and rights in the Project area. **17-Feb-2016, Meeting:** Referred to the VFPA's letter of 03-Dec-2015 regarding consultation on RBT2 and its offer of funding to support Pauquachin First Nation in gathering information on Current Use and rights in the Project area. Noted that funding was previously made available from the CEA Agency specific to marine shipping, and that there is also a stream of funding available as part of the Project as a whole, for which Pauquachin First Nation can apply. **10-Mar-2016:** Offered funding for Project Traditional Use Information Gathering. **17-Mar-2016:** Accepted the funding. **03-Oct-2016:** The VFPA was provided with *W̲SÁNEĆ* Traditional Use Study of the Project. Prepared on behalf of Tsawout, Tseycum, Tsartlip, and Pauquachin (*W̲SÁNEĆ* Nations). **23-Nov-2016, Letter from the VFPA:** The VFPA has worked with Pauquachin First Nation to share information regarding RBT2 and the EIS, and in turn, has received input from Pauquachin First Nation, including through Pauquachin First Nation's submittal of the *W̲SÁNEĆ* Traditional Use Study of the Roberts Bank Terminal 2 Project: DRAFT Preliminary Data Summary to the VFPA. Information provided to the VFPA by Pauquachin First Nation has been summarised and incorporated into the draft AIEIS.	**Addressed in AIEIS Appendix 2-B, Table 5 (#39):** As described in AIEIS Section 2.0, the VFPA provided funding to each *W̲SÁNEĆ* band for a traditional use study and for participation in consultation, engaged in ongoing consultation with the *W̲SÁNEĆ* Nation throughout the development of the AIEIS, and provided a full draft of the AIEIS for review. Through these measures, the *W̲SÁNEĆ* Nation was provided the opportunity for input to the AIEIS, including the analysis and interpretation of results.	
PFN-5.3	Requested participation funding for consultation for RBT2. Requested funding to complete a TMUS [traditional marine use study].	18-Sep-2015, Meeting 18-Sep-2015, Letter 17-Feb-2016, Meeting	**26-May-2015:** Offered funding for participation for marine shipping. **19-Jun-2015:** Accepted funding. **25-Nov-2015:** Offered funding for Project participation. **25-Nov-2015:** Accepted funding. **17-Feb-2016:** Recorded comment for follow-up. **10-Mar-2016:** Offered funding for additional Project participation. **17-Mar-2016:** Accepted funding for additional Project participation.	**Addressed in AIEIS Section 2.1.3:** Participation funding agreements have been negotiated between the VFPA and each of the *W̲SÁNEĆ* bands and were designed to support the consultation process for the Project.	**AIEIS** 2.1.3 Participation Funding

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			24-Oct-2017: Offered additional funding for participation in consultation activities for the Project. **01-Mar-2018:** Re-offered additional funding for participation in consultation activities for the Project. **19-Mar-2018:** Accepted additional funding offer.		
PFN-5.4	Asked what the VFPA's intention is in talking with First Nations and whether the VFPA has a First Nations strategy. Stated that they are hoping to incorporate indigenous law into the consultation process. Proposed that the VFPA work with Pauquachin First Nation to describe areas where Project-related marine traffic is likely to impact Pauquachin First Nation rights and interests, and invite Pauquachin First Nation to describe its marine use and knowledge within those areas.	18-Sep-2015, Meeting 18-Sep-2015, Letter 20-Nov-2017, Meeting	**18-Sep-2015, Meeting:** Shared with Pauquachin a draft consultation plan for review comment during the meeting. **29-Oct-2015, Letter from the VFPA:** *"The document provided by VFPA to Pauquachin First Nation for review included a summary of Pauquachin First Nation's current use of lands and resources for traditional purposes, and not the entirety of the [MSA]. The [MSA] will include an assessment of potential impacts associated with marine shipping and proposed mitigation. Issues and concerns expressed during meetings or in your letter have been recorded and considered, and VFPA will provide responses to each concern in the [MSA]."* **14-Oct-2015, Email from the VFPA:** More information on the VFPA's approach to Indigenous consultation can be found at the following link: http://www.portmetrovancouver.com/community/aboriginal-relations/. Specifically, EIS Section 7.0 and the associated appendices provide additional information regarding consultation with Indigenous groups for the Project, and provides a description the VFPA's consultation approach. This can be found at the following link: http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482. **22-Feb-2016, Email from the VFPA:** Shared a draft consultation plan and requested input. **18-Aug-2016, Email from the VFPA:** Shared a draft consultation plan and requested input. **19-Dec-2017, Email from the VFPA:** Shared a draft consultation plan and requested input. Provided a diagram showing the activities, timelines, and process over the next few months—starting with meetings, issues resolution, and leading to potentially negotiating an agreement, introducing the project to the community, and ultimately finalising/ratifying an agreement. Stated that everything in this document is tentative/draft at this point, and the VFPA would like to hear from Pauquachin whether it accurately captures our discussion. **15-Feb-2018, Email from the VFPA:** Shared a draft consultation plan and requested input.	**Addressed in EIS Section 7.2.1.1:** The primary objective of the VFPA's Indigenous engagement and consultation process is to support positive, productive, and lasting relationships between the VFPA and Indigenous groups while ensuring all applicable legal, regulatory, and policy requirements are effectively addressed. Accordingly, communications materials and activities have been and will continue to be designed and delivered to meet the following objectives: • Provide potentially affected Indigenous groups with timely access to relevant information that allows them to understand the proposed Project and determine its impacts on their community, activities, and other interests; • Consider the input of Indigenous groups with respect to methods of engagement and consultation; • Facilitate Indigenous participation in the environmental assessment process through provision of capacity funding and access to technical expertise as it relates to the Project; • Seek Indigenous input into environmental assessment processes and methods, such as the selection of VCs; • Facilitate the identification and collection of Indigenous traditional knowledge (ITK), including the consideration and incorporation of ITK into the EIS; • Provide Indigenous groups with reasonable opportunities to present and communicate their interests and issues in relation to the Project to both the VFPA and relevant regulatory agencies throughout Project planning; • Consider the feedback of Indigenous groups related to potential effects on their asserted or established rights or interests during the development and implementation of the Project, and address concerns raised by avoiding, mitigating, or otherwise accommodating such issues; and • Facilitate effective working relationships among the VFPA, regulatory agencies, and potentially affected Indigenous groups. The VFPA is committed to continued and active engagement with Indigenous groups with interests that may be potentially affected by the Project.	**EIS** 7.2.1.1 Consultation Objectives

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-5.5	Asked if there are any project requirements from Washington State.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Explained the transboundary requirements.	**Addressed in EIS Appendix 7.2-B (#54):** The VFPA has undertaken initial engagement with the U.S. Environmental Protection Agency (U.S. EPA) and the Washington State Department of Ecology by introducing the Project and the VFPA. Project information was shared through key website links (Project website and the CEA Agency Project website). In addition, the VFPA discussed the Project with the U.S. EPA (Region 10) and offered to provide additional information about the Project, if requested. The VFPA will take direction from the CEA Agency and the B.C. Environmental Assessment Office (EAO) regarding transboundary engagement with U.S. agencies during all phases of the proposed Project. EIS Appendices 29-B and 29-C summarise changes the Project may cause to the environment (for ICs and VCs, respectively) on federal lands or lands outside of B.C. (including outside of Canada), as well as the mitigation measures, follow-up and related commitments, and the residual environmental effects (including cumulative environmental effects) identified in relation to this category of environmental effects. **Addressed in response to IR-7.31.15-14:** The VFPA's response to IR-7.31.15-14 summarises the nature and characteristics of transboundary changes to ICs or potential effects to VCs related to the Project. **Addressed in response to MSA IR-02.24.16-12:** Some of the Current Use locations described in MSA Section 9.5.4 as lying within the marine shipping area, but outside traditional territorial boundaries, were identified in the U.S.A. As stated in MSA Section 9.5.5.3, the "assessment of potential effects of marine shipping associated with the Project on Current Use has only addressed those effects which occur in Canada, in accordance with the requirements of *CEAA, 2012*" (p. 9.5-145), and specifically subsection 5(1)(c) of that legislation, which states, "with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on …" and subsection 5(1)(c)(iii), which continues, "the current use of lands and resources for traditional purposes."	**EIS** Appendix 7.2-B Aboriginal Issues and Interests Appendix 29-B Changes to the Environment that would occur on Federal or Transboundary Lands (Intermediate Components) Appendix 29-C Changes to the Environment that would occur on Federal or Transboundary Lands (Valued Components) **Information Requests** Response to Information Request #14 (IR-7.31.15-14 of CEAR Document #314) Response to Additional Information Request #12 (MSA IR-02.24.16-12 of CEAR Document #386)

Table 6: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-6.1	Asked about the federal panel and who the panel members will be.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded that the CEA Agency is leading the federal environmental assessment and a three-member Panel subsequently takes over the process. The Minister of Environment selects the Panel members. **22-Feb-2016, Email from the VFPA:** Provided contact information for the Crown Consultation Coordinator at the CEA Agency, who can provide more information about the review process. **26-Apr-2016, Email from the VFPA:** Provided a copy of the 26-Nov-2015 draft meeting notes, which included a post-meeting note: The CEA Agency is responsible for Crown consultation under the CEA Agency process. The VFPA is the proponent for the Project. Federal powers, duties, or functions that may be exercised with respect to the Project, and the federal departments and agencies involved in the environmental assessment process are identified in EIS Section 6.0. **02-Jun-2016, Email from the VFPA:** Provided the announcement regarding the Panel members: *"Earlier this week the Honourable Catherine McKenna, Minister of Environment and Climate Change, announced the establishment of an independent three-member review panel to conduct the environmental assessment of the Vancouver Fraser Port Authority's proposed Roberts Bank Terminal 2 project.* *Ms. Jocelyne Beaudet has been appointed as the chair of the review panel. Dr. Diana Valiela and Dr. David Levy have been appointed as members of the review panel."*	**Addressed in EIS Section 6.1:** On November 7, 2013, the CEA Agency issued a Notice of Determination indicating that the Project would require a federal environmental assessment, and on the following day issued a Notice of Commencement of an Environmental Assessment. On January 7, 2014, the CEA Agency posted a Notice of Referral to a Review Panel, indicating that the Honourable Leona Aglukkaq, Minister of the Environment and Minister responsible for the CEA Agency, had referred the Project to an independent review panel. The timelines for the environmental assessment were set as follows: • Establishment of the review panel (pre-panel phase) up to 150 days (5 months) from the date of referral of the Project; • Submission of the review panel's report (panel review phase) 430 days (14 months) from the date of establishment of the review panel; and • Issuance of a decision statement by the federal Minister (post-panel phase) 150 days (5 months) from the date of submission of the review panel's report. **Additional information provided by the VFPA:** On December 22, 2016, Honourable Catherine McKenna, Minister of Environment and Climate Change, accepted the resignation of Dr. Diana Valiela from the Review Panel. As noted in CEAR Document #939, on March 17, 2017 the Minister announced the appointment of Dr. Douw Steyn as a new member of the Review Panel established to conduct the environment assessment of the proposed Project.	**EIS** 6.0 Environmental Assessment and Permitting Process 6.1 Federal Involvement and Process **From the Minister of Environment and Climate Change to Dr. Diana Valiela re: Acceptance of resignation from the Review Panel (CEAR Document #913)** **News Release: Roberts Bank Terminal 2 Project - New Member Appointed to Review Panel (CEAR Document #939)**
PFN-6.2	Asked if the VFPA needs the cooperation of Pauquachin in order to proceed with the Project.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Provided clarification on the review process and input being sought.	**Addressed in AIEIS Appendix 2-B, Table 4 (#27):** The Project is undergoing an environmental assessment led by the CEA Agency, which is also the Crown consultation coordinator. As the proponent for the proposed Project, the VFPA is conducting Indigenous consultation and engagement as directed by the CEA Agency. The B.C. EAO has stated that it will actively participate in the federal panel process and will coordinate its assessment and consultation with the federal process to the extent possible. The federal decision maker for the Project is either the Minister of Environment and Climate Change or Governor in Council, taking into account the report of the three-member Review Panel. The Executive Director of the B.C. EAO will rely principally on the Review Panel's report, along with additional information, to make a recommendation to two provincial Ministers, Minister of Environment and Minister of	**EIS** 1.0 Introduction 1.3.2 VFPA Overview 1.3.2.2 Mandate and Jurisdiction Figure 1-3 VFPA Managed Federal Lands and Navigation Jurisdiction 1.3.3 Governance and Corporate Structure 1.3.3.1 Insurance and Liability Management 1.3.3.2 Environmental Policy 6.0 Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Transportation and Infrastructure. The Ministers will then decide whether to issue an environmental assessment certificate. The environmental assessment and permitting process is described in EIS Section 6.0. Indigenous groups potentially affected by the Project are invited to participate in the panel review process by providing written submissions, as well as oral presentations at the Panel's public hearings. In the case of RBT2, the VFPA is considered a private project proponent with respect to environmental assessment decision making. If the Environment and Climate Change Minister or Governor in Council determines that the project can proceed, the CEA Agency would ensure that the VFPA fulfils any Project conditions. The *Canada Marine Act* sets out the VFPA's mandate.	**AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 4 Environmental Assessment Process and Regulatory Framework
PFN-6.3	Commented that the Valued Components are all connected, and should not be treated as separate categories that do not depend on each other.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**26-Apr-2016, Email from the VFPA:** Provided a copy of the 26-Nov-2015 draft meeting notes, which included a post-meeting note: Please refer to EIS Table 8-1. The binders distributed at the workshop included a diagram of VC and IC linkages to demonstrate interlinkages between components.	**Addressed in EIS Appendix 7.2-B (#25):** ICs, VCs, and VC sub-components are identified in EIS Section 8.0 which describes the overall 3-step VC selection process, including the rationale for focusing the assessment on VC sub-components. The rationale for selection of specific ICs, VCs, and VC sub-components is described in each assessment section. For example, discussion regarding sub-component selection relative to species of importance to Indigenous groups, including eulachon and sturgeon, is captured in EIS Section 13.0. **Addressed in AIEIS Appendix 2-B, Table 5 (#33):** The methods used to assess the potential effects of the Project are described in EIS Section 8.0. The use of VCs together with other aspects of the assessment methodology allows the assessment to focus on those components of the natural and human environment and the potential effects that are most important. These are well-established methods consistent with existing federal and provincial guidance for environmental assessment. The assessment of potential effects of the Project takes into account relationships between various components of the natural and human environment (shown in EIS Table 8-1), including dependencies, such as predator-prey relationships and food webs. The EIS also uses complex ecosystem modelling to model and predict effects on ecosystem productivity. The outcome of some assessments of VCs were used to inform the assessment of other VCs where there was an interconnection. For example, the findings of the assessment of the potential effects of the Project on marine fish was used to inform the assessment of potential effects of the Project on marine commercial use, human health, and Current Use.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Environmental Assessment Methods 8.1.2 Selection of Valued Components Figure 8-1 Valued Component Selection Process Table 8-1 Intermediate Component and Valued Component Linkages Appendix 8-A Valued Component Selection Rationale 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 5 Effects Assessment Methods
PFN-6.4	Asked whether Project construction will be impacted if the Panel determines that there are effects associated with marine shipping.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that the VFPA is unable to answer this question; it is under the Panel's authority to make this assessment.	**Additional information provided by the VFPA:** Questions regarding the environmental assessment process can be directed to Crown Consultation Coordinator, the CEA Agency.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Stated that the VFPA will respond to changes as they come and cannot speculate what the federal government will do.		
PFN-6.5	Concerned with allegations made by the Corporation of Delta and Roger Emsley, Executive Director of the Against Port Expansion Community Group that federal and provincial agencies are engaging in private meetings with the proponent while the environmental assessment is underway. Stated that they seek an explanation from British Columbia and Canada regarding these allegations, and a commitment to make public any discussions with the proponent outside the CEAA process.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in CEAR Document #489:** The VFPA requested guidance from the Review Panel Manager with respect to continuing vital inter-departmental engagement and coordination with other federal and provincial agencies and departments concerning the proposed Project. The VFPA asked for confirmation from the Panel regarding the appropriateness of the proposed approach to ongoing engagement and requested the Panel to (a) advise the VFPA regarding its potential needs or preferences for documentation of such engagement and (b) advise other federal and provincial agencies and departments that they may continue to engage with the VFPA on these matters while the panel process is underway. **Addressed in CEAR Document #498:** The Review Panel indicated that interaction between participants—especially between the VFPA and bodies that may have legislative authority regarding the Project—can take place during the sufficiency review period of the environmental assessment. The Review Panel Manager stated that transparency must be maintained and emphasised that the Panel and the participants in the environmental assessment must be informed of the substance of any interactions that are relevant to the environmental assessment as the process proceeds.	**From the VFPA to the Review Panel re: Inter-departmental engagement and coordination (CEAR Document #489)** **From the Review Panel to the VFPA re: Inter-departmental engagement and coordination (CEAR Document #498)**
PFN-6.6	Stated that the exclusion of marine shipping from the Project is flawed and contrary to *CEAA 2012*. Requested that the Minister amend the 'designated project' to include marine shipping.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#17):** The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#17).	**MSA** 1.0 Introduction Appendix 5-B Aboriginal Issues and Interests ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**

Table 7: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-7.1	Asked about the certainty of the predictions, and whether human error has been accounted for. Asked what measures will be taken if the terminal is constructed and it turns out that there are unforeseen issues.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that there is a long history of development at Roberts Bank, most recently with the Deltaport Third Berth Project (DP3) environmental assessment. Due to past work, the team is confident that there is a good understanding of the ecosystem. A long-term management program and adaptive management strategies will ensure that any deviations from the predictions will be tracked and responded to. Stated that for DP3, the VFPA has published adaptive management reports annually that detail the results of on-going monitoring. Many people involved in the committee overseeing monitoring for DP3 have informed the assessment for RBT2. **26-Apr-2016, Email from the VFPA:** Provided a copy of the 26-Nov-2015 draft meeting notes, which included a post-meeting note: Adaptive management reports are available on the Port's website: http://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/?doing_wp_cron=1460415089.0463271141052246093750. **12-Dec-2017, Meeting:** The VFPA organised a meeting on the Follow-up Program with the *WSÁNEĆ* Chiefs. Pauquachin was invited but did not attend.	**Addressed in AIEIS - *WSÁNEĆ* Nation, Appendix 2-B, Table 5 (#36):** Each technical appendix produced to support an assessment includes a section documenting the points of uncertainty and limitations pertaining to the study. Each effects assessment section of the EIS includes information on data quality and reliability, and any uncertainty or gaps in knowledge associated with the existing conditions of each VC. The effectiveness of identified mitigation measures, as well as any uncertainty regarding their effectiveness, is described. The level of confidence in each residual effect prediction considers the level of uncertainty associated with both the significance and likelihood determinations. Each assessment section presents the nature and source of any uncertainty that lowers the level of confidence in the residual effect prediction. The VFPA is committed to developing and implementing a Follow-up Program for RBT2. The purpose of the RBT2 Follow-up Program is to verify the accuracy of residual effect predictions made in this EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. As described in EIS Section 33.0, the Follow-up Program will also report on implementation of mitigation measures resulting from Indigenous engagement, which will include the following: • Verification of predictions of environmental effects with respect to Indigenous people, as well as residual effects that could not be addressed within the context of the environmental assessment; • Determination of the effectiveness of mitigation measures as they relate to environmental effects with respect to Indigenous people; • Support for the implementation of adaptive management measures to address previously unanticipated adverse environmental effects with respect to Indigenous people, or unanticipated adverse effects to Aboriginal or treaty rights; • Verification of the measures identified to prevent and mitigate potential adverse effects of the Project on potential or established Aboriginal rights; and • Provision of information that can be used to improve and support future environmental assessments and Indigenous engagement processes.	**EIS** 8.0 Effects Assessment Methods 8.1.4 Description of Existing Conditions 8.1.6 Mitigation Measures 8.1.8 Determination of Significance of Residual Adverse Effects 8.1.9 Cumulative Effects Assessment 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **AIEIS – *WSÁNEĆ* Nation** Appendix 2-B Aboriginal Issues and Interests, Table 5 Effects Assessment Methods

Table 8: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-8.1	Expressed concern regarding toxic chemicals, not just oil and gas, going through Pauquachin's waters.	20-Nov-2017, Meeting	**20-Nov-2017, Meeting:** Recorded comment for consideration by Project team.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the International Maritime Organization (IMO): http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). **Addressed in MSA Section 10.3.2.1:** Containers may be lost overboard in the event of a collision or grounding and could conceivably release hazardous and noxious substances to the environment. While removal of containers lost overboard would involve a salvage operation, the combination of low collision or grounding accident frequencies with the low percentage of hazardous and noxious substances containers at risk of being lost overboard (approximately 0.7% for Deltaport in 2012; see EIS Appendix 30-A), and the requirement for the container being compromised to release its contents, led to the assessment that the frequency of spills of hazardous and noxious substances from containers lost overboard is low enough to not require further consideration as a plausible accident or malfunction arising from marine shipping associated with the Project. **Additional information provided by the VFPA:** In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction and materials; industrial, auto, and vehicle parts; basic metals; meat, fish, and poultry; and waste paper. More information can be found in the VFPA's 2017 statistics overview.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters **VFPA Statistics Overview 2017** https://www.portvancouver.com/wp-content/uploads/2018/03/2017-Stats-Overview-1.pdf

Table 9: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-9.1	Requested clarification regarding effects to the labour market if the Panel determines that there should be no more ships, or if the proposed Project should not get built.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Responded that the VFPA would respond to changes in regulations as necessary. **10-Feb-2017, Letter to Pauquachin First Nation:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.	**Addressed in AIEIS Appendix 2-B, Table 23 (#101):** EIS Section 19.0 examines the potential effects of the Project on the unemployment rate. The Project's total employment of Greater Vancouver residents in 2018 could account for an approximate 0.1% decrease in the local assessment area's (LAA) unemployment rate for that year. This effect is a one-time event during the construction phase; i.e., there would be no further decrease but this 0.1% decrease would endure for most of the term of the construction phase. This positive change in unemployment rate to the labour market in the Greater Vancouver area would not occur if the Project does not proceed.	**EIS** 19.0 Labour Market 19.7.3 Change in Unemployment and Participation Rates **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 23 Labour Market

Table 10: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-10.1	Asked if eulachon were considered in the assessment. Suggested that there are thousands of years of Traditional Knowledge from Aboriginal groups as an information source on eulachon. Asked whether eulachon have the same connections as forage fish in the food web. Concerned with the exclusion of eulachon as representative species within the EIS.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Responded that eulachon are captured in the forage fish component (i.e., surf smelt, herring). Eulachon are notoriously difficult to study, and there is limited data available to inform the assessment. Much more information is available on other species, and one can assume that the pathways affecting eulachon will be similar to other forage fish species for which more information is available. Stated that eulachon are considered in the forage fish sub-component, and their biomass is accounted for in the model. They have not been directly assessed because there is no data speaking to their presence in the study area, which limits the ability to conduct an assessment. It is believed that the representative species are similar enough to represent how the Project would affect eulachon.	**Addressed in AIEIS Appendix 2-B, Table 18 (#77):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. **Addressed in response to IR-7.31.15-08:** As described in the VFPA's response to IR-7.31.15-08, all relevant ITK that was available was considered and incorporated into the EIS.	**EIS** 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *WSÁNEĆ* Nation, Table 18 Marine Fish
PFN-10.2	Concerned with the exclusion of sockeye as representative species within the EIS and what this means for the assessed or non-assessed impacts to these species.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Responded that chum and Chinook were chosen as representative species because they are the most estuarine dependent, use the area as juveniles, and are thus most likely to interact with the Project. Sockeyes come through the river and head straight out to sea. Stated that this is a conservative approach: it is assumed that the pathway of effects for sockeye will be similar to those for chum and Chinook, but chum and Chinook are more likely to experience potential Project effects based on their estuarine use. Another reason for choosing Chinook is that it is a preferred food source for SRKW, which have an endangered status.	**Addressed in EIS Appendix 7.2-B (#78):** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in EIS Appendix 7.2-B (#107):** In EIS Section 13.0, sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related effects on sockeye salmon are considered within the assessment through the assessment on the sub-component Pacific salmon, as represented by chum and Chinook. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 13.0 Marine Fish 13.2.1 Sub-components 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2.1 Sub-components 21.0 Marine Commercial Use 21.5.2 Existing Conditions, Aboriginal Commercial Fishing and Seafood Harvesting **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The response also further assesses potential effects of the project on sockeye directly. Overall, multiple lines of evidence suggest a minor adverse effect for this sub-component.	
PFN-10.3	Requested the specific data associated with the prediction of a minor effect on the productivity of adult and juvenile salmon.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Responded that for adult salmon, a change in productivity of around 4% is predicted. The change in productivity for juvenile salmon is under 10% (the different results reflect how the ecosystem model addressed juvenile and adult salmon separately). Committed to following up with the exact numbers. Stated that most of the effects associated with the Project are under 15%. Salmon populations have a high level of natural variability year to year, as high as 60 to 70%, which adds context to this figure.	**Addressed in EIS Section 13.6:** The assessment of potential effects of the Project to juvenile salmon is discussed in detail in EIS Section 13.6. Qualitative and empirical evidence indicates there will be minor decreases in Pacific salmon productivity resulting from direct mortality (entrainment), and changes in the acoustic and light environments during the construction phase. Effects on productivity from total suspended solids and sediment deposition from dredging and disposal at sea (DAS) activities are anticipated to be negligible. During the operation phase and in the longer term, key mechanisms influencing Pacific salmon productivity relate to changes in light (expected to play a role in structuring predator-prey interactions), terminal placement (expected to disrupt juvenile migration, especially given remaining uncertainties around juvenile salmon movement patterns and residency times in the LAA), and positive biotic interactions (increased macrofaunal prey). Additionally, indirect habitat effects (e.g., increased productivity of tidal marsh) not captured in the ecosystem model may positively affect juvenile salmon productivity by providing additional refuge and foraging opportunities within the LAA. The ecosystem model predicts negligible changes in adult salmon productive potential, and minor increases in juvenile salmon productive potential; sensitivity analyses indicates these values are robust, but that the magnitude of increase of juvenile productivity is likely over-estimated. Other lines of evidence suggest a minor decrease, particularly considering mechanisms that were not captured in the ecosystem model, such as acoustic and light disturbance. Overall, multiple lines of evidence suggest a minor adverse effect for this sub-component. **Addressed in AIEIS Appendix 2-B, Table 18 (#78):** The results of the Roberts Bank ecosystem model are provided in EIS Section 10.3, and associated appendices for model inputs and outputs. In addition, in the response to AIR-12.04.15-10, a technical data report specific to juvenile salmon is provided within Appendix AIR10-C.	**EIS** 10.3 Overview of Assessing Ecosystem Productivity 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.1 Existing Conditions, Pacific Salmon 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity **Information Requests** Response to Additional Information Request #10 (AIR-12.04.15-10 of CEAR Document #388) Appendix AIR10-C Technical Data Reports Containing Habitat Maps at Local and Regional Scale; TDR MF 3 Juvenile Salmon Surveys TDR **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 18 Marine Fish

Table 11: Marine Invertebrates – Valued Component

Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Commented there is a remarkable association between areas of sea pen distribution and the Project. Asked how many other areas, like the Project area, are good sea pen habitat. Concerned that the overlap between sea pen distribution and the Project will result in a high number of sea pen mortalities. Asked whether sea pen distribution has a relationship with the propeller wash out area.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Explained that the distribution can change year over year, and the habitat maps show the distribution for 2012. Agreed that sea pens are concentrated around the Project. Stated that there are no other known aggregations elsewhere in the Fraser River estuary. There is anecdotal evidence of sea pens in other areas of the Strait of Georgia (e.g., Gulf Islands) and Tofino. Sea pens used to carpet the bottom of Puget Sound, but their range has been reduced. Stated that sea pens have not been studied thoroughly in the past, so they may exist in some areas that are not known. Stated that it is predicted that 55% of the sea pens at Roberts Bank will be directly affected. The effect is determined to be moderate in part because of planned transplants. Further, it is believed that the remaining 45% of sea pen productivity is enough to support the persistence of sea pens in the area in the future, due to broadcast spawning and high fecundity. Commented that the VFPA will try to provide these details for future presentations, but that this information is also available in the EIS. **07-Feb-2018, Letter from the VFPA:** Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled Orange Sea Pen Transplant Pilot and Monitoring Program. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05.	**Addressed in EIS Appendix 7.2-B (#73):** Orange sea pens are a soft coral species that depend on habitat with strong tidal outflows and oceanic currents for food delivery. Sea pen beds provide habitat for many benthic (bottom dwelling) species and likely play a role in maintaining productive near-shore communities for clams, sea stars, marine worms, Dungeness crabs, and several fish species. Orange sea pens were assessed as a sub-component of the marine invertebrates VC. The assessment concludes that a decrease in the productivity of orange sea pens due to direct mortality and changes in habitat availability is expected as a result of permanent loss of subtidal sand habitat associated within the terminal footprint. This decrease can be partially mitigated through the implementation of environmental management plans, including the collection and transplantation of orange sea pens to nearby undisturbed sites identified as suitable through habitat modelling. While the Project is predicted to cause losses of productivity of orange sea pens, the scale of change is minor in the context of natural variability and will not compromise the population integrity or ecological function. The residual effect was determined to be not significant. **Addressed in AIEIS Appendix 2-B, Table 17 (#70):** As described in EIS Section 12.5, a Local Knowledge Study was undertaken in January 2013, which polled people with relevant direct knowledge (i.e., scientific experts, dive shop and tourism operators, fishers, and aquarists) on the life history, spatial extent, and ecological importance of orange sea pens. Nearby aggregations were reported from the Gulf Islands, Puget Sound, and the San Juan Islands, as well as Howe Sound, but no other aggregations were reported from elsewhere in the Fraser River estuary; as such, the orange sea pen beds within the LAA are assumed to be a unique feature. As outlined in EIS Section 12.0, the proposed terminal and dredge basin overlap with 92 hectares of orange sea pen distribution that corresponds to approximately 55% of orange sea pen productivity at Roberts Bank; 100% mortality was assumed for sea pens in areas of overlap with the Project footprint. Habitat suitability modelling indicated that 27% of suitable (i.e., high plus moderate suitability) orange sea pen habitat is predicted to be permanently lost to construction; this implies that there is abundant (i.e., 73%) remaining suitable habitat at Roberts Bank for orange sea pens to occupy (see EIS Table 12-10 and EIS Figure 12 13). Mitigation measures proposed to avoid sea pen mortality include the collection and pre-construction transplantation of orange sea pens to nearby undisturbed sites identified as suitable through habitat modelling. There is no evidence to suggest sea pen distribution has a relationship with the propeller wash out area. It was hypothesised in EIS Section 12.6.3.4 that sea pen distribution may be driven by local accelerations of bottom current velocities around the edges of the existing terminal structure, which may enhance food delivery rates. **Addressed in responses to IR5-05 and IR5-06:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary,	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.5.4.3 Orange Sea Pens, Population Characteristics 12.6.3 Potential Effect – Changes in Productivity 12.6.3.4 Changes in Productivity of Orange Sea Pens Table 12-8 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Invertebrates Table 12-10 Habitat Suitability (ha) for Orange Sea Pens in the Local Assessment Area in Future Cases With and Without Roberts Bank Terminal 2 12.7.2 Mitigation #1 for Direct Mortality 12.8.1 Residual Effect – Characterisation of Productivity Losses 12.9.2 Significance Determination Figure 12-13 Probability of Orange Sea Pen Occurrence at Roberts Bank, Pre-Project Table 12-10 Habitat Suitability (ha) for Orange Sea Pens in the Local Assessment Area in Future Cases With and Without Roberts Bank Terminal 2 Table 12-15 Summary of Determination of Significance of Residual Effects for Marine Invertebrates **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 17 Marine Invertebrates **Information Requests** Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Request #06 (IR5-06 of CEAR Document #1145)

Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in orange sea pen productivity, and that the level of confidence in this assessment was considered to be moderate. IR5-06 discusses the confidence in the rating. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere.	

Table 12: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-12.1	Asked what the Project-related contribution to the cumulative effect to SRKW would be. Requested information on the Project-related contribution to cumulative effects to SRKW. Commented on the conclusion that SRKW are already significantly adversely affected. Requested confirmation on whether this is typically how assessments on endangered species are conducted. Concerned that 100 projects could all conclude no new effects. Concerned with disruption of whales by ships, noting that they have observed whales leaving the area when ships are nearby.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that detailed information is available in the EIS. Committed to follow-up with the EIS section that contains this information. Stated that some environmental assessments do not use this methodology. More recently, cumulative effects are focused on past, present, and future, which may result in a determination that past effects are significant. Responded that in both underwater noise and marine mammals, the EIS articulates the Project's contribution to existing effects. There is a lot of focus on the methodology for SRKW because they are endangered. The EIS determined that the background noise remains similar when the noise levels from the Project are added. **26-Apr-2016, Email from the VFPA:** The VFPA provided the 27-Nov-2015 meeting notes, which included information on where to find more information in the EIS on marine mammals (EIS Section 14.0) and cumulative effects assessment (EIS Section 14.10).	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKW (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKW. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. **Addressed in AIEIS Appendix 2-B, Table 19 (#86):** Project-related adverse residual effects to SRKW (and all toothed whales) are described in EIS Section 14.6, and are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated. Due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. The approach to assessing cumulative effects on SRKW is consistent with the CEA Agency Guidance for cumulative effects assessments including the Operational Policy Statement Assessing Cumulative Environmental Effects Under the *Canadian Environmental Assessment Act, 2012* (CEA Agency 2013) and Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects (CEA Agency 1994), the Cumulative Effects Assessment Practitioners' Guide (Hegmann et al. 1999).	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedule 13-4 Marine Mammals Total Cumulative Effects **MSA** 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects 8.1.6.1 Negligible Effects 8.2 Marine Mammals 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use **AIEIS** Appendix 2-B - Aboriginal Issues and Interests, Table 19 Marine Mammals
PFN-12.2	Interested in being provided with additional and more detailed information about the ECHO Program.	30-Jan-2017, *WSÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum),	**30-Jan-2017, Meeting:** Offered to provide an in-depth presentation with Enhancing Cetacean Habitat and Observation (ECHO) Program representatives who can provide more detailed information at a future date. **10-May-2017:** The VFPA provided Pauquachin First Nation with the ECHO Program 2016 Annual Report. The VFPA restated its commitment to present to Pauquachin on the ECHO Program at a time convenient to the group. **12-Dec-2017:** The VFPA held a *WSÁNEĆ* All Chiefs meeting where a presentation on the ECHO Program was provided. Pauquachin was invited, but unable to attend.	**Addressed in EIS Appendix 7.2-B (#88):** The methods used to study underwater noise and the results of the assessment of potential underwater noise-related effects on marine mammals are described in the EIS. The ECHO Program has been established by the VFPA, in collaboration with government agencies, Indigenous groups, marine industry users, non-government organisations, and scientific experts, to better understand and manage the potential impacts to cetaceans (whales, porpoises, and dolphins) from commercial vessel activities throughout the southern coast of B.C. Further information about ECHO can be found at: http://www.portmetrovancouver.com/en/environment/initiatives/marine-mammals **Addressed in response to IR4-10:** The VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through	**EIS** Appendix 7.2-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/	

Table 13: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-13.1	Requested more information on tonnage for different types of vessels that will be at Roberts Bank and through the shipping route, to provide an understanding of size of ships.	18-Sep-2015, Meeting	**18-Sep-2015, Meeting:** Recorded comment for follow-up. **26-Nov-2015:** Included a slide on the tonnage for different types of vessels in the Saanich workshop presentation.	**Addressed in AIEIS Appendix 2-B, Table 2 (#12):** The Project has been designed to accommodate container ships as large as the Maersk Triple-E class ships, representative of ultra-large container ships with length greater than 390 m and/or capacity greater than 15,000 TEUs. These are currently used on the Asia Europe route and are not expected to be in regular service to the west coast of North America in the near future. Ship size is discussed in the EIS in terms of TEU capacity. With triple-E class introduction on the Asia Europe route, it is anticipated that 12,000 to 15,000 TEU-capacity ships will begin calling on the west coast of North America. The VFPA has prepared additional information for the Review Panel on ship sizes. This information is available on the CEA Agency Registry: https://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=80054.	**EIS** 4.0 Project Description 4.4 Project Activities 4.4.2 Operation-phase Activities, Ship Calls **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 2 Project Planning, Development and Implementation **Undertaking for the Review Panel** From the VFPA to the Review Panel re: Orientation Session #2 Undertaking #1: Estimate of the Number of Ultra-large Ships that would call on RBT2 (CEAR Document #667)
PFN-13.2	Referred to the shipping routes and asked if they are already in place. Asked if bigger ships will be passing through that same route.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Confirmed that shipping routes are in place. Noted that there is information in the MSA related to shipping and shipping routes.	**Addressed in MSA Section 4.0:** MSA Section 4.0 provides a description of shipping associated with RBT2. Although the three-berth wharf for the Project has been designed to accept ultra large container ships, these vessels are not anticipated to make regular scheduled calls at RBT2 by 2030. The forecast distribution of vessel sizes calling on RBT2 between Project opening and the forecast 2.4 million vessel-TEU terminal throughput in 2030 is shown in MSA Table 4-3 for the anticipated 260 vessel calls per year when the terminal is operating at design capacity. As shown in the table, smaller ships are being replaced by larger ships and by 2030, 65% of the container ships will still be in the 8,000 to 10,000 TEU range. The increase in container ship sizes in terms of TEU carrying capacity is anticipated to continue. In 2011, the Maersk Triple E type vessels were in design with an anticipated 18,000 TEU capacity. These ultra large container ships are now in service in the Asia to Europe routes, and newer vessels with a 19,200 TEU capacity are on order, with larger vessels with 20,000 TEU capacity anticipated. Container ships are of a specific design that has evolved since the mid-1950s, and continues to do so as stated above. MSA Figure 4-4 provides a graphic representation of the vessel size increase up to 2012. With this steady increase in vessel sizes, the smaller, older container ships will eventually be taken out of service and replaced. Larger container ships displaced by the ultra large vessels on Asia – Europe routes will be routed elsewhere (such as to west coast North American routes), and the frequency of ships calling on the Project is anticipated to decrease (as fewer ships will be required to carry the same number of containers). This size increase has been factored into the vessel frequency of movements described in MSA Section 4.2.1.2.	**MSA** 4.0 Activity Description 4.2.1.1 Type of RBT2 Container Vessels
PFN-13.3	Concerned that marine shipping will disrupt the ecosystem, which may infringe on First Nations' use and harvesting and that would be an impact on Pauquachin.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Recorded comment for consideration by Project team.	**Addressed in MSA Section 9.5:** The MSA addresses potential effects from routine (day-to-day) marine shipping associated with the Project on components of the physical, biophysical, and social environment. MSA Section 9.5 assesses potential effects of marine shipping associated with the Project on Current Use activities occurring within the marine shipping area (MSA Section 4.0). **Addressed in MSA Section 9.5:** MSA Section 9.5 considers the Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake,	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIEIS** 7.2.6.2 Availability of Preferred Current Use Resources **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the current use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the Marine Shipping Area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. These mitigation measures for addressing potential incremental effects on current use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the Enhanced Maritime Situational Awareness and Proactive Vessel Management initiative. **Addressed in IR13-20:** The VFPA's forthcoming response to IR13-20 will further discuss Project-related changes to the wave environment and their potential effects on current use activities, access, and navigation.	**Information Requests** Response to Sufficiency Information Request#20 (IR13-20)
PFN-13.4	Asked whether the public has the ability to submit comments and concerns on marine shipping, and how comments can be submitted.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Offered to send the contact information for the representative at the CEA Agency. **26-Apr-2016, Email from the VFPA:** Provided a copy of the 26-Nov-2015 draft meeting notes, and provided the contact information for the Crown Consultation Coordinator at the CEA Agency.	**Additional information provided by the VFPA:** All interested parties are able to provide comments to the Canadian Environmental Assessment Registry by contacting: Review Panel, RBT2 Project Canadian Environmental Assessment Agency 22nd Floor, 160 Elgin Street Ottawa, Ontario K1A 0H3 Telephone: 1-866-582-1884 Fax: 613-957-0941 Email: Panel.RBT2@ceaa.gc.ca	
PFN-13.5	Concerned with increased marine traffic associated with the Project, and impacts to local vegetation on the Saanich Peninsula.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Worksop:** Recorded comment for consideration by Project team.	**Addressed in MSA Section 6.1:** The ICs and VCs in the MSA were selected based on a component having the potential to interact with and be affected by marine shipping. Terrestrial vegetation was determined not to have an interaction with marine shipping, and therefore it was not included in the assessment. **Addressed in MSA Section 8.1:** An assessment was undertaken to evaluate the potential effects of Project-associated marine shipping on marine fish and fish habitat (including marine vegetation and marine invertebrates) within the marine shipping area and located within the Salish Sea. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions.	**MSA** 6.2 Selection of Valued Components 8.1 Marine Fish and Fish Habitat

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-13.6	Stated that there are many effects associated with marine shipping but not the Project; the Project will undeniably result in an increase in vessel traffic. Asked how impacts from marine shipping on other marine-based activities will be addressed.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations 27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that the Panel review process is an opportunity to present concerns to federal agencies. The purpose of the MSA is to inform the federal government if there are impacts.	**Addressed in MSA Section 1.0:** The MSA addresses the requirements of section 17 of the *Updated EIS Guidelines* by assessing potential environmental effects of marine shipping associated with the Project outside the VFPA's jurisdiction (beyond the VFPA's care and control) to the 12 nautical mile limit of the Canadian territorial sea.	**MSA** 1.1 Purpose of the [MSA] ***Updated EIS Guidelines***
PFN-13.7	Asked whether or not the VFPA knows how marine traffic from the Project will impact the Saanich First Nations.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that the MSA includes an assessment of the effects of vessel traffic on marine commercial use, access, interactions with transit, harvesting, etc. Stated that the MSA includes conclusions regarding the effects of marine shipping. The report will be subject to the Panel process, where the government will determine the effects. Clarified that marine shipping is not part of the Project.	**Addressed in MSA Section 9.5:** As noted in MSA Section 9.5, an assessment of potential effects on the Current Use and potential impacts to the exercise of asserted or established Aboriginal and treaty rights that may result from marine shipping associated with the Project was undertaken. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on current use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions
PFN-13.8	Concerned that the routine operation of Project container ships may impact the exercise of their Aboriginal and Treaty	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** As noted in MSA Section 9.5, an assessment of potential effects on the Current Use and potential impacts to the exercise of asserted or established Aboriginal and treaty rights that may result from marine shipping associated with the Project was undertaken. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Harvesting Rights, for example by • restricting the times and locations in which those rights can be exercised, • disrupting travel ways utilized by Pauquachin First Nation members to exercise those rights, • and increasing the likelihood of a collision between a container ship and a vessel owned or operated by Pauquachin First Nation or a Pauquachin First Nation member.			(i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on current use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	10.0 Potential Accidents or Malfunctions
PFN-13.9	Stated that if approved, the mitigations proposed by the proponent must be implemented, as well the recommendation by the Washington State Department of Ecology and van Dorp and Merrick that the speed for container ships be reduced to enhance situational awareness. In the event the Project proceeds and these measures prove to be inadequate, Pauquachin First Nation reserves the right to demand that additional measures be implemented, for example altering the location of the marine shipping lanes for the Project.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (10):** Where relevant, the VFPA has proposed mitigation, which serves to address measurable potential effects of marine shipping associated with the Project, to be considered by those regulators with jurisdiction in the area. **Additional response from the VFPA:** Should the Project be approved, the VFPA will be legally bound to the conditions (including any mitigation measures) set out in the federal Environment Minister's Decision Statement. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside its jurisdiction. EIS Section 35.0 (Table 35-2) presents mitigation measures and commitments proposed as part of RBT2. MSA Section 12.0 summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects.	**EIS** 35.0 Effects Assessment Summaries **MSA** Appendix 5-B Aboriginal Issues and Interests 12.0 Summary of Changes to the Environment and Effects of Change to the Environment: Marine Shipping Associated with RBT2

Table 14: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-14.1	Asked how non-native eelgrass was introduced to the environment, and where it is located.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations 2	**27-Nov-2015, Workshop:** Explained that it is a non-native species, *Zostera japonica*. There is uncertainty about how it was originally introduced. Native eelgrass is perennial, and found in the lower intertidal area. Non-native eelgrass is an annual (dies back each year), and found in the mid-higher intertidal area. Non-native eelgrass is at Roberts Bank in abundance. Stated that it is believed that the spread of non-native eelgrass is not harming other species. Non-native eelgrass dies off every year, which limits the extent to which it can spread or infringe. The roots of non-native eelgrass are not very deep, so other organisms can still get situated nearby. Stated that native eelgrass is much thicker, and a lot of critters like to hide in native eelgrass. Juvenile Dungeness crabs will hide in both. Non-native eelgrass offers similar ecosystem functions as native eelgrass, but to a lesser extent.	**Addressed in AIEIS Appendix 2-B, Table 16 (#66):** The location of non-native eelgrass at Roberts Bank is included in the Eelgrass Survey technical study, as listed and referenced in EIS Table 11-4. It is also shown on EIS Figure 11-2 (as *Z. japonica*). *Z. japonica* is believed to have been introduced to North America (Washington State specifically) with oyster shipments from Japan during the first half of the 20th century. The oysters were intentionally introduced to dozens of countries for aquaculture purposes and the shipments may have been packed with eelgrass. *Z. japonica* was first documented in the Pacific northwest in 1957 in Willapa Bay, Washington; it was first recorded in B.C. waters in 1969 in Boundary Bay. Since then, it has spread throughout northern Puget Sound and the southern Strait of Georgia, as well as to coastal bays in Oregon.	**EIS** 11.0 Marine Vegetation 11.2.1 Sub-components 11.4.1 Desktop and Field Studies Table 11-4 Desktop and Field Studies Related to Marine Vegetation Figure 11-2 Roberts Bank Marine Vegetation Habitat Map (2012) 11.5.1.1 Eelgrass, Overview 11.6 Future Conditions with the Project **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 16 Marine Vegetation
PFN-14.2	Concerned about invasive species being introduced via the hull of ships, and asks whether this effect is accounted for in the predictions presented for local vegetation. Concerned that ships pump their bilges into the water, introducing foreign species such as non-native eelgrass, mussels, and clams to local environments. Question whether this effect is accounted for in the predictions presented for the marine vegetation VC.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that this factor was included in the assessment, but the effect was determined be negligible because of invasive species management regulations. Stated that there are international regulations that relate to invasive species and these are detailed in the water quality section of the EIS.	**Addressed in AIEIS Appendix 2-B, Table 16 (#62):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 metres. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving to Canada from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Within Canadian waters, ballast water is regulated by the Ballast Water Control and Management Regulations. Also, the International Convention for the Control and Management of Ships' Ballast Water and Sediments, to which Canada is a signatory, will come into force on September 8, 2017. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary. The potential for introduction of invasive species via effluent discharges and other operational procedures, including discharges from ships (bilge and ballast), was considered in the assessment of marine vegetation. This potential effect was determined to be negligible due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures outlined in EIS Section 4.2.1 and implementation of regulatory requirements and guidelines described above.	**EIS** 4.0 Project Description 4.2.1 Marine Terminal 4.4.2 Operation-phase Activities 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 11.0 Marine Vegetation 11.6 Future Conditions with the Project **AIEIS – *W̲SÁNEĆ* Nation** Appendix 2-B Aboriginal Issues and Interests, Table 16 Marine Vegetation

Table 15: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-15.1	Asked why one slide depicts arsenic and copper levels exceeding sediment quality guidelines and the other indicates they are below guidelines.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that one slide depicts water quality, and the other depicts sediment quality. Explained that out of all the samples taken (900+), only one exceeded copper and two exceeded arsenic; there were some anomalies in the sediment.	**Addressed in EIS Sections 9.6 and 9.7:** More information on water quality can be found in EIS Section 9.7 and information on sediment can be found in EIS Section 9.6. **Addressed in EIS Section 9.6.6.2:** As noted in EIS Section 9.6.6.2, the physical and chemical characteristics of sediments in areas near and relevant to the Project have been studied recently. Results of these studies are summarised in EIS Table 9.6-3, and additional details are provided in EIS Appendix 9.6-B. No appreciable sediment contamination was observed in Project areas. In general, sediment samples met the DAS screening criteria with limited minor exceptions. Only one of 92 samples contained cadmium at a concentration greater than the DAS Lower Level criterion. Similarly, one sample contained arsenic at a concentration greater than its respective CCME ISQG (Canadian marine sediment quality guidelines). Both the average and upper 95th percentile concentrations for cadmium and arsenic were much lower than their respective screening criteria, however, and are more reflective of actual conditions. The single values are likely to be statistical outliers and are not reflective of the actual exposure potential. While most of the sediment samples exhibited a copper concentration greater than the ISQG, this is attributed to the presence of geological-origin, naturally occurring concentrations. Elevated copper levels are consistent with observations for previous studies in areas relevant to the Project, and throughout the Fraser River estuary (EIS Section 9.6.6.2). Copper levels in the Project activity areas are therefore not considered to be contaminated relative to natural conditions.	**EIS** 9.0 Physical Setting 9.6 Surficial Geology and Marine Sediment 9.6.6.2 Characteristics of Surficial Sediments in the Fraser River Estuary and Local Study Area 9.7 Marine Water Quality

Table 16: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-16.1	Asked if the new habitat proposed in the EIS will be contaminated in the future due to the terminal.	30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum),	**30-Jan-2015, Workshop:** Stated that it is unlikely as the terminal will be shipping containers. Stated that the habitat proposed would co-exist well with the Project.	**Addressed in EIS Section 17.0:** A monitoring program would be implemented to confirm that offsetting measures meet intended objectives and that they function as designed. For on-site offsetting projects, monitoring would be undertaken to ensure compliance with regulatory requirements and evaluate the performance of each on-site habitat concept. **Addressed in AIEIS Appendix 2-B, Table 2 (#6):** Lessons learned from DP3 were considered in the evaluation of alternative means of carrying out the Project and in the selection of onsite habitat offsetting, and will also be considered in the development of the follow-up program: • EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. As part of the process for identifying and selecting alternatives, the VFPA reviewed and considered Indigenous input provided as part of the environmental assessment processes for prior projects at Roberts Bank, including DP3. • Onsite habitat selection considered lessons learned from previous habitat creation programs (e.g., DP3). The effectiveness monitoring reports for DP3 increased the understanding of the successes and challenges of previous habitat projects. The concepts presented in the EIS were presented to communities, stakeholders, Indigenous groups, the public, and regulators in fall 2014. • An adaptive management approach is proposed for RBT2 as indicated in EIS Section 33.5 and will consider lessons learned from the DP3 Adaptive Management Program. **Addressed in response to IR-7.31.15-12:** In the VFPA's response to IR-7.31.15-12, on 26-Oct-2015, the VFPA provided Appendix IR12-A, which summarises the various mitigation measures proposed in the EIS (including habitat offsetting), and indicates their anticipated effectiveness and risks.	**EIS** 11.0 Marine Vegetation 11.5.1 Existing Conditions, Eelgrass 11.6 Future Conditions with the Project 11.8.1 Residual Effect – Changes in Biofilm Assemblage Composition 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.3.2.2 Onsite Habitat Concepts 33.0 Environmental Management Program **Information Requests** Response to Information Request #12 (IR-7.31.15-12 of CEAR Document #314) Appendix IR12-A – Summary of Proposed Mitigation and Anticipated Effectiveness **AIEIS** Appendix 2-B, Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 16 Marine Vegetation
PFN-16.2	Asked what will be done to compensate for the impact of the Project and marine shipping on the ecosystem (i.e., mitigation).	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that for the Project, steps are being taken to mitigate effects and they are described in the EIS. This includes initiatives such as trucks turning off, so they are not idling, and replacing trucks of a certain age. The VFPA can control certain aspects such as how the Project is built and mitigated, and some of the operations activities in and out of the terminal within VFPA jurisdiction. Noted that the VFPA will be discussing effects of this Project in the workshop but the Port has a number of programs aimed at working with partners to minimise the effects of trade. Noted that if the VFPA were to shut down, the effects would be felt across the	**Addressed in EIS Section 17.0:** In keeping with the VFPA's mandate to provide a high level of environmental protection, well-planned mitigation measures based on a thorough understanding of the ecological function of the affected environment are key components to preventing and reducing potential Project effects. For the Project, the VFPA has adopted the use of the following mitigation hierarchy to address Project-related effects to marine biophysical VCs: 1. Avoid potential adverse effects; 2. Reduce or minimise potential adverse effects that cannot be avoided; and 3. Offset potential adverse effects that cannot be avoided, minimised, or reduced. Offsetting measures proposed for the Project focus on the creation and enhancement of on-site habitat that supports Roberts Bank ecosystem species. On-site habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that would be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The VFPA has reviewed and evaluated the compensation habitat developed for DP3, and has included beneficial features for marine vegetation, invertebrate, fish, and bird species in the offsetting framework for the Project.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 11.0 Marine Vegetation 11.7 Mitigation Measures 11.12 Monitoring and Follow-up Programs 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 33.0 Environmental Management Program 33.3.1 Construction Compliance Monitoring Plan

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			country and this would not stop the demand for trade. **26-Apr-2016, Email from the VFPA:** Provided 26-Nov-2015 meeting notes, which included a link to the VFPA's website on its environmental initiatives: http://www.portvancouver.com/environment/.	The five habitat types considered for on-site offsetting include: • Intertidal marsh; • Mudflat; • Subtidal rock reefs; • Sandy gravel beach; and • Eelgrass. While not all species require offsetting, most species would experience increases to their productive potential or negligible change as a result of proposed on-site offsetting. As noted in EIS Section 33.0, a Construction Environmental Management Plan and an Operation Environmental Management Plan, each with several sub-plans, would be developed for the Project prior to construction and operation. The purpose of the environmental management plans is to ensure appropriate measures and controls are in place to prevent or reduce adverse environmental effects and to provide clearly defined action plans and emergency response procedures to protect human and environmental health. To ensure their alignment with all required Project permits, any conditions of approvals, final designs, finalised construction or operation approaches, and site-specific considerations, the Project's environmental management plans are necessarily developed and finalised nearer to the start of the construction and operation phases. Feedback on applicable environmental management plan sub-plans will be solicited from Indigenous groups potentially affected by the Project. EIS Table 35-2 presents all mitigation measures and commitments proposed by the VFPA in relation to the project. The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the residual environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. **Addressed in AIEIS Appendix 2-B, Table 22 (#96):** The EIS considers clear, enforceable measures that are technically and economically feasible that would mitigate any adverse effects of the Project, as required by the *EIS Guidelines*. The approach to considering mitigation measures for adverse effects is described in EIS Section 8.0. The proposed approach for mitigation to address Project effects to marine biophysical VCs is described in EIS Section 17.0. Proposed mitigation measures are summarised in EIS Section 35.0, Table 35-2. Marine shipping associated with the Project is outside of the care and control of the VFPA; as such, the VFPA does not set requirements, and cannot enforce mitigation measures, associated with container vessel traffic in the marine shipping area. Mitigation measures described in the MSA are measures suggested for the appropriate authorities with jurisdiction within the marine shipping area. During the Review Panel Orientation Session #2, additional information on protective measures for the shipping industry was presented by Transport Canada, the Canadian Coast Guard, and the Pacific Pilotage Authority. This presentation can be found at https://www.ceaa-acee.gc.ca/050/documents/p80054/115538E.pdf.	33.4.1 Operation Compliance Monitoring Plan 33.5 Environmental Management Program, Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments **MSA** 1.0 Introduction 1.1 Purpose of the [MSA] **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 22 Mitigation for Marine Biophysical VCs

Table 17: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-17.1	Concerned with inland noise and vibration. Commented that noise does not stop at the shore, and that the vibration from ships extends a mile inland on Galiano.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Acknowledged that low frequency sound can be carried quite far. Explained that the noise modelling studies concluded that the movement of noise is blocked by the islands and does not reach the Saanich area.	**Addressed in EIS Appendix 7.2-B (#43):** The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS. The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use. The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic. The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration. Mitigation measures related to noise are included in the human health assessment (EIS Section 27.9.2). The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration. The assessment concluded that: • Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible. • The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors. Some changes in noise conditions that could be perceptible include: • Increased noise during periods of peak construction activity. • The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals. • Increased noise in marine areas is expected to be perceptible close to the terminal. • The construction and operation of the marine terminal and causeway is not expected to result in perceptible increases in levels of ground-borne vibration. Suggested mitigations were considered in the development of proposed mitigation for Project-related changes in noise. Noise Management Plans would be developed for construction and operation phases and would integrate with the VFPA's existing noise monitoring programs. Mitigation of construction-related noise would include: • Scheduling of higher-noise generating activities during weekdays, and during the daytime; • Shutdown of equipment and vehicles when not in use; • Utilisation of equipment that produces less noise; and • Awareness and training for construction crews. Mitigation for operation-related noise would include:	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.3 Noise and Vibration 9.3.6 Methods 9.3.7 Existing Conditions 9.3.9 Future Conditions with the Project; 9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities 9.8 Underwater Noise 9.8.2 Assessment Purpose and Approach 9.8.5.2 Methods, Study Areas Figure 9.8-1 Study Areas for Underwater Noise Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6.3 Future Conditions with the Project, Potential Effect - Changes in Productivity 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect - Changes in Productivity 27.0 Human Health 27.6 Future Conditions With the Project - Potential Project-Related Effects: 27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise 27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance 27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Optimised tonality of equipment alarms to limit audibility on shore while meeting safety requirements; • Operator awareness and training; and • Regular maintenance of equipment (e.g., lubrication of pulleys and other moving parts, replacement of deteriorated exhaust mufflers, maintaining efficiencies of engines through servicing). **Addressed in AIEIS Appendix 2-B, Table 14 (#56):** The scope and methods of the underwater noise study are summarised in EIS Section 9.8, and detailed in the supporting appendix. The LSA was established to encompass the area within which Project-related construction and operation underwater noise may interact with and potentially have an effect on relevant VCs, including marine fish, marine mammals, and coastal birds. The spatial boundary of the LSA includes the Strait of Georgia, incorporating existing natural boundaries that limit the propagation of noise. The LSA includes the area where predicted underwater noise levels from Project construction and operation were greater than both the ambient noise from wind and distant vessels, and the hearing ability of marine fish and marine mammals (EIS Appendix 9.8-A). Although the LSA represents the likely area that underwater noise from the Project will be audible to marine fish, marine mammals, and coastal birds, a regional study area (RSA) as shown in EIS Figure 9.8-1, extends from the Project, south through the Strait of Georgia to the western end of Juan de Fuca Strait, and includes the Canadian and U.S. SRKW critical habitat, excluding Puget Sound. The RSA provides ecological and regulatory context for underwater noise for SRKW and other marine mammals. **Addressed in MSA Sections 7.6 and 8.2:** The assessment of underwater noise considers the level of underwater sound in the marine environment. Underwater noise is not generally transmitted through land at perceptible levels; however, low-frequency atmospheric noise can induce vibration in lightweight building structures. Low frequency noise was assessed in the atmospheric noise and vibration assessment (EIS Section 9.3) within the upland study area. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and terrestrial wildlife is not anticipated, and was therefore not assessed, but potential effects from atmospheric noise were considered in the effects assessment for coastal birds utilising the upland areas at Roberts Bank.	27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 14 Underwater Noise **MSA** Figure 4-1 Marine Shipping Area, Shipping Lanes, and Locations of Interest 7.6 Underwater Noise 7.6.2 Assessment Boundaries 7.6.2.1 Temporal and Spatial Boundaries 8.1 Marine Fish and Fish Habitat 8.2 Marine Mammals 8.3 Coastal Birds

Table 18: Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-18.1	Commented that a negligible effect on a fishery is not necessarily a negligible effect on an Aboriginal fishery. Stated that a localized habitat might only be 1% of a regional habitat, but it might account for 100% of a fishery for a First Nations family. One is bounded by territory, and cannot just go elsewhere.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Acknowledged this distinction. Stated that the commercial, recreational and Aboriginal fisheries chapter is assessing the productivity of fisheries (i.e. the biological components), and not the end users. The human aspect is assessed in other sections.	**Addressed in AIEIS Appendix 2-B, Table 21 (#92):** Potential effects of the Project on commercial, recreational, and Aboriginal fisheries are assessed in EIS Section 16.0. Potential effects on fishing activities (as opposed to the fisheries themselves) are considered in EIS Sections 21.0, 24.0, and 32.0. **Addressed in AIEIS Sections 3.0, 4.0, and 7.0:** The Current Use and rights assessments in the EIS and AIEIS consider Indigenous fishing in the vicinity of the Project area for traditional purposes. The importance of location to fishing for traditional purposes, for precisely the reasons outlined in the comment, is considered in these sections. The Project is not expected to measurably affect Pauquachin First Nation access to preferred locations for traditional use, including but not limited to traditional fin-fishing locations associated with the Fraser River, which was the predominant use identified in the area by Pauquachin First Nation. With regard to access to crab harvesting locations, Pauquachin First Nation use of the area of the Project for traditional crab harvesting has reportedly occurred infrequently and at low levels. The potential level of Project-related effects on access to preferred locations for traditional use purposes is therefore predicted to be negligible for Pauquachin First Nation, meaning that no noticeable incremental changes to their existing levels or patterns of use in the vicinity of the Project area are expected as a result of Project placement or activities.	**AIEIS** 3.0 Marine Commercial Use 4.0 Outdoor Recreation 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.6.1 Access to Preferred Current Use Locations Appendix 2-B Issues and Interests, Table 21 Commercial, Recreational, or Aboriginal Fisheries **EIS** 8.0 Effects Assessment Methods 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 24.0 Outdoor Recreation 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

Table 19: Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-19.1	Asked whether a container ship will adjust their speed if they are running behind schedule.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded that there are limitations for maximum speed, and with the high cost of fuel, it is more efficient for container ships to transit more slowly, which burns less fuel.	**Addressed in MSA Section 4.2.1.4:** Container ship speeds through the marine shipping area for ships destined for Canadian ports generally average around 20 knots, with a maximum speed of 25 knots. The Pacific Pilotage Authority has confirmed container ship speeds vary depending on vessel and prevailing conditions, such as concentration of vessels, vessels' schedules, the type of low sulphur fuel being used, wind and tidal conditions, and speed adjustments based on the practice of good seamanship. The Pacific Pilotage Authority also advised that as a general rule, when conditions permit, container ships typically travel at speeds between 18 and 25 knots.	**MSA** 4.2.1.4 Speed
PFN-19.2	Requested clarification regarding: • Which agency has authority over navigable waters in the VFPA's jurisdiction; • The scope of the VFPA's authority within its jurisdiction; • How the VFPA determines which ships can come into port; • Whether there is any quality control; and • Whether the VFPA polices the waterway.	18-Sep-2015, Meeting	**14-Oct-2015, Email from the VFPA:** The VFPA sent an email to Pauquachin after the meeting with links to the VFPA's Letters Patent and some of the relevant provisions from the *Canada Marine Act*, as follows: • http://www.portmetrovancouver.com/wp-content/uploads/2015/05/True-Copy-of-VFPA-Letters-Patent.pdf • http://laws-lois.justice.gc.ca/eng/acts/C-6.7/page-3.html#docCont.	**Addressed in AIEIS Appendix 2-B, Table 1 (#1):** EIS Section 1.0 provides an overview of the VFPA's mandate and jurisdiction. The VFPA is a port authority created pursuant to the *Canada Marine Act*, accountable to the federal Minister of Transport. The *Canada Marine Act* gives port authorities the authority to take, permit, or prevent certain activities within a port, which is defined as "the navigable waters under the jurisdiction of a port authority and the real property and immovables that the port authority manages, holds or occupies as set out in the letters patent". The letters patent issued for the VFPA describe the geographic boundaries of the navigation jurisdiction of the VFPA, the federal real property that it manages, and the lands other than federal real property, namely lands that the VFPA holds in its own name. The VFPA's territorial jurisdiction therefore includes the federal lands and lands other than federal real property that it manages, together with the navigable waters over which it has navigation jurisdiction. The federal real property managed by the VFPA and its navigation jurisdiction are shown in EIS Figure 1-3. In fulfilling the mandate under the *Canada Marine Act*, the port authority carries out a variety of duties, including safety and security of all land and waters, in collaboration with other agencies, using technology and land and water patrols. For core activities related to shipping and navigation, the VFPA acts as agent to the federal Crown. In accordance with this statutory authority, the VFPA has issued a Port Information Guide for marine operations within its jurisdiction (http://www.portvancouver.com/marine-operations/port-information-guide/). The guide's purpose is to promote safe and efficient navigation within the local waters of the port and to protect the marine environment. The practices and procedures apply to all vessels in the port, including pleasure craft and recreational vessels, and to all persons responsible for the planning, operation, conduct, and safe navigation of such vessels, including tenants. Among other things, the Port Information Guide outlines practices and procedures related to arrival and departure checklists, navigation, movement of dangerous goods, waste removal, marine mammal critical habitat, speed, use of pilots, anchorage procedures, environmental requirements, vessel discharges, noise and lights, adverse weather conditions, bunkering, and cargo operations, including loading/discharging and cleaning. Appendices to the Port Information Guide provide data sheets for all terminals within the Port of Vancouver. Every vessel either in or seeking to enter the port is subject to the orders of the port authority with respect to its entry, departure, draught, berth, anchorage, location, speed, direction, and means and method of movement, whether or not such orders are issued through or by the Canadian Coast Guard's Marine Communications and Traffic Services. The VFPA asserts its authority on vessels that intend to enter, or are within the waters controlled by the port authority by monitoring and enforcing the practices and procedures described in the Port Information Guide. **Addressed in response to IR1-01:** Additional information regarding the VFPA's jurisdiction and scope of authority, including how the VFPA asserts its jurisdictional authority on vessels that intend to enter or are within VFPA navigable waters, is provided in the VFPA's response to IR1-01. The Port Information Guide is provided as an appendix to the response to IR1-01.	**EIS** 1.0 Introduction 1.3.2 VFPA Overview 1.3.2.2 Mandate and Jurisdiction Figure 1-3 VFPA Managed Federal Lands and Navigation Jurisdiction 1.3.3 Governance and Corporate Structure 1.3.3.1 Insurance and Liability Management 1.3.3.2 Environmental Policy **AIEIS** Appendix 2-B Issues and Interests, Table 1 Port Operations **Information Requests** Response to Information Request #1 (IR1-01 of CEAR Document #897)

Table 20: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-20.1	Concerned with potential for an accident or malfunction involving a container ship carrying dangerous goods. Asked what kinds of dangerous cargo would be transported, and what amounts of each. Asked how containers involving dangerous goods are handled. Concerned with the potential for loss of containers overboard in the event of an accident. Interested in the proportion of goods shipped in containers that are potential contaminants.	22-Jul-2015, Meeting 18-Sep-2015, Meeting 26-Nov-2015, EIS Results Workshop #1 – Saanich Nations 30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**22-Jul-2015, Meeting:** Explained that EIS Appendix 30-A, Table B-4 indicates the composition and number of hazardous and noxious substances containers at Deltaport in 2012. Stated that of the 1.7 million TEUs handled at the Deltaport Terminal in 2012, less than 1% (0.7062%) involved goods that could be classified as Dangerous Goods under the IMDG Code. Demand for goods is assumed to be the same if the Project goes ahead. Stated that in Canada, the transportation of dangerous goods is strictly regulated under the *Transportation of Dangerous Goods Act, 1992*. Committed to following up on this question, but unlikely to get an exact answer (regarding amounts of hazardous cargo on each ship) as container transport shipments are responsive to demand. **26-Nov-2015, Workshop:** Referred to Canada Border Services Agency procedure for the handling of hazardous goods, and also the process of checking containers randomly. Each container has a number, and containers with hazardous goods are flagged. In the event of an accident, it is not immediately known which containers contain hazardous goods and which do not. However, like a train accident, this information becomes available within hours of the incident. Referred to the fire at the Centerm container terminal, where the contents of the container in question were identified quickly after the start of the incident. **13-Aug-2015, Email from the VFPA:** Concern with the potential for loss of containers overboard in the event of an accident. EIS Appendix 30-A (http://www.ceaa-acee.gc.ca/050/documents/p80054/101341E.pdf) states that the risk of loss from foundering or loss overboard from ship motions in semi-protected water is considered negligible. The potential for an accident involving a loss of containers will be discussed in the MSA (currently in draft form) as it relates to the marine shipping study area. What types of dangerous cargo are transported by container, and in what quantities? Appendix G of EIS Appendix 30-A (pp. 178 at the following link: http://www.ceaa-acee.gc.ca/050/documents/p80054/101341E.pdf)	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx. The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). **Addressed in AIEIS Appendix 2-B, Table 29 (#156):** EIS Section 30.0 considers incidents involving both non-hazardous (e.g., aggregate, non-hazardous container cargo) and hazardous (e.g., hydrocarbons, dangerous goods) materials. It also considers the potential for an accident or malfunction involving a fire (EIS Section 30.2). Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Appendix G, Table G-3). Transportation of hazardous materials is regulated by the *Transportation of Dangerous Goods Act, 1992*, which is administered by Transport Canada. Regulations for the transport of dangerous goods, are set by the IMO: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx. The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** 30.0 Potential Accidents or Malfunctions 30.2.1 Potential Project-Related Accidents and Malfunctions, Probabilities and Consequences 30.4 Potential Marine-based Accidents and Malfunctions 30.5 Potential Land-based Accidents and Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix G - Spill Materials and Properties Table G-3 Dangerous Good TEUs Transported through Deltaport (RBT) in 2012 **AIEIS** Appendix 2-B Issues and Interests, Table 29 Potential Accidents and Malfunctions 8.0 Potential Accidents or Malfunctions **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			provides an overview of Dangerous Good TEUs transported through Deltaport in 2012. **30-Jan-2017, Meeting:** Recorded comment for consideration by the Project team.		
PFN-20.2	Stated that Pauquachin requires more information to better understand those potential impacts and what measures the VFPA is proposing to minimize any potential impacts, to respond to an accident or malfunction should one occur and to remediate any harm stemming from an accident or malfunction.	18-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** Noted that the document provided by the VFPA to Pauquachin First Nation for review included a summary of Pauquachin First Nation's Current Use, and is not the entirety of the MSA. Stated that the MSA will include an assessment of potential impacts associated with marine shipping and proposed mitigation.	**Additional information provided by the VFPA:** Beyond the information provided in EIS Section 30.3 and MSA Section 10.4, which provide information concerning spill response roles, responsibilities, and other mitigation in the event of an accident and malfunction, Transport Canada's response to the Review Panel's April 4, 2018 Information Requests provides additional information with regard to responding to and minimising the risk of marine spills.	**EIS** 30.3 Risk Mitigation Framework **MSA** 10.4 Mitigation Measures **From Transport Canada to the Review Panel re: Response to IRs issued by the Review Panel on April 4, 2018 (CEAR Document #1178)**
PFN-20.3	Concerned with the potential for an accident, and impacts to the environment and risk to lifestyle – the way they live on the water, transit back and forth to Washington state, and there is risk to economic activities (harvesting fish and shellfish). Concerned that an accident could seriously damage Pauquachin's traditional territory. First Nations bear all the risk related to potential Project accidents or malfunctions, yet do not share in the benefit from the Project.	18-Sep-2015, Meeting	**18-Sep-2015, Workshop:** Acknowledged Pauquachin's concern and explained that the VFPA wants to understand better the potential effects in this area. This will lead to a discussion of benefits to offset potential impacts.	**Addressed in AIEIS Section 8.0:** The potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from the Project were considered in EIS Section 30.0. Of the one marine-based scenario and two land-based scenarios assessed in EIS Section 30.0, only the marine-based scenario—a hypothetical heavy fuel oil spill as a result of a ship allision at the RBT2 wharf face during Project operation—was assessed for potential effects on Current Use and potential impacts on the exercise of asserted or established rights. A potential interaction between the marine-based scenario and traditional activities was identified, whereas no such interaction was identified for the land-based scenarios. As described in EIS Section 30.6.1.3 (see pp. 30-65 to 30-66), a residual effect on Current Use as a result of the spill scenario was identified and assessed as significant, while a residual impact on the exercise of asserted or established rights was also identified and assessed as serious. Because of the extremely low probability of an allision resulting in a spill occurring at the RBT2 berth, both the residual effect to Current Use and the residual impact to the exercise asserted or established rights were considered unlikely and not assessed further. Based on the above, the analysis and conclusions presented in EIS Section 30.0 relating to potential effects on Current Use and potential impacts on the exercise of asserted or established rights remain unchanged and are viewed as fully applicable to Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation in the event their Current Use or the exercise of their asserted or established rights were to be affected by a spill at the RBT2 berth, should such an incident occur once the Project is operational. **Addressed in MSA Section 10.0:** MSA Section 10.0 presents an assessment of potential accidents and malfunctions arising from marine shipping associated with the Project. Two plausible worst-case scenarios were selected for the assessment, based on the analysed probabilities of occurrence, higher risk areas, and possible consequences:	**EIS** 30.6.3.1 Plausible Worst-case Scenario #3 Description **MSA** 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIEIS** 7.3.3.3 Other Accommodations 8.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil; and • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well as serious injury or fatality. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (SRKW), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. **Additional information provided by the VFPA:** As noted in AIEIS Section 7.3.3.3, the VFPA is prepared to assist Pauquachin First Nation in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support Pauquachin First Nation in preparing for employment opportunities, the VFPA will provide training funding. The VFPA will continue to engage with Pauquachin First Nation to develop and implement plans to facilitate access to these opportunities.	
PFN-20.4	Asked for a contact at Transport Canada, and questions about Transport Canada's mandate.	18-Sep-2015, Meeting	**18-Sep-2015, Meeting:** Committed to follow up with Transport Canada on this question. **14-Oct-2015, Email from the VFPA:** Provided the contact information for Transport Canada's Indigenous Relations Advisor on the RBT2 file. Stated that Transport Canada will be able to explain their mandate.		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-20.5	Asked how long it takes to respond to an incident. Asked about the process for responding to spills along the US-Canada border? Asked about the insurance fund for cleaning up in the event of an accident. Asked if about spills and/incidents: amount of insurance, potential for damage, and who is ultimately responsible.	22-Jul-2015, Meeting 18-Sep-2015, Meeting	**22-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **18-Sep-2015, Meeting:** Explained the VFPA's jurisdiction and noted the other agencies that would respond in the case of an incident, namely the Canadian Coast Guard, Western Canada Marine Response Corporation (WCMRC), and other agencies that would be involved like Transport Canada. Committed to following up on this question. **13-Aug-2015, Email from the VFPA:** What is the process for responding to spills along the US-Canada border? Please see page 11 of the WCMRC Handbook: (http://wcmrc.com/wp-content/uploads/2013/06/WCMRC-Information-Handbook-2012.pdf) for a discussion of the mutual aid agreement between Canada and the United States, allowing both parties to work together in responding to an incident. Detailed information on the topic can be found in the Canada-United States Joint Marine Pollution Contingency Plan, at the following link: http://www.ec.gc.ca/international/default.asp?lang=En&n=0DEBF8A7-1. How long does it take to respond to an incident? Pages 4 and 5 of the Transport Canada Marine Response Organizations Standards document (http://www.tc.gc.ca/media/documents/marinesafety/tp12401e.pdf) provide information on the minimum requirements for response times, which vary by spill quantity and area. WCMRC, as the responsible party for spill response, could better speak to typical response times. Questions about the insurance fund for cleaning up in the event of an accident. Insurance is held by the individual owners of the ships using the RBT2 terminal, and not by the VFPA. Please see the content under the heading "Liability and compensation" at the following link for more information on funds available for spill clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. While the MSA is in progress, it may be useful to look over EIS Section 30.0 (http://www.ceaa-acee.gc.ca/050/documents/p80054/101344E.pdf), as well as EIS Appendix 30-A referenced above for further information. **14-Oct-2015, Email from the VFPA:**	**Addressed in MSA Section 10.4.4.3:** As a 'Response Organisation' pursuant to the *Canada Shipping Act, 2001*, WCMRC is required to demonstrate to Transport Canada that logistical arrangements are in place to meet Response Time Planning Standards within its Geographic Area of Response (GAR). Within the GAR, there are Designated Ports, Primary Areas of Response (PAR), and Enhanced Response Areas (ERA) (see MSA Figure 10-3), categorised according to the need for different planning standards, based on the increased risks associated with greater traffic density: • Designated Port – The Port of Vancouver is defined as a Designated Port due to the volume of oil handled, marine traffic volume, and marine traffic convergence. WCMRC is required to be able to deploy sufficient response equipment on a 150 tonne (Tier 1) spill scene within 6 hours and a 1,000 tonne (Tier 2) spill scene within 12 hours; • Primary Area of Response – The PAR for the Port of Vancouver extends from the VFPA's jurisdictional boundary to a distance of 50 nautical miles in all directions. WCMRC is required to be able to deploy sufficient response equipment on a 2,500 tonne (Tier 3) spill scene within 18 hours and a 10,000 tonne (Tier 4) spill scene within 72 hours; and • Enhanced Response Area – The ERA encompasses all Canadian waters between the western boundary consisting of a line running between Carmanah Point on Vancouver Island to Cape Flattery, Washington State, and the eastern boundary consisting of a line running from Victoria due east to the Canada-U.S.A. border. Although the PAR and ERA are defined separately, the response time standards are effectively the same for both: 2,500 tonne (Tier 3) spill scene within 18 hours and a 10,000 tonne spill (Tier 4) scene within 72 hours. Outside the PAR and the ERAs, but inside the GAR, WCMRC is required to be able to deploy sufficient response equipment on a 2,500 tonne (Tier 3) spill scene within 18 hours (plus travel) and a 10,000 tonne spill (Tier 4) scene within 72 hours (plus travel). According to the Response Organization Standards, TP 12401, on-water recovery operations for oil spills in sheltered waters and unsheltered waters are to be completed within ten operational days after the day on which the equipment is first deployed in the affected operating environments. **Addressed in MSA Appendix 5-B (#1):** The regulatory framework for spill response is described in MSA Section 3.0. The regulatory requirement for maritime insurance is established under the *Marine Liability Act*, S.C. 2001, c. 6 and administered by Transport Canada. Additional information about the roles of various parties in spill response is provided in MSA Section 10.0. Information about the amount available in the insurance fund, and whether the CEA Agency has the authority to raise the amount, is not included in the MSA. By means of this response, the VFPA advises the CEA Agency of this concern. **Addressed in EIS Appendix 7.2-B (#208):** Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*.	**EIS** 6.0 Environmental Assessment and Permitting Process Appendix 6-A Legislation Relevant to the Project Appendix 7.2-B Aboriginal Groups Issues and Interests Table 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures **MSA** 3.0 Regulatory Framework and Role of Government 3.4 Marine Emergency Response 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures 10.4.4.3 Geographic Area of Response and Standard Response Times **Transport Canada Response to the Review Panel's April 4, 2018 IRs (CEAR Document #1204)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Who is liable for a spill once a ship leaves VFPA jurisdiction? Is there liability insurance? Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on this topic on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources of information on funds available for clean-up are available at the following link: https://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm. MSA Section 10.5.10.5 provides additional details on this topic. We will make a copy of the report available to you upon submission to the CEA Agency. Questions about the VFPA's relationship with WCMRC and the Coast Guard. The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. With respect to a marine spill occurring outside the VFPA's jurisdiction, more detail will be provided in MSA Section 10.4.2, including a description of roles and responsibilities. Questions about a major disaster or spill response. The MSA will include a section on potential accidents and malfunctions, including information on spill response outside of VFPA jurisdiction. EIS Section 30.0 (http://www.ceaa-acee.gc.ca/050/documents/p80054/101344E.pdf), as well as EIS Appendix 30-A, provide information regarding disaster and spill response within VFPA jurisdiction.	There is more information on liability on Transport Canada's website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: https://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm. **Addressed in MSA Appendix 5-B (#102):** Details on spill response, including responsibilities of various parties, response timelines, and equipment requirements, are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0). Detailed Oil Spill Response Plans are prepared and executed by the WCMRC, and submitted to Transport Canada. Additional information is available here: http://wcmrc.com/ **Addressed in MSA Appendix 5-B (#100):** Responsibilities for transboundary spill response are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0). **Additional information provided by the VFPA:** Transport Canada's Response to the Review Panel's April 4, 2018 IRs (CEAR Document #1204) provides information regarding programs undertaken by the Government of Canada related to spill management.	
PFN-20.6	Asked why the accidents and malfunctions section of the marine shipping addendum considers a small vessel and not a big vessel. Commented that it is not a worst case scenario if there is some plausibility that a worse scenario might occur (i.e. a container ship colliding with a tanker).	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Stated that as depicted in the Trans Mountain Expansion (TMX) assessment, and based on the timing and movement of vessels, it was improbable for two large ships to meet. A container ship colliding with a tanker is not a plausible worst-case scenario. Kinder Morgan conducted a TERMPOL (Technical Review Process of Marine Terminal Systems and Transshipment Sites) for TMX to assess the impact of this type of incident occurring.	**Addressed in MSA Section 10.3.3:** As noted in MSA Section 10.3.3 the plausible worst-case accident or malfunction scenarios presented in the marine shipping area were determined based on the analysed probabilities of occurrence, likely locations, and possible consequences. A powered grounding was selected as it was the most probable event with the highest environmental consequence. Further rationale for the selection of the worst-case spill scenario is provided in MSA Section 10.3.3.1. Probabilities of collisions between container ships and other vessels is discussed in MSA Section 10.3.2.2, including collisions with crude	**MSA** 10.3.2.2 Collisions In-transit 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.3.3.1 Plausible Accident or Malfunction #1: Hard

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			The plausible worst-case scenario that was identified for the assessment involves a container grounding on hard substrate in Boundary Passage and Haro Strait, and tearing the fuel compartment, releasing 7,500 cubic metres of fuel.	tankers, other tankers (product and chemical), bulk carriers, and other container ships. After considering a series of variables, including the outcome that a spill is associated with the collision, the analysis found the following: • Minimum return period (at 95% confidence level) for collisions of RBT2-bound container ships with other traffic in the marine shipping area of 133 years; • Container ship-tanker collision return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil; and • Minimum return period for a container ship collision with another container ship is approximately 250 years. A collision does not necessarily lead to a spill. Worldwide data indicate collisions resulting in spills are less likely. The analysis in EIS Appendix 30-A (Tables 3-14 and 3-15, at full RBT2 traffic plus other foreseeable marine facilities) found the following: • Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and other container ships that results in a spill (of fuel oil) are approximately 10,000 years; and • Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and laden crude oil tankers that result in a crude oil spill are over 800,000 years.	Grounding Resulting in a Spill 10.4 Mitigation Measures 10.5 Assessment of Potential Effects of Accidents or Malfunctions Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
PFN-20.7	Concerned with the potential for an accident or malfunction: • Asked about the number of accidents caused by human error compared to a malfunction. • Commented that if an accident were to occur 1 in 10,000 trips, over the years, the event is likely to happen in the coming years.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Referred to a document that recently came out of Washington State from the Department of Ecology, which says most accidents are caused by issues related to situational awareness and human error. The report includes mitigation measures to deal with human error. Undertook to send the report to the group. Stated that the probabilities of an incident are given in EIS Appendix 30-A and MSA Appendix 10-A. **30-Nov-2015, Email from the VFPA:** *"Below are the links in follow up to your questions about vessel traffic and risk.* *1. 2014 Marine & Rail Oil Transportation Study* *https://fortress.wa.gov/ecy/publications/SummaryPages/1508010.html* *2. Gateway Pacific Terminal Proposal - Vessel Traffic and Risk Assessment Study* *http://www.ecy.wa.gov/geographic/gatewaypacific/vtras.html"*	**Additional information provided by the VFPA:** The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in EIS Section 30.0 and in MSA Section 10.0.	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
PFN-20.8	Asked about the VFPA's relationship with WCMRC and the Coast Guard, and whether the VFPA is a contributor to WCMRC.	18-Sep-2015, Meeting	**18-Sep-2015, Meeting:** Recorded comment for follow-up. **14-Oct-2015, Email from the VFPA:** The EIS describes the parties who would be notified and assume responsibility as On Scene Commander	**Addressed in AIEIS Appendix 2-B, Table 1 (#2):** The roles of the WCMRC and the Coast Guard, and the VFPA's relationship with these organisations is described in EIS Section 30.0 and MSA Sections 3.0 and 10.4. The Canadian Coast Guard provided an overview of their responsibilities to the Panel at the Panel Orientation	**EIS** 30.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and the WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. With respect to a marine spill occurring outside the VFPA's jurisdiction, stated that more detail will be provided in MSA Section 10.4.2, including a description of roles and responsibilities.	#2 session held on September 16, 2016 (available at https://www.ceaa-acee.gc.ca/050/documents/p80054/115538E.pdf). While the VFPA would be an active participant in the management of an incident within its navigational jurisdiction, it has no direct role in planning for, responding to, or managing shipping-related emergencies outside of VFPA jurisdiction, as described in MSA Section 10.0. Transport Canada is the lead regulatory agency that manages Canada's Marine Oil Spill Preparedness and Response Regime under the authority of the *Canada Shipping Act, 2001*, and sets the guidelines and regulatory structure for the preparedness for and response to marine oil spills. The Canadian Coast Guard manages the National Response Team set up under the Marine Oil Spill Preparedness and Response Regime and monitors the overall response to ensure that it is effective, timely, and appropriate. Transport Canada certifies response organisations to respond to oil spills in Canadian waters. On the west coast, the WCMRC is the certified response organisation. Upon request of a Responsible Party or upon direction of the designated authorities (i.e., Canadian Coast Guard or Transport Canada), WCMRC would execute the spill containment and clean-up.	30.3.3 Risk Mitigation Framework, VFPA Practices and Procedures **MSA** 3.0 Regulatory Framework and Role of Government 3.4 Marine Emergency Response 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures 10.4.4 Mitigation Measures, Western Canada Marine Response Corporation **AIEIS** Appendix 2-B Issues and Interests, Table 1 Port Operations 8.0 Potential Accidents or Malfunctions
PFN-20.9	Stated that the MSA is flawed as its assessment of a potential spill involving a Project container ship to: 1. one location (Boundary Passage), 2. one season (Spring), and 3. one type of accident or malfunction (a hard grounding). Stated that these limitations fail to to adequately assess the potential impacts of accidents and malfunctions on the environment and Pauquachin First Nation. Stated that the Panel should require the VFPA to revise the MSA to include: • a hypothetical spill at least one additional location along the marine shipping lane, within or near Pauquachin First Nation's traditional territory, • for each hypothetical spill, an assessment of the potential impacts of that spill in at least two seasons (for example Spring and Summer), • for each hypothetical spill and season, an assessment of the possibility of heavy fuel reaching the western side of the Saanich Peninsula, • a discussion on how the spill response for and potential impacts from an allision, a collision, a soft grounding or an explosion may differ from a spill resulting from a hard grounding, and how the spill response for and potential impacts may differ if the	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5.2-B (#78):** The assessment is based on a plausible worst-case spill scenario that occurs in Boundary Passage at the south end of South Pender Island. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario. **Addressed in MSA Appendix 5.2-B (#92):** The assessment of potential accidents and malfunctions (MSA Section 10.0) considers a plausible worst-case spill scenario, located in Segment B of the marine shipping area, in Boundary Passage at the south end of South Pender Island. This location is near Turn Point. Boundary Passage is considered a higher risk area due to the relatively narrow passage, potential navigational hazards, and prevailing wind directions. The assessment also includes a description of applicable mitigation. **Addressed in responses to IR11-10 and IR11-11:** The VFPA's response to IR11-10 and IR11-11 will consider aspects of seasonality in relation to the effects of a worst-case spill scenario. **Addressed in response to IR11-03:** The VFPA's response to IR11-03, as requested by the Review Panel, will provide additional information related to the volume, rate, and pathways of effects for fuel spills (or releases of hazardous and noxious substances from containers) to the marine environment in the Project area and in the marine shipping area.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents and Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios **Information Requests** Response to Sufficiency Information Request #3 (IR11-03) Response to Sufficiency Information Request #10 (IR11-10) Response to Sufficiency Information Request #11 (IR11-11)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	vessel sinks as a result of the allision, collision, grounding or explosion, as applicable, and • an assessment of potential impacts in the event one or more containers carrying hazardous materials fall off a Project container ship at least two locations along the marine shipping route, and that Pauquachin First Nation should be consulted by the proponent and Canada regarding those revisions.				
PFN-20.10	Stated that the potential impacts an accident or malfunction may have on Pauquachin First Nation include: • may restrict the times and locations in which Pauquachin First Nation can exercise their Aboriginal and Treaty Harvesting Rights due to regulated or voluntary spill-related closures, • may reduce the quantity and quality of Marine Resources Pauquachin First Nation have a right to harvest under their Aboriginal and Treaty Harvesting Rights, and economic benefits to Pauquachin First Nation from those resources, • may damage the habitat and food sources that Marine Resources require to survive and reproduce, • may damage vessels or gear utilized to exercise Pauquachin First Nation's Aboriginal and Treaty Harvesting Rights, • may restrict the times and locations in which Pauquachin First Nation members can engage in traditional ceremonies due to contamination of waters, shorelines or marine resources used in those ceremonies, • may damage burial sites, archaeological remains and other areas of cultural or spiritual significance to Pauquachin First Nation, • may result in negative human health impacts to Pauquachin First Nation members, • may result in a loss in property value, loss in revenues from or loss of an opportunity to develop reserve or other lands Pauquachin First Nation currently has or acquires an interest in, and • may result in a loss of revenues from businesses Pauquachin First Nation currently has or acquires an interest in.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality, and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. **Addressed in MSA Section 10.5.13:** MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (SRKW), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use.	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	
PFN-20.11	Stated that regardless of whether or not the Project is approved, Canada should implement the following measures: • a requirement that one or more emergency response towing vessels be stationed at strategic locations along the marine shipping route, • a requirement that a resident salvor and personnel as well as salvage equipment be stationed at strategic locations along the marine shipping route.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside of its jurisdiction. The *Canada Shipping Act (2001)* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as the letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response initiatives.	**https://www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/** **http://wcmrc.com/** **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
PFN-20.12	In reference to MARPOL, asked whether it is possible to implement it in Canada sooner than 2030, for example if container ship owners divert container ships that do not have double hulled fuel tanks to other countries that do not yet require all container ships to be double hulled.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA does not have the ability to direct container ship owners to divert ships in the suggested fashion. As is described in EIS Appendix 30-A, 2.2.2 Temporal Influence of Key Regulations, it is noted that virtually all container ships calling at a fully-operational RBT2 (in 2030) would be in compliance with the IMO 2010 MARPOL convention concerning double hulled container ships.	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
PFN-20.13	Stated that Canada should conduct a review of existing research regarding the fate and behavior of heavy fuel and, if necessary, either conduct or require the proponent to conduct additional research to fill any gaps in existing research.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The role of the VFPA is to ensure goods are moved safely, efficiently and sustainably. As such, it is not the lead agency when it comes to spill response. The VFPA supports Canada's leadership in advancing spill preparedness and response in the Salish Sea, including its recently announced ongoing research initiatives as a part of the federal Oceans Protection Plan.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Additional information provided by the VFPA: Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) provides additional information on the Government of Canada's Oceans Protection Plan, which includes information on spill response initiatives.	
PFN-20.14	Requested that a spill response base be established in Beecher Bay and Pauquachin First Nation should continue to be consulted regarding the establishment of that base. Stated that there may be benefit in training one or more Pauquachin First Nation members in spill response measures, including shoreline cleanup and wildlife response, so that those members may assist in responding to a spill within Pauquachin First Nation's traditional territory. Stated that Canada should assess any deficiencies in the responses to the Esquimalt Harbour and English Bay spills and either implement or recommend improvements to address those deficiencies, and that Canada and/or WCMRC should consult with Pauquachin First Nation regarding the possibility of training one or more Pauquachin First Nation members in spill response measures. Stated that Canada and British Columbia should also consider and, where appropriate, implement the various spill response planning recommendations in the 2001 Report sponsored by the Pacific States/British Columbia Oil Spill Task Force. Concerned that they may have difficulty securing compensation for damages to its culture and Aboriginal and Treaty Harvesting Rights in the event of a spill involving a Project container ship. As such, Pauquachin First Nation seek further information from Canada on how damages to their culture and Aboriginal and Treaty Harvesting Rights would be compensated under the spill compensation regime and, if the compensation process for these matters is inadequate, a commitment from Canada to address that inadequacy.	28-Oct-2016, Letter to Panel (CEAR Document #639)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA supports Canada's and Western Canada Marine Response Corporation's (WCMRC) ongoing leadership in advancing spill preparedness and response in the Salish Sea. The *Canada Shipping Act (2001)* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954 provides additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response initiatives.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)** **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954)**

Table 21: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-21.1	Stated that the Current Use Summary [of the MSA] does not reflect concerns Pauquachin First Nation has regarding potential impacts from the Project on Pauquachin First Nation's rights and interests and the environment, including i. potential impacts from the day-to-day operation of Project-related marine traffic and ii. potential impacts from an accident or malfunction involving Project-related marine traffic, such as the grounding of a vessel, the capsizing of a vessel or a release of bunker fuel from a vessel.	18-Sep-2015, Letter	**29-Oct-2015, Letter from VFPA:** *"The document provided by [the VFPA] to Pauquachin First Nation for review included a summary of Pauquachin First Nation's current use of lands and resources for traditional purposes, and not the entirety of the [MSA]. The [MSA] will include an assessment of potential impacts associated with marine shipping and proposed mitigation. Issues and concerns expressed during meetings or in your letter have been recorded and considered, and [the VFPA] will provide responses to each concern in the [MSA]."*	**Addressed in MSA Section 9.5:** MSA Section 9.5 considers the Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 10.5 Assessment of Potential Effects of Accidents or malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (SRKW), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	
PFN-21.2	Criticized the use of the Trailmark report as a basis for the Current Use Report in the Marine Shipping Addendum. Stated that information pulled from the Trailmark TMUS appears arbitrary. Sited examples: 1. Stated that Section 1.2.1.1 of the Summary minimizes Pauquachin members' use of the Saanich Inlet for gathering seaweed. Stated that the "increase in importance" of seaweed harvesting sites outside of the marine shipping area asserted here is not articulated in the Trailmark TMUS. On the contrary, specific reference is made to	18-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** *"In your letter, you also express concern with the sources of information used by [the VFPA] to compile the draft summary, and the amount of time and budget provided to Pauquachin First Nation to conduct a detailed review of the summary. In recent correspondence with Pauquachin First Nation, [the VFPA] invited Pauquachin First Nation to participate in the RBT2 Project, and in this capacity, [the VFPA] offered additional funding for participation and to support work on a Traditional Use Study."*	**Addressed in MSA Appendix 5-B (#19):** The VFPA has engaged with Indigenous groups with the objective of obtaining the views of Indigenous groups on potential effects of changes to the environment on Indigenous peoples, and potential adverse impacts of the Project on potential or established Aboriginal or treaty rights. The VFPA has also provided the opportunity to review the summary of Current Use existing conditions information specific to each Indigenous group prior to completing the assessment. Feedback received on these summaries has been considered and incorporated, as has additional information provided by Indigenous groups. The CEA	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights ***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	current use of seaweed harvesting sites in the Inlet by Pauquachin members. The VFPA asserts a similarly unsubstantiated "increase in importance" of clamming sites outside of Saanich Inlet, which it attributes to "a loss of access" to traditional sites within the Inlet closer to the community. The VFPA appears here to be extrapolating from descriptions of diminished clam harvesting in the Inlet as a whole, while ignoring specific descriptions of current harvesting at sites within the Inlet despite existing barriers. To support this misrepresentation, the VFPA provides a list of "current use locations," that does not include any of the current use sites within the Saanich Inlet recorded in the Trailmark TMUS. 2. Stated that Pauquachin respondents are clear in the Trailmark TMUS that access to bivalve gathering within the Inlet is greatly reduced in comparison to the recent past, and that this is due in large part to pollution. Characterizing this as 'a loss of access to these locations," the VFPA ignores respondents' equally clear reports that despite this and other barriers, gathering of clams in particular continues – in some cases on a daily basis – at traditional sites within the Inlet, and that clams are gathered here in quantities to share with multiple households. There are, therefore, considerable concerns associated with any development, including the Project that could compound existing cumulative effects on gathered marine resources within the Inlet.' 3. Stated that the VFPA correctly captures Pauquachin's impression that local sea urchin harvesting sites have been 'fished out', but excludes information contained in the Trailmark TMUS that explicitly discusses the projected need for Pauquachin harvesters to cross the marine shipping lanes in order to harvest sea urchins at traditional sites on the other side of the international border. Stated that the summary is also similarly silent on the Trailmark TMUS's extensive discussion of the importance of sea urchins to Pauquachin, and their continued presence at funerals in the community, in particular, despite harvesting conditions for them at the sites closest to home. Stated that Pauquachin First Nation wishes to emphasize that this and any other instance of Pauquachin First Nation not harvesting within or otherwise utilizing particular areas within its traditional territory due to one or more barriers does not in any way diminish [Pauquachin First Nation's] protected rights to those areas. 4. Concerned about misrepresentation of material in Trailmark TMUS. For example, whereas the Trailmark TMUS reports that interview data indicates marine resources including bivalves, "are preferred			Agency will provide Indigenous groups an opportunity to review the environmental studies following the submission of the MSA. **Additional information provided by the VFPA:** The VFPA provided the Current Use Summary Report to Pauquachin First Nation in July 2015 and sought input on the Report from August to September 2015. Pauquachin's comments on the Current Use Summary Report (as presented at left) were received by the VFPA on 18-Sep-2015 and resulted in changes being made to the summary prior to submission of the MSA to the CEA Agency in October 2015. **Addressed in section 17 of the *Updated EIS Guidelines*:** As noted in the *Updated EIS Guidelines*: *"To the degree possible, the proponent [the VFPA] should maximise the use of existing material that is relevant to marine shipping activities associated with the Project which is beyond proponent's care and control and within the 12 nautical mile limit of the territorial sea. Existing material may be utilised from academic studies, work of government and non-government working groups, past or ongoing environmental assessments, Aboriginal traditional knowledge reports or any other source the proponent deems appropriate for its presentation of this material"*.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	staples of the Pauquachin diet, both currently and historically" (see page 63 of the Trailmark TMUS), the VFPA summarizes that "bivalves are preferred marine species for traditional purposes" (see page 2 of the Summary). 5. Stated that similarly the VFPA's reduction and in effect replacement of the importance of clam-digging with the phrase "valuable family activity," reflects the pattern of selective inclusion and emphasis that marks the Summary. 6. Stated that the selective use and emphasis of text from the Trailmark TMUS is also used to characterize Pauquachin First Nation's marine use as largely historical, particularly where it intersects the marine shipping area. Curiously, the VFPA makes note of Pauquachin First Nation's description of the "government restrictions and other barriers currently preventing the First Nation from practicing its traditional reef net fishing technique (see page 3) without making any reference to the "efforts underway on the Saanich Peninsula to restore the WSÁNEC reef net fishery," mentioned in the same sentence within the Trailmark TMUS. 7. Stated that VFPA's discussion on sites of importance takes information within the Trailmark TMUS out of context. 8. Noted that an Archaeological Impact Assessment was not completed as part of the Trailmark TMUS, and details on baseline and effects to heritage sites remains unexamined in the context of increases in marine shipping through the Salish Sea. The section on sites of importance should thus be replaced with new, Project-specific research to articulate areas of importance that may be impacted by Project-related marine traffic.				
PFN-21.3	Stated that First Nations historically travelled back and forth from the Island to the Mainland, and have legally protected constitutional rights to do so. Stated that if the VFPA is infringing on these rights, the VFPA needs to 1) minimize the interference, and 2) provide compensation.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Recorded comment for consideration by Project team. **16-Jun-2017, Letter from the VFPA:** The VFPA is interested in initiating discussions with Pauquachin First Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Indigenous groups involved in the Project.	**Addressed in AIEIS Appendix 2-B, Table 28 (#130):** *W̲SÁNEĆ* travel from the island to the mainland is described in AIEIS Section 7.0 and MSA Section 9.5. Potential Project-related effects on *W̲SÁNEĆ* use or the exercise of asserted or established rights and measures to address potential effects, including measures proposed by *W̲SÁNEĆ*, are also described in AIEIS Section 7.0. **Additional information provided by the VFPA:** The consultative measures are as follows: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5 Potential Interactions and Effects 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			We welcome input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. With that in mind, we request a meeting with Pauquachin First Nation to hear about your community's priorities in relation to this funding. In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Pauquachin First Nation regarding a potential mutual benefits agreement for the Project. **19-Jul-2017, Letter from Pauquachin First Nation to the VFPA:** Expressed an interest in entering into discussions around an mutual benefits agreement. Discussions are ongoing.	Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs. **Addressed in EIS Appendix 7.2-B (#68):** MSA Section 9.5 considers cultural practices, such as use of travel routes and the use of waterways. MSA Section 9.5 includes an assessment of several aspects related to cultural practices, including potential changes to the following: • Access to preferred Current Use locations; and • Quality of Current Use experience.	**AIEIS** Appendix 2-B Issues and Interests, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
PFN-21.4	Commented that Saanich traditional territory is not accurately represented on the map provided by the VFPA.	18-Sep-2015, Letter	The VFPA has reviewed this letter and provides the following additional information. **25-Apr-2016, Letter from the VFPA:** The boundary used to represent "Saanich Nation Asserted Traditional Territory" in MSA Figure 9.5-1 is taken from a writ dated September 10, 2003 by the Saanich Nation, which is identified in the writ as including Malahat First Nation, Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, and Tseycum First Nation. Pauquachin's concern with this boundary has been identified in MSA Section 9.5.4.2; however, an alternative boundary was not provided by Pauquachin to the VFPA. For all Indigenous groups included in the MSA, use areas that were identified by Indigenous groups but not contained within the boundaries of asserted territories were still reported (i.e., as "otherwise defined areas of use"), if identified to the VFPA and relevant to the assessment.		
PFN-21.5	Requested clarity on how water quality and noise would not affect Aboriginal rights.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Explained how effects to ICs flow to VCs and how there is additional information in the following presentation, and linkages will be presented.	**Addressed in EIS Section 9.7:** Project construction and operation activities are not expected to alter water contaminant or nutrient levels, pH, dissolved oxygen, or temperature. Increases in total suspended solids levels from activities associated with terminal development, causeway widening, and expansion of the tug basin are expected to be temporary and negligible or minimal, relative to existing natural variability. **Addressed in AIEIS Section 7.2.6.3:** The Project has the potential to interact with the quality of resources identified as currently or formerly harvested by *W̲SÁNEĆ* in the vicinity of the Project area. For reasons	**EIS** 9.7 Marine Water Quality 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 32.2.6.3 Potential Effect 3: Changes in Quality of Preferred Current Use Resources

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				described in EIS Section 32.2.6.3, the Project is not expected to contribute new contaminant input to edible resources. Project-related changes in the quality of marine resources that have been identified as currently or formerly harvested in the vicinity of the Project area by *W̲SÁNEĆ* for traditional purposes are therefore not expected. **Addressed in AIEIS Section 7.2.6.4:** The Project has the potential to incrementally interact with the *W̲SÁNEĆ* quality of experience at locations identified by *W̲SÁNEĆ* as traditionally used in the vicinity of the Project, including through changes in the level of sensory disturbance (e.g., Project-related noise) at those locations. For reasons described in EIS Section 32.2.6.4, measurable incremental changes in levels of sensory disturbance as a result of the Project (including Project-related noise) are not expected after mitigation measures identified in EIS Section 32.2.7.4 are implemented, including but not limited to human health measures intended to decrease potential stress and annoyance resulting from Project-related noise or subsistence food avoidance (related to perceived contamination). Considering EIS conclusions, incremental Project-related changes in the experiential quality of *W̲SÁNEĆ* use in the vicinity of the Project as a result of potential changes in levels of sensory disturbance would not be expected. **Addressed in AIEIS Section 7.3:** AIEIS Section 7.3.2 explains that the assessment of impacts on potential or established rights was informed by the results of the assessment of potential effects on the Current Use, presented in AIEIS Section 7.2.6 (salient aspects of which in relation to Pauquachin's comment have been summarised above). For reasons described in AIEIS Section 7.3.2, the analysis of potential Project-related incremental effects on *W̲SÁNEĆ* use was considered applicable to the analysis of potential Project-related incremental impacts on the present or future exercise of asserted or established rights in the vicinity of the Project by *W̲SÁNEĆ*. Consequently, Project-related incremental impacts on the exercise of these rights would not be expected to be measurable in relation to quality of resources associated with the exercise of those rights in the vicinity of the Project or the quality of experience related to sensory conditions while exercising those rights in the vicinity of the Project area.	32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience 32.2.7.4 Mitigation Measure #4: Changes in in the Quality of Current Use Experience **AIEIS** 7.2.6 Future Conditions with the Project - Potential Project-related Effects 7.2.6.3 Quality of Preferred Current Use Resources 7.2.6.4 Quality of Current Use Experience 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests 7.3.2 Results of the Rights Assessment
PFN-21.6	Criticised the focus on "current use", as use changes are based on a multitude of factors. Stated that current use in the Saanich Peninsula is currently negligible or zero because the areas are closed. Noted that the area is improving, and remediation will result in vastly increased harvest.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded that is why setting temporal boundaries are important. Referenced Iona and significant improvements in water and sediment quality with better treatment processes. Stated that "Current Use" is the language in *CEAA, 2012*. The VFPA has no choice in the matter; it is	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. The effects of other projects and activities that have been carried out are reflected in the existing (and expected) conditions of the ICs and VCs, and in EIS Section 32.0. By	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			written in the Act as current use of lands and resources. Added that the author of the Current Use portion is not present today to fully explain the requirements and methodology. There is a historic component incorporated into the section, and this is reflected in EIS Section 32.0. If there is interest, the VFPA can arrange a meeting to provide further detail. Requested participants to advise the VFPA if there is intended use as well.	assessing potential Project-related effects against those conditions, the cumulative effects of the Project and other past projects and activities are inherently considered. The EIS also includes historical data, where available and applicable, to assist interested parties to understand the potential effects, including cumulative effects, of the Project. The EIS does not include an assessment of historical infringements on the ability of Indigenous groups to exercise rights or impacts to traditional use. **Addressed in AIEIS Appendix 2-B, Table 28 (#129):** The terminology "current use of lands and resources for traditional purposes" (Current Use) is the language of subsection 5(1)(c) of *CEAA, 2012*. The assessment of potential effects on Current Use in EIS Section 32.0 and AIEIS Section 7.0 reflects the understanding of Current Use outlined in the CEA Agency's draft Technical Guidance on Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*, dated December 2015. The EIS was filed in March 2015, prior to that draft guidance being issued; however, EIS Section 32.0 and AIEIS Section 7.0 considered use for traditional purposes that may not be occurring presently or occurring at sufficient levels to meet community needs, but was reported by Indigenous groups to have occurred in the past. As part of that consideration, the EIS and AIEIS included Indigenous groups' perspectives on the effects over time (as a result of other projects and activities) that have contributed to existing conditions of use. The EIS and AIEIS also considered the desire to restore use (based on past use) or increase use (over present or recent limited levels), where this desire was expressed by Indigenous groups to the VFPA.	Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis **AIEIS** Appendix 2-B Issues and Interests, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2 Current Use of Lands and Resources for Traditional Purposes Assessment 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests
PFN-21.7	Concerned that the increase of freighters and tankers constitutes an infringement of their traditional territory.	15-Nov-2017, Letter to Panel (CEAR Document #1094)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The Project is a proposed container terminal therefore only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 9.5:** Potential impacts to the exercise of asserted or established rights are assessed for each nation in MSA Section 9.5. As described in that section, considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the defined marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
PFN-21.8	Expressed concern that they will lose their right to harvest. Stated that their people's health is declining with decreasing access to seafood.	20-Nov-2017, Meeting	**20-Nov-2017, Meeting:** Recorded comment for consideration by Project team.	**Addressed in AIEIS Section 7.3.2:** Project-related incremental impacts on the exercise of these rights (i.e., asserted Aboriginal rights, including title, and asserted or established Douglas Treaty rights to hunt or fish) would not be expected to be measurable in relation to: • Access to preferred locations for the exercise of asserted or established rights in the vicinity of the Project area (i.e., Roberts Bank, including adjacent upland areas, or the Fraser River); • Availability or quality of preferred resources associated with the exercise of asserted or established rights in the vicinity of the Project area (i.e., identified as principally salmon); • Quality of experience related to sense of place or physical heritage, safety and security, or noise, vibration, light, or air quality conditions while exercising asserted or established rights in the vicinity of the Project area; or • Cultural heritage or economic activities that may be tied to the exercise of asserted or established rights in the vicinity of the Project area. For an explanation of the use of 'measurable' in this context, see the response to AIR-12.04.15-30. Although Project-related incremental impacts are not expected to be measurable on the exercise of asserted or established rights by *W̱SÁNEĆ*, the consultative measures proposed in EIS Section 32.2.7 (and reiterated above in AIEIS Section 7.2.7) to assist with confirming the conclusions of the Current Use assessment are carried forward to the rights assessment, following the same methodology employed in EIS Section 32.3.3. These measures are expected to assist with monitoring circumstances following the onset of Project construction and operation, through ongoing engagement. The consultative measures carried forward are as follows: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or	**EIS** 32.2.7 Mitigation Measures 32.3.3 Mitigation Measures **AIEIS** 7.3.2 Results of Rights Assessment **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs.	

Table 22: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-22.1	Stated that it is a matter of fundamental justice that those impacted by the Project should benefit. Stated that the cost ranges from an inconvenience to the risk of a disaster. Asked whether there are employment opportunities for Pauquachin. Expressed interest in training, employment, and contracting opportunities associated with RBT2. Requested that the VFPA participate in a job fair. Requested clarification regarding who stands to benefit from the proposed Project. Requested a share of revenue from RBT2. Concerned about the lack of commitment from the VFPA, the federal, or provincial governments to share economic benefits with the Nation. Expressed the fundamental connection between the sharing of wealth within their traditional territory and their constitutionally protected rights. Expressed their right and capacity to share in the wealth generated on or facilitated by the use of their traditional territorial sea. Indicated that there is a fundamental legal right to share in the wealth that is generated in, on and by the use of the waters within their territorial sea with regards to the Project. Expressed that without the sharing of wealth generated by the Project, there can be no true reconciliation and, without that, there can be no free, prior, and informed consent to the Project by Pauquachin First Nation.	18-Sep-2015, Meeting 18-Sep-2015, Letter 26-Nov-2015, EIS Results Workshop #1 – Saanich Nations W̱SÁNEĆ Nation EIS Workshop Day 1 27-Nov-2015, EIS Results Workshop #2 – Saanich Nations W̱SÁNEĆ Nation EIS Workshop Day 2 30-Jan-2017, W̱SÁNEĆ All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum) 15-Nov-2017, Letter to Panel (CEAR Document #1094)	**18-Sep-2015, Meeting:** Shared the consultation plan, which included discussions around benefits. Stated that the VFPA would like to hear from Pauquachin what the impact of the Project is on Pauquachin's rights and uses, and what benefits Pauquachin is interested in receiving. There are opportunities available for employment, training, contracts. **29-Oct-2015, Letter from the VFPA:** *"[In your letter] you express interest regarding potential economic benefits associated with RBT2.* *In [the VFPA's] meeting with Pauquachin First Nation in September, [the VFPA] has proposed that economic benefits, including employment, training and contracting opportunities, be the subject of upcoming discussions between [the VFPA] and Pauquachin First Nation".* **30-Jan-2017, Meeting:** Agreed that discussions regarding benefits should take place. Summarised the work undertaken to date with Pauquachin and noted that more work is needed. Referred to the draft consultation plan and requested feedback. Noted opportunities related to training, employment, and contracting as well as habitat enhancement opportunities. **16-Jun-2017, Letter from the VFPA:** The VFPA is interested in initiating discussions with Pauquachin First Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives, and priorities of Indigenous groups involved in the Project. We welcome input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. With that in mind, we request a meeting with Pauquachin First Nation to hear about your community's priorities in relation to this funding. In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Pauquachin First Nation regarding a potential mutual benefits agreement for the Project.	**Addressed in EIS Appendix 7.2-B (#215):** During a five-and-a-half-year construction period, the Project would generate significant employment benefits for B.C. Project construction would generate a total of 12,719 person-years of direct, indirect, and induced employment of B.C. workers, and approximately $1 billion in wages: • 4,150 person-years of direct employment, with wages of $494 million; • 6,264 person-years of indirect employment, with wages of $374 million; and • 2,305 person-years of induced employment, with wages of $129 million. Of the Project's direct spending on materials, goods and services for construction, approximately $862 million, or an average of $157 million per year, would be spent on materials, goods, and services in B.C. An additional $482 million would be spent on production inputs to make or provide the direct materials, goods, and services. The total gross revenues for businesses in B.C. supplying materials, goods, and services for Project construction is estimated as $1.3 billion, with $837 million of this revenue accruing to businesses in Metro Vancouver. During the operation phase, Project activities on the marine terminal, widened causeway, and expanded tug basin would generate an annual total of 1,553 person-years of direct, indirect, and induced employment, and total wages of approximately $185 million: • 928 person-years of direct employment connected to terminal operations, with wages of approximately $153 million; • 625 person-years of indirect and induced employment to support terminal operations, with wages of approximately $32 million. During the operation phase, the annual average goods and services revenues for B.C. due to terminal operations spending are estimated at $23.3 million with an additional $10 million in goods and services revenues for upstream supply industries. The total gross revenues for businesses supplying B.C. materials, goods, and services for terminal operations are estimated as $33.3 million annually. Approximately $31 million of this revenue would accrue to businesses in Metro Vancouver. **Addressed in AIEIS Appendix 2-B, Table 3 (#23):** The VFPA proposes to assist the Saanich Nations in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access	**EIS** 20.0 Economic Development Appendix 20-A Economic Impact Roberts Bank Terminal 2 Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments **AIEIS** Appendix 2-B Issues and Interests, Table 3 Engagement and Consultation 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.7 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			19-Jul-2017, Letter from Pauquachin to the VFPA: Expressed an interest in entering into discussions around a mutual benefits agreement. **05-Sep-2017, Letter from the VFPA:** Further to your comments regarding potential legacy benefits and a potential mutual benefits agreement for the Project, I can confirm our intent to enter into meaningful, good faith consultations with Pauquachin First Nation with full disclosure of all relevant information. Discussions are ongoing.	to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3. **Addressed in AIEIS Appendix 2-B, Table 3 (#24):** The VFPA is working with Indigenous groups to facilitate access to Project benefits, including training, employment opportunities, and Project contracting opportunities. As stated in EIS Section 32.3.3, the VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. Consistent with the major scope of the Project at both construction and operation stages, a broad range of individuals, groups, organisations, workers, and governments are expected to benefit from the Project in the Greater Vancouver area, in the rest of B.C., and in the rest of Canada. The specific benefits in terms of benefits to marine trade capabilities, employment, labour income, business revenues, gross domestic product, government revenues, and scientific advances are documented in EIS Section 34.2. For example, during a five-and-a-half-year construction period, the Project would generate significant employment benefits for B.C. Project construction would generate a total of 12,719 person-years of direct, indirect, and induced employment of B.C. workers, and approximately $1 billion in wages.	

Table 23: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-23.1	Asked if elevated levels of arsenic and copper would have any effect on the quality of crabs or sea cucumbers that inhabit the area.	26-Nov-2015, EIS Results Workshop #1 – Saanich Nations	**26-Nov-2015, Workshop:** Responded no because 99% of the samples did not exceed guidelines. There is a supporting appendix in the EIS that provides all the data for the sampling points, which specifically discusses the exceedances (see EIS Appendix 9.6-A).	**Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including polycyclic aromatic hydrocarbons (PAHs), metals, and fungus. Preliminary observational results indicate that the cause of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available. **Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in its response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of polychlorinated biphenyls (PCBs), coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and (previously proposed) intermediate transfer pit sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Environmental Assessment Methods 9.6 Surficial Geology and Marine Sediment Appendix 9.6-A: Sediment and Water Quality Characterisation Studies 9.7 Marine Water Quality 12.0 Marine Invertebrates 27.0 Human Health (revised June 2016) 27.6 Future Conditions with the Project – Potential Project-Related Effects Table 27-14 Identification of Potential Project Interactions with Human Health **AIEIS** Appendix 2-B Issues and Interests, Table 12 Surficial Geology and Marine Sediment 5.0 Human Health **Information Requests** Response to Additional Information Request #9 (IR-12.04.15-9 CEAR Document #388) Response to Sufficiency Information Request #33 (IR4-33) Response to Sufficiency Information Request #34 (IR4-34) **Memorandum Re: Summary Report – Roberts Bank Dungeness Crab Health Studies**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in AIEIS Appendix 2-B, Table 12 (#52): Current levels of heavy metals and other contaminants and the potential changes in marine sediment and water quality associated with the Project were evaluated as described in EIS Sections 9.6 and 9.7. Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. The conclusions of the marine sediment and marine water quality assessments are reflected in EIS Sections 12.0 and 27.0, and AIEIS Section 5.0. Both assessments concluded negligible effects in relation to arsenic and copper levels in crab. Both metals commonly occur in sediments throughout the Fraser River estuary and levels appear to reflect natural concentrations attributed to the presence of geological-origin. Arsenic and copper levels in sea cucumbers were not analysed, as sea cucumbers were observed in the assessment area in extremely low abundance, and as such were not selected as representative species. However, California sea cucumbers are represented in the assessment by the sub-component Dungeness crab, as described in the response to AIR-12.04.15-09.	

Table 24: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
PFN-24.1	Concerned with impacts of noise to eulachon. There are examples of entire eulachon runs vanishing because of noise (i.e., logging or a church bell ringing) and any additional noise could have a very deleterious effect on eulachon runs. Suggested cessation of activities when eulachon are present, as the eulachon runs last only a couple of weeks.	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that acousticians have modelled sound with respect to fish to determine at which point noise would be perceptible. In large part, noise will not occur at a level that would be concerning, but activities like pile driving could be harmful (where the radius for disturbance is several hundred metres), but the team is hoping to use vibratory pile driving to minimise this effect. Louder noise can result in physical effects to fish, and as sound dissipates, behavioural effects can be observed. Forage fish, like herring, are more sensitive to underwater noise, and she can look into eulachon further.	**Addressed in EIS Appendix 7.2-B (#80):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. **Addressed in AIEIS Appendix 2-B, Table 14 (#57):** The scope and methods of the underwater noise study are summarised in EIS Section 9.8, and detailed in EIS Appendix 9.8-A. The underwater noise assessment in EIS Section 9.8 considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. The assessment concludes the following: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile driving, vibro-densification, or construction support vessel movement, would occur; • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise in the area due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure; and • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.5 Methods 9.8.6 Existing Conditions Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project **AIEIS** Appendix 2-B Aboriginal Issues and Interests, Table 14 Underwater Noise 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes Table 7-2 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The suggestion to mitigate the effects of noise to eulachon by ceasing activities during eulachon runs is reflected in AIEIS Section 7.0 in a table of all suggested mitigation measures from *W*SÁNEĆ Nation groups.	and Treaty Rights and Related Interests
PFN-24.2	Asked why the diagram showing future conditions shows sound travelling in a straight line going up the Gulf. Asked for more information about sound measurement thresholds in context (i.e., compared to noise levels in the air).	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Responded that the modellers explained that this is how sound moves, that it does not turn a corner. The spread of sound is also influenced by water temperature and the type of surface on the ocean floor. Stated that it is difficult to compare sound underwater to sound in the air. The green colour (in Saanich Nation Workshop Day 2 slides #100, 101) might be comparable to a hum in the distance. 140-150 rms SPL might sound like a hair dryer. 160 rms SPL is quite loud, and one would want to move away from the noise. Provided examples of decibel levels associated with several common noises in the slides for the noise and vibration presentation.	**Addressed in EIS Section 9.8:** The overall assessment is considered to provide a conservative evaluation of potential changes in the acoustic environment resulting from the Project. Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, or construction support vessel movement, would occur. Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise, due to existing high levels, but would at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the already dominant contribution of vessel traffic noise to the acoustic environment. As noted in EIS Section 9.8.4, although no regulations or policies are currently in place regarding underwater noise criteria and marine fauna in Canada, industry-standard underwater noise effects guidelines are used in environmental assessments to predict potential effects of underwater noise to both marine fish and marine mammals (related to hearing injury and behavioural disturbance).	**EIS** 9.3 Noise and Vibration 9.8 Underwater Noise 9.8.4 Underwater Noise Effects Guidelines
PFN-24.3	Asked for an explanation of the second bullet on slide 123 ("Certain reasonably foreseeable projects and activities considered in the cumulative effects assessment included those projects that generate underwater noise").	27-Nov-2015, EIS Results Workshop #2 – Saanich Nations	**27-Nov-2015, Workshop:** Stated that if there is a project that includes shipping, that project would be included in the cumulative effects assessment. The project list was filtered to only include those projects that would contribute to the same Project-related effects. For example, the George Massey Tunnel replacement project is not included in the	**Addressed in EIS Appendix 7.2-B (#34):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. The environmental assessment for the Project was developed to meet the requirements specified in the *EIS Guidelines* and	**EIS** Appendix 7.2-B Aboriginal Issues and Interests **MSA** Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			cumulative effects assessment for marine mammals. Referred to combined effects or stressors affecting a particular VC, for example, if there is a stressor related to noise, and something else affecting Chinook, both would be considered in the cumulative effects assessment for SRKWs. For SRKWs, contributing projects were all related to underwater noise. EIS Appendix 14-A shows the projects that were considered for the future incremental cumulative effects assessment and the supporting rationale for exclusion or inclusion in the assessment.	consistent with existing guidance documents, including the *Operational Policy Statement Assessing Cumulative Environmental Effects Under the* Canadian Environmental Assessment Act, 2012, *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects, the Cumulative Effects Assessment Practitioners' Guide*, and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects*, among others. Where measurable residual effects to a VC have been predicted to result from the Project, a cumulative effects assessment was conducted to determine whether Project-related residual effects are likely to interact cumulatively with the effects of other projects and activities. Similarly, where Project-induced changes to an IC were expected, the potential for those changes to combine cumulatively with changes caused by other projects and activities was assessed. In most cases, the assessment of future cumulative effects was conducted within the boundaries of the regional assessment area identified for the VC. For certain VCs, however, the cumulative effects assessment boundaries differed. In all cases, the rationale supporting the selection of spatial boundaries for the assessment of cumulative effects or changes on a VC or IC is provided in the corresponding section of the EIS. Where the Project was predicted to contribute to incremental cumulative effects, additional mitigation measures were considered. The VFPA then determined the significance and likelihood of any adverse residual cumulative effects following the implementation of mitigation measures. **Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out.	6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment

APPENDIX IR10-01-C15

TSARTLIP FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-1.1	Noted Tsartlip has anthropological and archaeological interests in the RBT2 area.	15-Apr-2016, Meeting	**15-Apr-2016, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the local assessment area (LAA). The results of the archaeological and heritage resources assessment were considered in the assessment of current use of lands and resources for traditional purposes (Current Use, EIS Section 32.2). The LAA included the physical footprint of Roberts Bank Terminal 2 (RBT2 or Project) plus a 100-metre buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area (RAA) considered a four kilometre area around the Project area. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past uses is directly linked to the type of physical archaeological resources that have the potential to be present in the study area and have the potential to be affected by the Project. The scope or methods of the archaeological and heritage resources assessment are described in the EIS. **Addressed in AIEIS Appendix 2-B, Table 27 (#127):** Information provided by Tsartlip First Nation has been incorporated into AIEIS Section 6.0. In particular, ethnohistorical information is reflected in the section characterising existing conditions.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **Additional Information to the EIS – *W̲SÁNEĆ* Nation (AIEIS; CEAR Document #930)** Appendix 2-B Aboriginal Issues and Interests – *W̲SÁNEĆ* Nation, Table 27 Archaeological and Heritage Resources 6.0 Archaeological and Heritage Resources 6.1.1 Existing Conditions, Ethnography

Table 2: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-2.1	Concerned with potential impacts to birds and migratory birds. Commented on the importance of these species to Aboriginal groups.	15-Apr-2016, Meeting	**15-Apr-2016, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#93) and AIEIS Appendix 2-B, Table 20 (#89):** The Fraser River estuary is an important area to many coastal birds because of its abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds. The scope and methods of the coastal birds assessment is described in the EIS. The Shorebird Opportunity Model evaluates food availability (biofilm and benthic invertebrates) for foraging shorebirds under different levels of predation risk, and assesses changes in physical factors (e.g., water velocity, wave height) on their ability to forage. The assessment of coastal birds focused on seven sub-components: • Shorebirds, represented by Pacific dunlin and western sandpiper; • Waterfowl, represented by American wigeon and brant; • Herons, represented by great blue heron; • Diving birds, represented by surf scoter and western grebe; • Raptors, represented by bald eagle, barn owl, and peregrine falcon; • Gulls and terns, represented by Caspian tern and glaucous-winged gull; and • Passerines, also known as songbirds, represented by barn swallow. Anticipated Project-related changes to coastal birds were assessed by considering potential changes in productivity, abundance, density, species diversity, distribution, and suitable habitat area for the seven sub-components. For some sub-components, foraging opportunity and contaminant levels were also examined. The use of the Fraser River estuary and the Project area by trumpeter swan and tundra swan is described in the EIS. The assessment concludes that the Project is not expected to result in any significant adverse residual effects or significant residual cumulative effects to coastal birds. Changes in the productive potential of shorebirds, herons, raptors, gulls and terns, and passerines are not anticipated. Decreases to the productive potential of waterfowl and diving birds are expected to be minor. Effects to diving birds can be partially offset through the creation of onsite eelgrass and subtidal rock reef habitats, which would create habitat for their prey, which include mussels and other invertebrates. The importance of bird species to Indigenous groups is addressed in the Current Use assessments in EIS Section 32.2 and AIEIS Section 7.0.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5 Existing Conditions 15.5.4 Waterfowl 15.7 Future Conditions with the Project 15.7.2 Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Framework 17.3.2.1 Summary of Project-related Effects on Marine Biophysical Valued Components 17.3.2.2 Onsite Habitat Concepts 32.2 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 20 Coastal Birds 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes

Table 3: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-3.1	Noted the far-reaching impacts from BC Ferries such as wake, wash, the kicking up of sediment. Asked how container ship wake compares to ferry wake. Concerned with waves associated with container ships and erosion of their territory, the SENĆOŦEN territory.	15-Apr-2016, Meeting	**27-Apr-2016, Email from the Vancouver Fraser Port Authority (VFPA):** The potential changes to the wave environment from ship wake (from Project-associated vessels) are assessed in MSA Section 7.2. The potential effects of vessel wakes from marine shipping associated with the Project on archaeological sites (due to erosion) are addressed in EIS Section 9.4. No measurable effects are anticipated.	**Addressed in MSA Appendix 5-B (#56):** EIS Section 9.4 describes existing conditions as they currently reflect cumulative changes to date from other projects and activities that have been carried out, as well as the impact of natural processes. As no measurable effects are predicted for archaeological and heritage resources related to ship wake and erosion from marine shipping associated with the Project, no mitigation is suggested and an assessment of cumulative effects has not been carried out. **Addressed in MSA Appendix 5-B (#55):** The potential effects of vessel wakes from marine shipping associated with the Project on archaeological sites (due to erosion) are addressed in EIS Section 9.4. The LAA for the archaeological and heritage resources assessment includes the entire marine shipping area, including shorelines within Pacheedaht traditional territory, Semiahmoo Bay, and Crescent Beach. **Addressed in MSA Section 7.2:** Potential changes to the wave environment from ship wake (from Project-associated vessels) was assessed for a representative container vessel with approximately 9,000 to 9,500 twenty-foot equivalent unit (TEU) capacity in MSA Section 7.2. In addition to the study of a representative vessel, a sensitivity analysis of other vessel types with differing hulls was also conducted (see MSA Appendix 7.2-B). The analysis of wake height varied by a little over 10 cm in response to the vessel hull type, compared to the representative vessel. Coastal geomorphic conditions are not expected to change from wake-generated waves as vessel wake is a small component of the existing wave climate, which is influenced by wind-generated waves and ocean swell. **Addressed in response to IR7-21:** Although the probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves. The VFPA's response to IR7-21 further notes the magnitude of wake height described above is already a feature of the environment for small-craft operators in Segment B (Haro Strait) because of transiting vessels of all sizes, including ferries, which generate larger waves due to their hull characteristics and higher transit speed during calm conditions. **Addressed in response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential Project effects to sites of physical and cultural importance to Indigenous peoples. **Addressed in response to IR10-23:** The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm.	**EIS** 9.4 Archaeological and Heritage Resources 9.4.5 Existing Conditions 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake **Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 7.2 Wave Environment **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1049) Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #23 (IR10-23)

Table 4: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-4.1	Asked how many tankers currently go into Roberts Bank on a monthly basis. Concerned with cumulative increases in ship traffic. Expressed concerns with cumulative impacts from this Project and other projects.	15-Apr-2016, Meeting 20-Jul-2017, Site Tour	**15-Apr-2016, Meeting:** Stated that the Project is expected to result in an additional 260 vessel calls per year. Committed to following up with a response to the existing levels of ship traffic. **27-Apr-2016, Email from the VFPA:** Sent information regarding containers shipped through the Port. In 2014, terminals within VFPA jurisdiction handled 2.91 million TEUs. The table below shows the maximum capacity for each of the container terminals within VFPA jurisdiction in TEUs, which represents one standard shipping container. The proposed Project would add a maximum capacity of 2.4 million TEUs. (Centerm - 900,000 TEUs / Deltaport-2.4 million TEUs (by 2017) / Fraser Surrey Docks - 150,000 TEUs / Vanterm - 800,000 TEUs). For more information, please see pages 20-21 in the RBT2 Project Meeting Canada's Trade Demand booklet: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Project-Rationale-March-2015.pdf **20-Jul-2017, Site Tour:** Recorded comment for consideration by the Project team. Noted that the Project team could meet with Tsartlip to discuss cumulative impacts further.	**Additional information provided by the VFPA:** Existing Roberts Bank facilities consist of one container and one coal terminal. The Project is a proposed container terminal; therefore, only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. According to a report developed for the Deltaport Terminal Road and Rail Improvement Project, Westshore Terminals had 246 vessel calls in 2010. As noted in EIS Appendix 30-A, in 2012, there were 269 container ship calls at the existing Deltaport Terminal (approximately 23 per month). The estimated of number of container vessels calling RBT2 is approximately 260 ships per year. **Addressed in response to AIR-12.04.15-13:** The VFPA's response to AIR-12.04.15-13 provides the total cumulative effects assessment for each valued component (VC) for which a residual effect was predicted. Information on how Project-associated marine shipping was considered in the cumulative effects assessments is included in Schedules 1 through 10. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as letter to the Review Panel dated December 20, 2017 (CEAR Document #1133), provides additional information on the Government of Canada's Oceans Protection Plan, which includes information on the cumulative effects of marine shipping.	**EIS** 8.0 Effects Assessment Methods 8.1.9 Cumulative Effects Assessment Table 8-8 Project and Activity Inclusion List Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedules 1 – 10 Total Cumulative Effects Assessments *Projections of Vessel Calls and Movements at Deltaport and Westshore Terminals.* Available at: http://www.robertsbankterminal2.com/wp-content/uploads/Projections-of-Vessel-Calls-and-Movements-at-Deltaport-and-Westshore-Terminals.pdf **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Tsartlip-4.2	Asked whether Project-related marine shipping was included in the assessment.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Explained the distinction between the EIS and the MSA.	**Addressed in *Updated EIS Guidelines*:** On April 17, 2015, the Canadian Environmental Assessment Agency (CEA Agency) issued the *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Addressed in MSA Section 1.0:** The MSA addresses the requirements of section 17 of the *Updated EIS Guidelines* by assessing potential environmental effects of marine shipping associated with the Project outside the VFPA's jurisdiction (beyond the VFPA's care and control) to the 12 nautical mile limit of the Canadian territorial sea.	***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*, CEAR Document #177)** **MSA** 1.1 Purpose of the [MSA]
Tsartlip-4.3	Criticised the methodology for the cumulative effects assessment and	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Explained that there is specific methodology around a cumulative effects analysis, and that this is hard to address	**Addressed in AIEIS Appendix 2-B, Table 6 (#42):** The cumulative effects assessment takes into consideration the potential residual effects of the Project in combination with the effects of other projects and activities that have been or will be carried out, including effects on local and Indigenous communities.	**EIS** 8.0 Effects Assessment Methods 8.1.2 Selection of Valued Components 8.1.9 Cumulative Effects Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	determination of no significant effects. Stated that all cumulative effects assessments say there will be no effects. Commented that some species are not represented in the assessment, leading to a misrepresentation of the effects, and cumulative effects.		in a quick presentation. These sections are presented in the EIS. Committed to follow up with the sections in the EIS where this is addressed. **23-Jun-2016, Email from the VFPA:** • Section 8.1.9 Cumulative Effects; • Section 8.1.9.1 Identification of Other Certain and Reasonably Foreseeable Projects and Activities; and • Section 8.1.9.3 Identification of Cumulative Interactions and Potential Cumulative Effects.	The methodology, and basis for applying such methodology, for the RBT2 cumulative effects assessment is described in the VFPA's response to AIR-12.04.15-13. The rationale for relying on representative species in the assessment is described in EIS Section 8.0, as well as in the VFPA's response to AIR-12.04.15-09. The response to AIR-12.04.15-09 provides rationale for the selection of each representative species, including why each one is an appropriate proxy for other species, both in the characterisation of existing conditions as well as the assessment of effects, including cumulative effects where applicable.	**AIEIS** Appendix 2-B Aboriginal Issues and Interests – *WSÁNEĆ* Nation, Table 6 Cumulative Effects Assessment **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-9 of CEAR Document #388) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

Tsartlip-4.4	Stated that Tsartlip has a lands and resources management plan which states the importance of foods for their people (shellfish, crabs), and Tsartlip is involved in initiatives to improve the environment (clam beds, habitat).
	Stated that it is hard to hear about Projects that will harm the environment and these efforts.
	Asked about the scuba surveys.
		06-Jun-2016, Meeting	**06-Jun-2016, Meeting:**
			Committed to share information on the scuba surveys.
			23-Jun-2016, Email from the VFPA:
			Provided information on the scuba surveys – EIS section references:
			• 12.0 Marine Invertebrates Effects Assessment;
			  ○ 12.5.4.2 Ecological Function;
			• EIS APPENDIX 9.6-A;
			  ○ 3.3 Methods;
			  ○ 3.33 Field Methods;
			  ○ 4.3.1 Seabed sediments;
			  ○ 4.3.2 Suspended sediments; and
			• SCUBA Survey - (Hemmera and Archipelago 2014) A field study to collect sea pen density and associated species information.
				Addressed in EIS Section 27.0:
				Considers potential adverse effects on food security as a result of potential effects on traditional food sources during construction and operation. Effects are considered negligible because a residual effect on harvesting of traditional food resources is not anticipated (EIS Section 32.2). EIS Section 27.0 also considers potential positive effects on food security as a result of increased employment and income during construction and operation. Health effects related to employment and income are considered negligible as any health effects are likely to be unmeasurable or undetectable.
					EIS
					8.0 Effects Assessment Methods
					8.1.8 Determination of Significance of Residual Adverse Effects
					27.0 Human Health
					32.2 Current Use of Land and Resources for Traditional Purposes Assessment

Tsartlip-4.5	Commented that the studies appear to be very favourable for the project (i.e., referring to positive effects to marine vegetation).	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Stated that some of the other VCs are different. Marine vegetation is a unique situation because of where the terminal is located, there is little overlap with habitat. The terminal is positioned farther out to avoid effects to vegetation. Stated that the VFPA will be highlighting effects in subsequent presentations.	**Additional information provided by the VFPA:** The desktop reviews, field studies, data analyses, and modelling undertaken by professional scientists on behalf of the VFPA in relation to RBT2 present the findings in an unbiased fashion to support the description of intermediate component (IC) or VC existing conditions. Where possible, the technical volumes associated with the EIS and MSA present the source data, related uncertainty, and the limitations of the studies. The results of these scientific studies are now being reviewed by the independent Review Panel, which includes opportunities for participation and comments from Indigenous groups, government agencies, and members of the public.	
Tsartlip-4.6	Requested the definition of "minor" and	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Explained that the definitions are outlined in the EIS for each section, and the	**Addressed in AIEIS Appendix 2-B, Table 5 (#37):** In each VC assessment section, a table titled 'Identification of Potential Project Interactions' provides a potential effect rating for each interaction identified, as well as a description of the	**EIS** 11.0 through 28.0 (all VC sections) 30.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	"temporary" in the EIS. Question about how the term "minor" compares to the term "very low" in the assessment.		definition takes into account the natural variability for each species.	nature of the effect. Potential effects (before mitigation) are characterised as 'minor', 'moderate', or 'high' in VC assessments in order to provide context to the descriptions of potential effects. These terms are not based on quantitative thresholds, and the rationale for the ratings is provided in the same table where the rating is provided. **Addressed in response to AIR-12.04.15-30:** The VFPA's response to AIR-12.04.15-30 provides additional information on the assessment of Current Use. Residual effects (after mitigation) are characterised using a set of residual effect criteria ratings. 'Low' is one of the ratings used to characterise the 'magnitude' criteria in the residual effects assessment (i.e., 'Low', 'Moderate', or 'High'). Each rating is defined on VC-specific basis to account for the natural variability for each species. **Addressed in response to AIR-12.04.15-09 and EIS Section 30.0:** The term 'very low' is used in the EIS to characterise levels of habitat use or presence of biophysical species in assessment areas (see response to AIR-12.04.15-09). It is also used to describe the probability (associated with a range of quantitative return periods) of accident and malfunction scenarios (EIS Section 30.0).	Table 30-2 Probability Categories and Return Periods for Potential Project-related Accidents or Malfunctions **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 5 Effects Assessment Methods **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-9 of CEAR Document #388) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)

Table 5: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-5.1	Requested additional funding to match the offer to other *W*SÁNEĆ Nations.	01-Mar-2016, Email	**01-Mar-2016, Email from the VFPA:** Provided to Tsartlip the same agreements that were offered to other *W*SÁNEĆ bands. Stated that following the VFPA's offer, some groups requested additional funding. The VFPA was able to increase its offer to those groups by offering a third agreement. Stated that the VFPA is prepared to offer Tsartlip First Nation the same amount, if it is requested. **08-Mar-2016, Email:** Tsartlip signed the funding agreement to support detailing Tsartlip's Current Use and for participation funding.	**Addressed in AIEIS Section 2.1.3:** Participation funding agreements have been negotiated between the VFPA and each of the *W*SÁNEĆ bands and were designed to support the consultation process for the Project.	**AIEIS** 2.1.3 Participation Funding
Tsartlip-5.2	Requested information regarding the authority of VFPA (with regard to EA decision making), where the VFPA can exercise its authority, and the agency that determines the VFPA's mandate. Stated that Transport Canada, Environment Canada, Fisheries and Oceans need to be part of the discussion. Requested information on who is doing what.	15-Apr-2016, Meeting 20-Jul-2017, Site Tour	**15-Apr-2016, Meeting:** Stated that the VFPA falls under the umbrella of Transport Canada. In the case of the Project, the VFPA is participating as the proponent in a regulatory framework overseen by the CEA Agency, similar to the role the National Energy Board (NEB) has in other projects, such as Trans Mountain Expansion Project (TMX). Explained that someone else would operate the terminal once it is built and the VFPA would be a landlord. Referred to slide 3 of the presentation (showing VFPA jurisdiction) and explained the VFPA's navigational jurisdiction. Noted that Transport Canada has navigational jurisdiction outside that area. **20-Jul-2017, Site Tour:** Committed to provide Tsartlip with information on what the VFPA does, how they make money, and their jurisdiction. Committed to inquire into Transport Canada's revenue from shipping per a request from Tsartlip. **05-Sep-2017, Email from the VFPA:** In response to the question about the VFPA's business, provided the VFPA 2016 Financial Report: https://www.flipsnack.com/portvancouver/financial-report-2016/full-view.html. In response to the question about Transport Canada's revenues related to shipping, provided Transport Canada's Annual Report Transportation in Canada 2016: https://www.tc.gc.ca/media/documents/policy/comprehensive_report_2016.pdf. Also provided contact information for Aboriginal Relations at Transport Canada.	**Addressed in AIEIS Appendix 2-B, Table 1 (#1):** EIS Section 1.0 provides an overview of the VFPA's mandate and jurisdiction. The VFPA is a port authority created pursuant to the *Canada Marine Act*, accountable to the federal Minister of Transport. The *Canada Marine Act* gives port authorities the authority to take, permit, or prevent certain activities within a port, which is defined as "the navigable waters under the jurisdiction of a port authority and the real property and immovables that the port authority manages, holds or occupies as set out in the letters patent". The letters patent issued for the VFPA describe the geographic boundaries of the navigation jurisdiction of the VFPA, the federal real property that it manages, and the lands other than federal real property, namely lands that the VFPA holds in its own name. The VFPA's territorial jurisdiction therefore includes the federal lands and lands other than federal real property that it manages, together with the navigable waters over which it has navigation jurisdiction. The federal real property managed by the VFPA and its navigation jurisdiction are shown in EIS Figure 1-3. In fulfilling the mandate under the *Canada Marine Act*, the port authority carries out a variety of duties, including safety and security of all land and waters, in collaboration with other agencies, using technology and land and water patrols. For core activities related to shipping and navigation, the VFPA acts as agent to the federal Crown. In accordance with this statutory authority, the VFPA has issued a Port Information Guide for marine operations within its jurisdiction (http://www.portvancouver.com/marine-operations/port-information-guide/). The guide's purpose is to promote safe and efficient navigation within the local waters of the port and to protect the marine environment. The practices and procedures apply to all vessels in the port, including pleasure craft and recreational vessels, and to all persons responsible for the planning, operation, conduct, and safe navigation of such vessels, including tenants. Among other things, the Port Information Guide outlines practices and procedures related to arrival and departure checklists, navigation, movement of dangerous goods, waste removal, marine mammal critical habitat, speed, use of pilots, anchorage procedures, environmental requirements, vessel discharges, noise and lights, adverse weather conditions, bunkering, and cargo operations, including loading or discharging and cleaning. Appendices to the Port Information Guide provide data sheets for all terminals within the Port of Vancouver.	**EIS** 1.0 Introduction 1.3.2 VFPA Overview 1.3.2.2 Mandate and Jurisdiction Figure 1-3 VFPA Managed Federal Lands and Navigation Jurisdiction 1.3.3 Governance and Corporate Structure 1.3.3.1 Insurance and Liability Management 1.3.3.2 Environmental Policy Appendix 6-D Participants in the Environmental Assessment of the Project. **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W*SÁNEĆ Nation, Table 1 Port Operations Appendix 2-B Aboriginal Issues and Interests – *W*SÁNEĆ Nation, Table 4 Environmental Assessment Process and Regulatory Framework **Information Request** Response to Sufficiency Information Request #01 (IR1-01 of CEAR Document #897) CEAR Document #156 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Information requested from Port Metro Vancouver (see Reference Document number 139)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Every vessel either in or seeking to enter the port is subject to the orders of the port authority with respect to its entry, departure, draught, berth, anchorage, location, speed, direction, and means and method of movement, whether or not such orders are issued through or by the Canadian Coast Guard's Marine Communications and Traffic Services. The VFPA asserts its authority on vessels that intend to enter, or are within the waters controlled by the port authority by monitoring and enforcing the practices and procedures described in the Port Information Guide. **Addressed in AIEIS Appendix 2-B, Table 4 (#27):** The Project is undergoing an environmental assessment led by the CEA Agency, which is also the Crown consultation coordinator. As the proponent for the proposed Project, the VFPA is conducting Indigenous consultation and engagement as directed by the CEA Agency. The B.C. Environmental Assessment Office (EAO) has stated that it will actively participate in the federal panel process and will coordinate its assessment and consultation with the federal process to the extent possible. The federal decision maker for the Project is either the Minister of Environment and Climate Change or Governor in Council, taking into account the report of the three-member Review Panel. The Executive Director of the EAO will rely principally on the Review Panel's report, along with additional information, to make a recommendation to two provincial Ministers, Minister of Environment and Minister of Transportation and Infrastructure. The ministers will then decide whether to issue an environmental assessment certificate. The environmental assessment and permitting process is described in EIS Section 6.0. Indigenous groups potentially affected by the Project are invited to participate in the panel review process by providing written submissions, as well as oral presentations at the Panel's public hearings. In the case of RBT2, the VFPA is considered a private project proponent with respect to environmental assessment decision making. If the Minister of Environment and Climate Change or Governor in Council determines that the Project can proceed, the CEA Agency would ensure that the VFPA fulfils any Project conditions. The *Canada Marine Act* sets out the VFPA's mandate. **Addressed in EIS Appendix 6-D:** Transport Canada and Environment Climate Change Canada are participants in the review process. **Addressed in response to IR1-01:** Additional information regarding the VFPA's jurisdiction and scope of authority, including how the VFPA asserts its jurisdictional authority on vessels that intend to enter or are within VFPA navigable waters, is provided in the VFPA's response to IR1-01. The Port Information Guide is provided as an appendix to the response to IR1-01. **Additional information provided by the VFPA:** The VFPA's mandate and authority is described in a letter to the CEA Agency dated November 18, 2014 (CEAR Document #156).	
Tsartlip-5.3	Commented that this is the first meeting with the VFPA and that Tsartlip First Nation should have been	15-Apr-2016, Meeting	**15-Apr-2016, Meeting:** Acknowledged that Tsartlip has expressed concerns related to Tsartlip's lack of involvement earlier in the process several times. Expressed regret that this meeting with Tsartlip did not occur sooner. The VFPA had been in touch on a notification	**Additional information provided by the VFPA:** The CEA Agency provided additional instructions to the VFPA to consult with Tsartlip First Nation regarding the Project on January 13, 2016. The VFPA has been in touch with Tsartlip First Nation regarding the Project and associated marine shipping since May 26, 2015.	**AIEIS** 1.0 Introduction 1.1 Purpose of the Additional Information to the EIS

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	involved earlier in the process. Concerned that Tsawout First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation were not involved in the EIS previously.		basis and understood that Tsartlip was not interested in participating in the review of the Project. Now it is clear that Tsartlip is interested and the VFPA plans to involve them fully in the consultation process. Stated that the VFPA wants to fully engage with Tsartlip in this process, refers to having more to talk about such as Project benefits and jobs.	**Addressed in AIEIS Appendix 2-B, Table 3 (#17):** By way of this comment, the VFPA notifies the CEA Agency and the Review Panel of this concern. The details of the CEA Agency's direction to the VFPA with regard to engagement and consultation, including *WSÁNEĆ* Nation groups, in the assessment is provided in the introduction to the AIEIS. **Addressed in AIEIS Appendix 2-A:** **Feb 2014:** Letter and email to Tsartlip First Nation with a package of introductory materials regarding the Project, including an invitation to participate in planned technical working groups. Package included: • Technical Working Group invitation; • Technical Working Group Summary Reports; • Draft Archaeological Overview Assessment; • Project Description; • Field Studies Information Sheet (January 2014); and • Guidelines for the preparation of an EIS for the Project. **Feb – Mar 2014:** Phone call and email to Tsartlip First Nation in follow-up to the introductory package that was sent in February 2014. Request for Tsartlip First Nation to review the package and contact the VFPA if interested in meeting to discuss the Project. The VFPA did not receive a response to the package or invitation to participate in planned technical working groups. **May 2015:** Package to Tsartlip First Nation providing the EIS.	Appendix 2-A Consultation Activities by Aboriginal Group Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 3 Engagement and Consultation
Tsartlip-5.4	Noted they are in discussions with the Federal government regarding reconciliation and recognition of the Douglas Treaty, which has been recognized in the Supreme Court of Canada. Stated that they see consultation and accommodation as being the old way and that consent is the new way that industry/ government will have to engage under the Douglas Treaty, the Crown and Section 35 regarding Tsartlip's rights.	20-Jul-2017, Site Tour	**20-Jul-2017, Site Tour:** Committed to provide an updated consultation plan to Tsartlip for review based on their input. **28-Sep-2017, Email from the VFPA:** Attached the draft consultation plan asking Tsartlip First Nation to review it and revise it where necessary.		

Table 6: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-6.1	Asked what the federal process includes that the provincial does not.	15-Apr-2016, Meeting	**15-Apr-2016, Meeting:** Explained that the provincial requirements include additional requirements related to social, economic, and health aspects. Stated that the VFPA cannot speak to elements in the federal environmental assessment that are not covered by the provincial process, and will have to talk with a regulatory specialist and follow up with an answer. **27-Apr-2016, Email from the VFPA:** In our meeting, you were curious about the differences between the provincial and federal environmental assessment processes. At a high level, the federal environmental assessment process (http://www.ceaa.gc.ca/default.asp?lang=en&n=16254939-1) focuses on environmental effects, and particularly those connected to activities occurring within federal jurisdiction. There are federal requirements to assess socio-economic and health impacts, but only if these are linked to a change in the environment, and only as they apply to Indigenous peoples. For example, the federal requirements would dictate that a proponent assess potential impacts to Indigenous peoples resulting from contamination to traditional foods (an environmental effect), but would not dictate that a proponent assess the changes to the labour market from the creation of jobs (not an environmental effect). The provincial environmental assessment process (http://www.eao.gov.bc.ca/ea_process.html) focuses on 5 pillars: environment, economy, social, heritage, and health. Unlike the federal process, these are considered for all people and not solely for Indigenous groups. Typically, the provincial scope is broader, and information is presented a bit differently. When determining whether or not to approve a Project, the process is also different, and each level of government will make its own decision whether the positive effects (i.e., economic) outweigh any adverse impacts from a Project. For the Project, the B.C. Minister of Environment has instructed the VFPA to address provincial requirements that are not covered by the federal process, and the information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements.	**Addressed in AIEIS Appendix 2-B, Table 4 (#29):** The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements. Section 18.0 of the *EIS Guidelines* includes a list of requirements that are specific to the provincial review of the socio-economic assessment. In particular, the province requires assessment of effects to social, economic, heritage, and health components that are not the result of changes to the environment. More information regarding the federal environmental assessment for the Project can be found on the CEA Agency website at www.ceaa-acee.gc.ca, Reference Number: 80054. More information regarding the provincial environmental assessment for the Project can be found on the EAO's Project Information Centre (e-PIC) website at http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html.	**EIS** 6.0 Environmental Assessment and Permitting Process 6.1 Federal Involvement and Process 6.2 Provincial Involvement and Process **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 4 Environmental Assessment Process and Regulatory Framework
Tsartlip-6.2	Expressed frustration with the environmental assessment process.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Acknowledged that there are questions about the conclusions made in the EIS, and explained the sufficiency process specifically looks at the EIS, how these conclusions were made.	**Addressed in AIEIS Appendix 2-B, Table 4 (#31):** By means of this response, the VFPA advises the CEA Agency and the Review Panel of this concern with regard to environmental assessment process. The responsible agencies are listed, and their roles are described, in EIS Section 6.0.	**EIS** 6.0 Environmental Assessment and Permitting Process 6.1 Federal Involvement and Process 6.2 Provincial Involvement and Process **AIEIS**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that Tsartlip has submitted so many comments into processes like this, with no outcome. Stated that if findings were true, there would be no problems with the marine environment. Requested clarification of the responsible agencies		Stated that there is a lot more info in the EIS on the topics presented. Stated that the Panel will consider input and ask questions of the VFPA where appropriate.		Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 4 Environmental Assessment Process and Regulatory Framework
Tsartlip-6.3	Expressed frustration at the environmental assessment and review panel process. Criticised how the process assesses impacts to rights. Stated that a regulator should not have the responsibility of engaging with First Nations when the Crown has the fiduciary obligation is expressed.	30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Stated that responsibilities related to consultation remain with the Crown. Noted that the CEA Agency holds that piece. Stated that the Panel will not make a determination on that aspect.	**Addressed in AIEIS Appendix 2-B, Table 3 (#18):** The Project is undergoing an environmental assessment led by the CEA Agency, which is also the Crown consultation coordinator. As the proponent for the proposed Project, the VFPA is conducting Indigenous consultation and engagement as directed by the CEA Agency. The EAO has stated that it will actively participate in the federal panel process and will coordinate its assessment and consultation with the federal process to the extent possible. The federal decision maker for the Project is either the Minister of Environment and Climate Change or Governor in Council, taking into account the report of the three-member Review Panel. The Executive Director of the EAO will rely principally on the Review Panel's report, along with additional information, to make a recommendation to two provincial Ministers, Minister of Environment and Minister of Transportation and Infrastructure. The Ministers will then decide whether to issue an environmental assessment certificate. The environmental assessment and permitting process is described in EIS Section 6.0. Indigenous groups potentially affected by the Project are invited to participate in the panel review process by providing written submissions, as well as oral presentations at the Panel's public hearings. In the case of RBT2, the VFPA is considered a private project proponent with respect to environmental assessment decision making. If the Environment and Climate Change Minister or Governor in Council determines that the Project can proceed, the CEA Agency would ensure that the VFPA fulfils any Project conditions. The *Canada Marine Act* sets out the VFPA's mandate.	**EIS** 6.0 Environmental Assessment and Permitting Process 7.0 Engagement and Consultation **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 3 Engagement and Consultation

Table 7: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-7.1	Expressed concerns with the bubble curtain being proposed to mitigation noise impact for mooring piles to be installed at the Project site. Noted the vibration technique being proposed will still have an impact as marine life feel vibrations differently than humans.	20-Jul-2017, Site Tour	**20-Jul-2017, Site Tour:** Explained that the Project is not a piling project and that there are only a few piles and so the length of time to install will be quick. Limited exposure to fish and whales. Stated that there are approximately 20 piles to install. Stated that the VFPA did model the effect of bubble curtains in our effects assessment detailed in a section. Stated that it does show a decrease in the area the noise would penetrate to. Stated that it is site specific so certain parts of the Project in terms of currents and flows it may or may not be feasible to use a bubble curtain. Stated that noise relation to piling will be in short duration. Stated that the VFPA can provide Tsartlip with more information on bubble curtain and vibration methods proposed for installing mooring piles at the Project site. Discussed organising a Follow-up Program meeting with all Chiefs. Discussed setting up a one-on-one meeting to discuss marine fish and mitigation. **05-Sep-2017, Email from the VFPA:** Requested a follow-up meeting regarding marine fish and related mitigation. **28-Sep-2017, Phone call from the VFPA:** Stated that we heard a strong interest from Tsartlip at the site tour in a technical discussion about marine fish and the VFPA can schedule a discussion on this (or any other topic) as desired by Tsartlip. **28-Sep-2017, Email from the VFPA:** Stated that the VFPA is in the process of designing a 'Follow-Up Program' for RBT2, should the Project be approved. Stated that a follow-up program involves monitoring of effects of the Project and mitigation measures and includes corrective actions if anything unexpected occurs. Expressed interest in having a high level of input and involvement from Tsartlip into this program and requested to meet with Tsartlip. Stated that the VFPA heard a strong interest from Tsartlip regarding marine fish and that a separate meeting could be set up to discuss this. **12-Dec-2017:** The VFPA met with Tsartlip First Nation to discuss lessons learned from the Deltaport Third Birth Project (DP3) and the Follow-up Program for RBT2. The VFPA	**Addressed in EIS Sections 13.0, 14.0, and 15.0:** As outlined in EIS Sections 13.0, 14.0, and 15.0, underwater noise reduction and dampening methods and technologies will be implemented during Project construction to avoid or reduce potential adverse effects of pile driving and other construction activities on marine fish and marine mammals. Details pertaining to the management and monitoring of underwater noise will be addressed during the development of the Underwater Noise Management Plan (see EIS Section 33.3.7) and Construction Compliance Monitoring Plan (see EIS Section 33.3.1), respectively, prior to the start of construction activities (should the Project be approved). The VFPA committed to the development of these plans to mitigate and monitor potential Project-related effects on marine species. **Addressed in Project Construction Update:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations, or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the intermediate transfer pit (ITP) and associated activities.	**EIS** 13.0 Marine Fish 14.0 Marine Mammals 15.0 Coastal Birds 33.3.1 Construction Compliance Monitoring Plan 33.3.7 Underwater Noise Management Plan **Project Construction Update (PCU, CEAR Document #1210)** 1.0 Introduction 2.0 Revised Project Description and Schedule 3.0 Summary of Changes to the Environmental Impact Statement

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			sought input from Tsartlip on the Follow-up Program. The VFPA also had its marine expert attend the meeting to respond to questions and concerns Tsartlip had regarding mitigation measures proposed for the Project.		
Tsartlip-7.2	Noted that they want to be involved to protect their area but do not see RBT2 as a threat. Reiterated their interest in receiving funding for a Stewardship position that would relate to monitoring and enhancement.	30-Nov-2017, Meeting	**12-Dec-2017, Meeting:** The VFPA met with Tsartlip First Nation to discuss lessons learned from DP3 and the Follow-up Program for RBT2. The VFPA sought input from Tsartlip on the Follow-up Program. The VFPA explained that the Follow-up Program could have a number of opportunities for Tsartlip's participation.	**Addressed in AIEIS Section 7.3.3.3:** The VFPA proposes to assist the *W̱SÁNEĆ* bands in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3.	**AIEIS** 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests 7.3.3 Mitigation Measures

Table 8: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-8.1	Asked if the decrease in productivity of marine fish relates to changes in salinity, and effects to fish hanging out in the estuary. Asked whether the shift in salinity predicted to result from RBT2 will affect eelgrass beds and crabs.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Responded no, the decrease in productivity relates to loss of habitat availability due to the footprint. Stated that the terminal will reduce some of their prey base. Salinity has more of an effect for biofilm and shorebirds.	**Addressed in AIEIS Appendix 2-B, Table 12 (#52):** Current levels and potential changes in marine sediment and water quality, including changes in salinity, were evaluated as described in the IC assessment sections of EIS Sections 9.6 and 9.7. Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation (including eelgrass beds), marine invertebrates (including crabs), marine fish, and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience.	**EIS** 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.6 Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3.1 Potential Effect 1 – Changes in Productivity, Eelgrass 12.0 Marine Invertebrates 12.6.3.2 Potential Effect – Changes in Productivity of Bivalve Shellfish 13.0 Marine Fish 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation**,** Table 12 Surficial Geology and Marine Sediment
Tsartlip-8.2	Concerned with effects to pacific sand lance, and salmon and smelt prey, and questions whether the prediction that effects will be minor is correct. Concerned that whether sand lance are present or not, impacts to habitat effect the food web.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Responded that burying sand lance have not been directly documented, and that the map discussed only shows the suitability of the area as sand lance habitat. Stated that there is no concrete evidence of sand lance using the area. The ecosystem model is a food web model, and all the interactions that may occur related to a reduced prey base have been accounted for in the model. Confirmed that there is no direct evidence of burying. Sand lance have been caught swimming in eelgrass beds,	**Addressed in AIEIS Appendix 2-B, Table 18 (#81):** Potential Project effects on sand lance are considered in the marine fish assessment within the forage fish sub-component. Several studies were completed for Pacific sand lance. A habitat suitability model was developed for the species, and is presented in EIS Appendix 12-A. Additionally, Pacific sand lance were a target species of the marine benthic subtidal study, which involved remotely operated vehicle (ROV) surveys; however, no sand lance were observed. Additionally, quantification of Pacific sand lance habitat use was an objective of the benthic fish trawl surveys. For sand lance, a prediction that effects to productivity will be minor is based on several considerations, including: i) results of the Habitat Suitability Index, which indicate that approximately 9.4% of suitable habitat in the LAA will be lost to the Project footprint, suggesting ample burying habitat remains to sand lance post-Project, and ii) while individual fish may be affected, the Project is unlikely to result in changes in productivity outside the range of natural variability.	**EIS** 12.0 Marine Invertebrates Appendix 12-A Habitat Suitability Modelling 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	- Request to view sand lance studies.		but not burying in the sand surrounding the terminal. Explained that there is a huge body of work that is behind this. A comprehensive sensitivity analysis was undertaken on the ecosystem model where input parameters were varied. Added that there are always uncertainties. **23-Jun-2016, Email from the VFPA:** • EIS Section 13.6.3 Marine Fish, Table 13-10; • EIS Section 13.3.4 Technical Boundaries; • EIS Appendix 12-A Habitat Suitability Modelling; • EIS Section 13.5.3.1 Pacific Sand Lance; • EIS Table 13-8 Identification of Potential Project Interactions with Marine Fish for Construction Phase; • EIS Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish; and • EIS Table 13-11 Pacific Sand Lance Habitat Suitability (ha) in the Local Assessment Area in Future Scenarios with and without RBT2.	**Addressed in responses to IR5-20 and IR5-21:** Additional information concerning potential effects to sand lance and associated EIS conclusions is presented in the VFPA's responses to IR5-20 and IR5-21. As noted in IR5-21, creation of sandy gravel beaches suitable for Pacific sand lance spawning is expected to mitigate potential losses in Pacific sand lance productivity with no residual effect.	**AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̲SÁNEĆ* Nation, Table 18 Marine Fish **Information Requests** Response to Sufficiency Information Request #20 (IR5-20 of CEAR Document #1134) Response to Sufficiency Information Request #21 (IR5-21 of CEAR Document #1140)
Tsartlip-8.3	Expressed concern for mitigation when fry stock return and following the same path to access freshwater sources.	20-Jul-2017, Site Tour	**20-Jul-2017, Site Tour:** Explained that during construction, the VFPA will be following the timing windows to minimise effects on fish (March 1-August 15). Stated that outward mitigation principle effects of the Project during construction will be limited to noise and suspended sediment. Explained that during operations, in terms of effects to juvenile salmon – ships will be moving at such speeds it will be a non-issue. Explained that the VFPA is planning to also build habitat that will be of use to juvenile salmon and the VFPA will be monitoring those to ensure they are functioning as predicted.	**Addressed in EIS Section 13.6.3.1:** As noted in EIS Section 13.6.3.1, for adult Chinook and chum salmon (representative of all Pacific salmon), loss in habitat availability resulting from terminal placement and the associated loss of wetted area is expected to have a minor negative influence on productive potential. Predicted biomass losses from terminal placement are unlikely to be realised, however, given that both Chinook and chum adults returning to their freshwater spawning grounds are not likely habitat-limited within with LAA.	**EIS** 13.0 Marine Fish 13.6.3.1 Changes in Productivity of Pacific Salmon

Table 9: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-9.1	Concerned with potential impacts to littlenecks and geoducks.	15-Apr-2016, Meeting	**15-Apr-2016, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#71):** Bivalve shellfish (e.g., clams and cockles) were assessed as a sub-component of the marine invertebrates assessment. Productivity decreases for bivalve shellfish are predicted and can be partially mitigated through the implementation of environmental management plans (including salvaging and transplanting), the creation of onsite intertidal marsh habitat, and other offsetting measures. While the Project is predicted to cause losses of productivity of bivalve shellfish, the scale of change is minor in the context of natural variability and will not compromise population integrity or ecological function. Mitigation to reduce Project-related effects to bivalve shellfish would also mitigate potential changes in the availability of preferred Current Use resources for Indigenous groups. The VFPA is committed to developing and implementing a Follow-up Program for RBT2. The Follow-up Program will be developed after the submission of the EIS, in consultation with federal agencies, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment Canada. Consultation with these regulatory agencies will ensure that the program will deliver the type, quantity, and quality of information required to reliably verify predicted effects (or absence of them), and to confirm both the assumptions and the effectiveness of mitigation. The need for shellfish monitoring will be considered in consultation with these agencies. **Addressed in AIEIS Appendix 2-B, Table 17 (#73):** Bivalve shellfish were a sub-component assessed in the marine invertebrates assessment, with littleneck clams as a representative species for other bivalves. Geoducks have not been observed in the Roberts Bank area; however, if geoducks were present, littleneck clams would be an appropriate proxy for any potential effects on geoducks. Additional information on representative species was provided in the VFPA's response to AIR-12.04.15-09. The response to AIR-12.04.15-09 provides rationale for the selection of each representative species, including why each one is an appropriate proxy for other species, both in the characterisation of existing conditions as well as the assessment of effects, including cumulative effects where applicable. A human health risk assessment was conducted on existing shellfish contamination levels at Roberts Bank, and the potential human health risks associated with consumption. The health assessment (EIS Section 27.0) concluded negligible health risks associated with shellfish contamination; however, DFO bivalve harvesting closures are maintained near outfalls as a preventative measure for public safety. These results were considered in the Current Use and rights assessments in EIS Section 32.0 and AIEIS Section 7.0 in relation to potential Project-related effects on traditional harvesting.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 12.0 Marine Invertebrates 12.2 Selection of Marine Invertebrates Valued Component 12.6 Future Conditions with the Project 12.6.3.2 Potential Effect – Changes in Productivity of Bivalve Shellfish 27.0 Human Health (revised June 2016) Appendix 27-C Shellfish Harvesting Potential and Contaminant – Related Consumption Risks at Roberts Bank Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W*SÁNEĆ Nation, Table 17 Marine Invertebrates 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-9 of CEAR Document #388)
Tsartlip-9.2	Concerned with potential impacts from the Project to crabs in the area. Interested in crab relocation mitigation and the effectiveness of this approach.	15-Apr-2016, Meeting 06-Jun-2016, Meeting 20-Jul-2017, Site Tour	**15-Apr-2016, Meeting:** Recorded comment for consideration by the Project team. **06-Jun-2016, Meeting:** Explained that crab relocation is a well-established method. This was done in advance of DP3, and used in other projects in B.C. Stated that there is a fairly strong track record because it involves physically relocating crabs out of footprint and avoids direct mortality or injury.	**Addressed in EIS Section 12.0:** During construction and operation, the Project is expected to result in a net decrease in marine invertebrate productivity, both before and after mitigation is implemented. Increases in productivity of infaunal and epifaunal invertebrate communities and decreases in productivity for bivalve shellfish, Dungeness crab, and orange sea pens are predicted. Short-term productivity losses are due to direct mortality and losses of available habitat within the Project footprint. Productivity decreases can be partially mitigated through the implementation of environmental management plans, including crab salvages and transplanting of orange sea pens, and through the creation of eelgrass, intertidal marsh, mudflat, and sandy gravel beach habitats. While the Project is predicted to cause losses of productivity of bivalve shellfish, Dungeness crabs, and orange sea pens, the scale of change is minor in the context of natural variability and would not compromise the population integrity or ecological function. The assessment concludes there are no	**EIS** 12.0 Marine Invertebrates 12.6 Future Conditions with the Project 12.7.1 Mitigation Measures, Avoidance Measures 12.7.1.2 Timing Windows 12.7.2 Mitigation #1 for Direct Mortality 12.7.2.1 Crab Salvages **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W*SÁNEĆ Nation, Table 17 Marine Invertebrates

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Asked whether other types of shellfish will be relocated. Expressed concerns for crab populations due to increased vessel traffic and the Project site. Noted the vulnerability of Dungeness crabs when their shells are soft.		Clarified that crabs will be moved out of construction areas and moved to other parts of Roberts Bank. No intent to remove them from the area. **20-Jul-2017, Site Tour:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS, and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	significant adverse residual effects from the Project to marine invertebrates. The Project is not expected to result in any incremental adverse cumulative effects to marine invertebrates. **Addressed in AIEIS Appendix 2-B, Table 17 (#72):** Potential Project-related effects on Dungeness crabs are described in EIS Section 12.0. To minimise direct mortality and physical injury effects of construction activities, dredging guidelines have been established by DFO for the protection of marine resources. To protect gravid Dungeness crab females, the guidelines include a fisheries-sensitive window from October 15 to March 30 below −5 m chart datum (CD). In concordance with this window, dredging is scheduled to occur only from April 1 to October 14 at depths below −5.0 m CD. Where possible, Dungeness crabs will be salvaged prior to dredging and infilling containment dykes (i.e., terminal and causeway), and storing sand at the ITP [which is no longer planned; see below regarding the PCU]. The salvages will use crab traps or SCUBA divers to capture individuals and relocate them to nearby suitable areas undisturbed by the Project. This mitigation was used for DP3, and is considered to be effective at minimising the number of individuals exposed to and affected by construction activities. Other types of shellfish, specifically bivalves such as clams, cockles, mussels, and oysters, will not be relocated prior to constructing the terminal. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018, providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations, or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**PCU** 1.0 Introduction 2.0 Revised Project Description and Schedule 3.0 Summary of Changes to the Environmental Impact Statement
Tsartlip-9.3	Expressed confusion regarding the determination that the effects to marine vegetation will be positive, yet a net productivity decrease to marine	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Stated that marine vegetation provides habitat for species, so areas with large amounts of marine vegetation (nearer to shore) are considered particularly sensitive. Area around terminal footprint is habitat for invertebrates and fish species. This habitat will be removed, but the value of this habitat is not as high as the shallower areas. A decision was made to locate the footprint in areas that would not affect sensitive, intertidal habitat. Some species will increase. A lot of	**Addressed in AIEIS Appendix 2-B, Table 17 (#74):** Effects to vegetation are avoided by the location of the terminal in deep subtidal waters, minimising direct overlap with sensitive intertidal vegetation habitats. Further, predicted changes in geomorphic conditions post-Project are predicted to benefit vegetation species; for example, the terminal will effectively create a wave shadow, which will benefit species such as eelgrass and intertidal marsh that prefer calmer and more quiescent conditions. On top of this, the creation of onsite offsetting habitat will further contribute to vegetation productivity at Roberts Bank such that, overall, the net effect is expected to be positive. The assessment for marine invertebrates considered and incorporated conclusions from marine vegetation where appropriate; however, not all species of invertebrates utilise vegetation habitats. For example, infaunal and epifaunal invertebrate communities live on or within the sediment, as do orange sea pens and several species of bivalves. The Project's footprint is primarily within subtidal	**EIS** 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̲SÁNEĆ* Nation, Table 17 Marine Invertebrates

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	invertebrates. Why would there be a net productivity decrease if the footprint does not overlap habitat?		bivalves do not use marine vegetation, and live in the sand. Species that prefer sand will feel negative effects more than species that use the marsh. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response.	sand habitat, and it is the productivity of soft-sediment species that are driving the result for marine invertebrates.	
Tsartlip-9.4	Asked whether or not sea pen distribution has a relationship with propeller wash out area. Concerned with the potential impacts to sea pens. Asked whether sea pens will be moved from the area prior to construction. Concerned with the impacts to species that use sea pens as habitat (perch and minnow).	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Explained that sea pens populated the area. Responded the VFPA does not believe there is a relationship between the propeller wash out area and sea pens, but it has not specifically been studied. Stated that the VFPA believes the concentration of sea pens has something to do with the acceleration of tidal currents around the structure, which enhances prey delivery. **23-Jun-2016, Email from the VFPA:** Photos of the ocean floor near the terminal: There are additional technical reports (beyond the EIS) available on VFPA website, at the following link: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/. On this page, there are links to the following studies, which provide pictures of the ocean floor for the disposal at sea area and the Project footprint area respectively. • Appendix A ROV Video Stills RBT2 Technical Data Report Subtidal Benthic Infauna and Epifauna Surveys for Disposal at Sea Site Characterization (look under the Disposal-at-Sea Studies drop menu); and • Appendix A Photographs in RBT2 Technical Data Report Marine Invertebrates, Orange Sea Pens (look under the Marine Invertebrates drop menu). Scuba surveys – EIS Section References: • 12.0 Marine Invertebrates; and • 12.5.4.2 Ecological Function. Appendix 9.6-A: • 3.3 Methods;	**Addressed in AIEIS Appendix 2-B, Table 17 (#69):** Orange sea pens are a soft coral species that depend on habitat with strong tidal outflows and oceanic currents for food delivery. Sea pen beds provide habitat for many benthic (bottom dwelling) species and likely play a role in maintaining productive near-shore communities for clams, sea stars, marine worms, Dungeness crabs, and several fish species. Orange sea pens were assessed as a sub-component of the marine invertebrates VC. The assessment concludes that a decrease in the productivity of orange sea pens due to direct mortality and changes in habitat availability is expected as a result of permanent loss of subtidal sand habitat associated within the terminal footprint. This decrease can be partially mitigated through the implementation of environmental management plans, including the collection and pre-construction transplantation of orange sea pens to nearby undisturbed sites identified as suitable through habitat modelling. While the Project is predicted to cause losses of productivity of orange sea pens, the scale of change is minor in the context of natural variability and will not compromise the population integrity or ecological function. The residual effect was determined to be not significant. Potential indirect effects on marine fish resulting from potential effects on orange sea pens are described in EIS Section 13.6. There is no evidence to suggest perch or minnow species use sea pens as habitat. Sea pen distribution is described in EIS Section 12.5, and shown on EIS Figure 12-12. **Addressed in responses to IR5-05 and IR5-06:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method. As noted in EIS Section 12.0, the VFPA stated that the proposed Project would result in a moderate reduction in orange sea pen productivity, and that the level of confidence in this assessment was considered to be moderate. The VFPA's response to IR5-06 discusses the confidence in the rating. In summary, the moderate confidence ranking was rooted in four main points (each of which are described below): • The success of the orange sea pen pilot transplant and monitoring program (see response to IR5-05); • Remaining orange sea pen productivity with the Project (before mitigation) is considerable (45%) such that the population will persist at Roberts Bank; • Reproductive and larval biological characteristics of orange sea pens, which confer a high ability to replenish stocks; and • Coral transplants are common and successful elsewhere.	**EIS** 12.0 Marine Invertebrates 13.0 Marine Fish 13.6.3.4 Potential Effect – Changes in Productivity of Flatfish **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 17 Marine Invertebrates **Information Requests** Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145) Response to Sufficiency Information Request #06 (IR5-06 of CEAR Document #1145)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			• 3.33 Field Methods; • 4.3.1 Seabed sediments; and • 4.3.2 Suspended sediments. SCUBA Survey - (Hemmera and Archipelago 2014) A field study to collect sea pen density and associated species information. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response. **07-Feb-2018, Letter from the VFPA:** Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled Orange Sea Pen Transplant Pilot and Monitoring Program. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05.		
Tsartlip-9.5	Commented that it is not enough to conclude that the area is already contaminated so the Project will have no effect. Noted the shellfish closures and Tsartlip's desire to improve the health of the area.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Explained that DFO and Environment Canada control the prohibitions. Believes the reasoning is related to proximity to industrial areas and the shellfish not being fit for consumption. Stated that the VFPA is open to ideas for mitigation.	**Addressed in EIS Appendix 7.2-B (#75):** No bivalve harvesting is currently allowed within the LAA or RAA of marine invertebrates, due to both Sanitary and Biotoxin Shellfish Closures imposed by DFO over concerns regarding discharges from sanitary, stormwater, or industrial sources. DFO is the proper authority to determine the validity of shellfish closures. **Additional information provided by the VFPA:** Beyond the mitigation measures suggested in the EIS and MSA, the VFPA encourages Indigenous groups participating in the RBT2 environmental assessment to suggest specific mitigation measures for consideration.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table

Table 10: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-10.1	Stated that SRKW are more than just a species of animal, they are Tsartlip relatives; killer whale habitat is seen as habitat belonging to their relatives. Concerned about the noise from ships, (i.e., propellers) and the effects of that on killer whales. Concerned that more ships means more noise. Requested clarification regarding whether this was studied in the EIS. Reiterated their concerns about noise pollution and impacts on SRKW. Expressed concern that that impacts on the killer whale population are not being addressed by anyone. Concerned that if the primary ocean predator was gone, there would be an increase in the number of seals, leading to fewer salmon.	15-Apr-2016, Meeting 06-Jun-2016, Meeting 20-Jul-2017, Site Tour 30-Nov-2017, Meeting	**15-Apr-2016, Meeting:** Recorded comment for follow-up. **27-Apr-2016, Email from the VFPA:** During the meeting, we heard several concerns expressed related to potential impacts from the Project on marine mammals. The methods used to study underwater noise and the results of the assessment of potential underwater noise-related effects on marine mammals are described in EIS Section 14.0. As I suggested in the meeting, we could schedule a follow-up meeting with a marine mammal expert to speak to the environmental studies and answer any questions. Please let me know if there is interest in scheduling a meeting, and whether there are any additional topics of interest we could address at the same time. The Enhancing Cetacean Habitat and Observation (ECHO) Program is a VFPA-led initiative (separate from the Project) aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. There is quite a bit of information available at: http://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/. (Note: Information is now available at https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.) **06-Jun-2016, Meeting:** Responded that yes, a lot of studies and information was used looking at how southern resident killer whale (SRKW) react, vocalise, and make calls when ships are going by. Stated that this information was used in the assessment, and can be found in the technical report. Committed to share the where this is addressed in the EIS. **23-Jun-2016, Email from the VFPA:** EIS Section References: • 14.1.1.1 Southern Resident Killer Whale; • 14.3.3 Technical Boundaries; • 14.4.1 Southern Resident Killer Whale Technical Advisory Group Process; • Table 14-6 Marine Mammal Studies to Support the Assessment; • Table 14-7 Marine Mammal Modelling Studies Contributing to Project-related Predictions; • Figure 14-3 Studies Conducted on SRKW to Inform the Environmental Assessment; • 14.4.3 Habitat Use Studies; • 14.4.4 Critical Habitat Feature – Acoustic Environment; • 14.5 Existing Conditions; and • Appendices 14-B and 14-C (Acoustic modelling and SRKW disturbance). In our meeting, I also mentioned the VFPA's ECHO Program. This initiative is aimed at better understanding and managing	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKW (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKW. **Addressed in MSA Appendix 5-B (#43):** Potential effects, including effects of underwater noise, from marine shipping associated with the Project on marine fish and marine mammals are assessed in MSA Sections 8.1 and 8.2, respectively. MSA Section 9.5 assesses the cultural aspects of potential effects to marine fish and marine mammals. **Addressed in AIEIS Appendix 2-B, Table 19 (#84):** EIS Section 14.0 includes the location of marine mammals in the assessment area, the methods used to study underwater noise, and the results of the assessment of potential underwater noise-related effects from marine shipping associated with the Project on marine mammals. The assessment also includes the potential cumulative effects on marine mammals of the Project in combination with other projects and activities, including noise from existing and incremental marine vessel traffic. **Addressed in response to IR4-10:** As noted in the VFPA's response to IR4-10, in 2014, the VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/. **Additional information provided by the VFPA:** The cultural importance of marine mammals, specifically SRKW, to Indigenous groups was considered in the selection of the marine	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.0 Physical Setting 9.8 Underwater Noise 9.8.2 Assessment Purpose and Approach Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study 14.0 Marine Mammals 14.2 Selection of Marine Mammals Valued Component 14.5 Existing Conditions 14.5.1.4 SRKW Life Functions and Critical Habitat Features 14.6 Future Conditions with the Project 14.6.2.3 Summary of Changes to SRKW Critical Habitat and Life Functions from Project-related Effects 14.7 Mitigation Measures 14.9 Determination of Significance of Residual Adverse Effects 14.10 Cumulative Effects Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 8.1 Marine Fish and Fish Habitat 8.2 Marine Mammals 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *WSÁNEĆ* Nation, Table 19 Marine Mammals **Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The ECHO Program has been supporting DFO in its assessment of the risk of a vessel striking a large whale off the west coast of Vancouver Island, as ships make their approach to the mouth of Juan de Fuca Strait. Through aerial surveys to determine whale distribution and tracking of vessel distribution and speed via Automated Identification System (AIS), DFO has modelled the probability of a vessel encountering a whale and will identify areas where encounter probabilities are higher and lower. Results are expected to be published soon and will be used to inform future mitigation and management considerations. More information on the ECHO Program can be found here: http://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/. (Note: Information is now available at https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.) **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response. **20-Jul-2017, Site Tour:** Committed to organise an ECHO Program presentation with Tsartlip. **28-Sep-2017, Email from the VFPA:** Stated that the VFPA can meet to discuss the ECHO Program. Stated that the VFPA heard a strong interest from Tsartlip regarding marine fish and that a separate meeting could be set-up to discuss this. **30-Nov-2017, Meeting:** Recorded comment for consideration by the Project team. **12-Dec-2017, Meeting with Tsartlip:** The VFPA met with Tsartlip First Nation and presented on the ECHO Program. The VFPA also had its marine expert attend the meeting to respond to questions and concerns Tsartlip had regarding mitigation measures proposed for the Project.	mammals VC, and the SRKW sub-component for the EIS. Critical features of SRKW habitat, and potential Project-related effects to SRKW habitat, are described in EIS Section 14.0. Tsartlip First Nation's comments about SRKW are reflected in the Current Use assessment of AIEIS Section 7.0.	
Tsartlip-10.2	Asked about the potential for a ship to hit a marine mammal, and whether strikes are recorded and regulated.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Responded if a ship strike happened in VFPA jurisdiction, it would be observed and reported. Stated that in deeper water, it might not be noticed; however, ships are required to report if they notice. **23-Jun-2016, Email from the VFPA:** In the meeting, you asked about vessel strike reporting requirements. Vessel strikes are voluntarily reported by mariners to DFO. I have provided some links below. http://www.pac.dfo-mpo.gc.ca/fm-gp/species-especes/mammals-mammiferes/report-signaler-eng.html http://www.dfo-mpo.gc.ca/fm-gp/mammals-mammiferes/prog-eng.htm	**Addressed in AIEIS Appendix 2-B, Table 19 (#87):** The assessment considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, occurrences of marine mammal vessel strikes are identified through observed incidents, scarring, or recovery of carcasses. There is no formal regulation by DFO requiring the reporting of marine mammal vessel strikes in Canadian waters. Vessel strike incidents can be reported to the DFO incident reporting line: 1 800 465 4336. **Addressed in EIS Appendix 7.2-B (#89):**	**EIS** 14.0 Marine Mammals 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.3 Potential Effects of the Project on North Pacific Humpback Whale 14.6.4 Potential Effects of the Project on Steller Sea Lions 14.10 Cumulative Effects Assessment **MSA** 8.2 Marine Mammals

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			http://www.dfo-mpo.gc.ca/fm-gp/mammals-mammiferes/publications/8-eng.htm. More information related to vessel strikes can be found in MSA Section 8.2. In our meeting, I also mentioned the VFPA's ECHO Program. This initiative is aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The ECHO Program has been supporting DFO in its assessment of the risk of a vessel striking a large whale off the west coast of Vancouver Island, as ships make their approach to the mouth of Juan de Fuca Strait. Through aerial surveys to determine whale distribution and tracking of vessel distribution and speed via Automated Identification System (AIS), DFO has modelled the probability of a vessel encountering a whale and will identify areas where encounter probabilities are higher and lower. Results are expected to be published soon and will be used to inform future mitigation and management considerations. More information on the ECHO Program can be found here: http://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/ (Note: Information is now available at https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.)	The appendix considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, as a result of mitigation measures during construction and operation, no detectable/measurable residual adverse effects from vessel strikes are predicted for marine mammals. The marine mammal assessment considers the potential for cumulative effects with respect to the potential residual effect (i.e., increased underwater noise produced by container ships and support tugs during Project operation), in combination with other projects and activities within the RAA, including underwater noise from incremental marine vessel traffic outside VFPA jurisdiction. **Addressed in MSA Appendix 5-B (#44):** MSA Section 8.2 includes consideration of potential effects on whales, including vessel strikes by Project-associated vessels. **Addressed in MSA Section 8.2.6.3:** Vessel strikes to humpback whales is considered in MSA Section 8.2.6.3. It notes a Project-associated container ship could potentially strike a humpback whale within the LAA resulting in injury or mortality. The addition of approximately three container ship movements every two days over existing conditions is not predicted to result in population level effects to the population of humpback whales in B.C. as the population is growing at a rate of approximately 5% (according to DFO).	8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes 8.2.7.2 Mitigation – Vessel Strikes 8.2.8.2 Residual Effect #2 – Physical Disturbance from Vessel Strikes 8.2.8.4 Summary of Residual Effects and Significance 8.2.9 Cumulative Effects Assessment **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 19 Marine Mammals
Tsartlip-10.3	Asked what percentage of mortalities (related to the marine mammal assessment) would warrant a red flag, or the determination that the Project should not proceed.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Responded that in terms of the Project (which includes ships within VFPA jurisdiction, a small area) the likelihood of strikes is very low, partly because the speed of ships is slow in these areas.	**Addressed in MSA Section 8.2.6.3:** As noted in MSA Section 8.2.6.3, vessel strikes may be fatal to a SRKW, or an individual may recover. The chance of a Project-associated container ship striking a SRKW within the LAA and resulting in injury or mortality is qualitatively determined to be unlikely. This conclusion is supported by the following: • Vessel strikes are not identified by DFO as a primary threat to killer whales in B.C. in their recovery strategies and recovery strategy progress reports; • Large vessel strikes of SRKW are uncommon and no mortalities from container ships have been reported; and • The probability of a vessel strike of a SRKW individual is low considering the agile behaviour of SRKW and the addition of three movements of container ships associated with RBT2 every two days over existing conditions. To put this into context, under existing conditions there are predicted to be 8,896 vessel movements per year.	**MSA** 8.2 Marine Mammals 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes

Table 11: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-11.1	Asked if the material presented (marine vegetation) includes consideration of marine traffic or if it is only the port itself. Asked how marine shipping is considered. Requested to see information related to the Saanich Inlet.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Clarified that presentation relates to the terminal itself and shipping up to end of the jurisdiction, not marine shipping. Explained the process distinction between the EIS portion and the MSA. Stated that marine shipping is addressed in a separate report and next steps are different. Explained that the terminal is designed far out from shore to avoid interaction with sensitive intertidal habitat. (A presentation related to marine shipping was provided later that day.) **23-Jun-2016, Email from the VFPA:** The presentation provided at our meeting focused on the EIS. The Saanich Inlet is included in the assessment area for the MSA, so you can find more information on this area in the MSA. We could come back with a presentation focused on this area, if this would be helpful.	**Addressed in *Updated EIS Guidelines*, section 1.0:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Addressed in MSA Section 1.0:** The marine shipping area is described in MSA Section 1.0 and illustrated in MSA Figure 1-1. While Saanich Inlet (captured in Segment B) is not the focus of the assessment, the assessment's results are applicable to the area. The MSA considers intertidal habitat as a sub-component in the assessment presented in MSA Section 8.1.	***Updated EIS Guidelines*** 1.0 Marine Shipping **MSA** 1.1 Purpose of the [MSA] Figure 1-1 Marine Shipping Area 8.1 Marine Fish and Fish Habitat
Tsartlip-11.2	Concerned that Tsartlip cannot get a meeting with Transport Canada, who has jurisdiction in the marine shipping area.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Committed to pass concern on to Transport Canada. **28-Jun-2016, Email from the VFPA:** The VFPA shared concern with Transport Canada.		

Table 12: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip -12.1	Requested pictures/video evidence of differences in vegetation around terminal vs other areas.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Stated that there is extensive video coverage of these areas. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response.	**Addressed in AIEIS Appendix 2-B, Table 16 (#67):** Marine vegetation was mapped for the LAA, and EIS Figure 11-2 shows the differences in vegetation around the existing terminal and other areas, including Canoe Passage, intertidal areas, and the inter-causeway area at Roberts Bank.	**EIS** 11.0 Marine Vegetation **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W*SÁNEĆ Nation, Table 16 Marine Vegetation

Table 13: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-13.1	Concern regarding impacts to water quality from the existing terminals at Roberts Bank, and potential changes to water quality resulting from the Project. Interested in marine water quality and how that relates to the health of marine species.	15-Apr-2016, Meeting	**15-Apr-2016, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tsartlip First Nation and the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#60):** EIS Section 9.7 considers the physical and chemical characteristics of waters that influence the estuarine ecosystem. An assessment was carried out to determine potential changes to marine water quality as a result of the Project. The results of the marine water quality assessment were considered in the assessments of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, and ongoing productivity of commercial, recreational, and Aboriginal fisheries. Studies were undertaken to determine existing conditions for several water quality parameters, including temperature, acidity or basicity (pH), dissolved oxygen, conductivity, salinity, oxidation reduction potential, total dissolved solids, total suspended solids, turbidity, water hardness, nutrients, and metals. The assessment concludes that: The Project is expected to result in changes to marine water quality, but no incremental cumulative changes are anticipated. • Construction activities are not expected to temporarily alter water contaminant or nutrient levels, pH, dissolved oxygen, or temperature. • Increases in total suspended solids levels from construction activities are expected to be temporary and minimal relative to existing natural variability. • As a result of the terminal footprint, localised changes in salinity and turbidity are predicted in the intertidal zone, but within the natural ranges currently experienced. The discharge of treated wastewater and stormwater is not expected to change marine water quality. Sanitary discharge will be collected from serviced buildings and piped to a wastewater treatment plant on the east side of the terminal. Treated effluent will meet B.C. Ministry of Environment effluent standards prior to discharge via ocean outfall. Stormwater will be collected by a stormwater system that includes oil interceptors to trap surface oil and grit that reaches the drainage collection system, and five outfalls located at the wharf face. Further information regarding the Project's treated wastewater and stormwater systems is presented in the EIS. **Addressed in AIEIS Appendix 2-B Table 13 (#54):** The marine water quality assessment in EIS Section 9.7 considers the physical and chemical characteristics of waters that influence the estuarine ecosystem. An assessment was carried out to determine potential changes to marine water quality as a result of the Project. Studies were undertaken to determine existing conditions for several water quality parameters, including temperature, acidity or basicity (pH), dissolved oxygen, conductivity, salinity, oxidation reduction potential, total dissolved solids, total suspended solids, turbidity, water hardness, nutrients, and metals. Existing water quality conditions at Roberts Bank include fine silt and clay sediments carried in the freshwater discharged by the Fraser River, which spread as a plume out into the Strait of Georgia, including Roberts Bank (shown in EIS Figure 9.5-9). The assessment concludes the following: • The Project is expected to result in changes to marine water quality, but no incremental cumulative changes are anticipated; • Construction activities are not expected to temporarily alter water contaminant or nutrient levels, pH, dissolved oxygen, or temperature; and • Increases in total suspended solids levels from construction activities are expected to be temporary and minimal relative to existing natural variability. • With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation, marine invertebrates, marine fish, and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 9.5 Coastal Geomorphology 9.6 Surficial Geology and Marine Sediment 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 11.0 Marine Vegetation 12.0 Marine Invertebrates 13.0 Marine Fish 14.0 Marine Mammals 14.6.2 Potential Effects of the Project on **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̱SÁNEĆ* Nation, Table 13 Marine Water Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-13.2	Emphasised Tsartlip's interest in impacts to eelgrass.	30-Nov-2017, Meeting	**30-Nov-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 11.0:** During Project construction and operation, changes in productivity of eelgrass, biofilm, and biomat are predicted to be negligible (i.e., not measurable or detectable). **Addressed in EIS Appendix 7.2-B (#70):** Following terminal construction, there is an opportunity to transplant up to 3 hectares of native eelgrass within the Roberts Bank study area as a mitigation measure. The proposed transplant site overlaps with an existing stand of sparse eelgrass (i.e., less than 30% cover). The existing presence of eelgrass at this location is an indication of suitable conditions for establishment and growth of eelgrass. **Addressed in EIS Appendix 7.2-B (#67):** Eelgrass and biofilm are both considered in the effects assessment as sub-components of the marine vegetation VC. The existing conditions for eelgrass and biofilm (including ecological function) in the Roberts Bank area and the potential effects of the Project on these marine vegetation sub-components are described in the EIS. Eelgrass and biofilm have specific habitat preferences and occur where these conditions exist. Native eelgrass at Roberts Bank occurs in areas containing finer sediments in the higher intertidal zone. Biofilm is found on mudflats within the upper intertidal zone. **Addressed in EIS Appendix 7.2-B (#201) and EIS Section 17.0:** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 11.0 Marine Vegetation 11.6.3 Potential Effect #1 – Changes in Productivity

Table 14: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-14.1	Concerned with the prediction of the likelihood of an accident, and that however low this number is, one accident is still an accident and very concerning to Tsartlip. Concerned with the CEA Agency guidelines for the accidents and malfunctions section.	06-Jun-2016, Meeting	**06-Jun-2016, Meeting:** Explained that the report contains a series of return periods for certain scenarios. For a container grounding scenario, the area of highest risk is the Boundary Passage area, similar to that in TMX. The report looks at two accident scenarios: a grounding and a container vessel colliding with a smaller craft. The probability of a grounding is a 1/1,000 year event, based on the type of vessel, speed, and historical precedent.	**Addressed in EIS Section 30.0:** EIS Section 30.0 presents an assessment of potential accidents and malfunctions, including a ship impact and spill scenario. The Project does not involve the shipment of fuel and therefore the assessment considered the potential spill of fuel required for container ship operation. The assessment concluded that a spill from the fuel tanks of a container ship in the berth area could result in adverse residual effects to marine vegetation, invertebrates, fish, and marine mammals, as well as marine commercial use, outdoor recreation, and land and water use. With the exceptions of SRKW, coastal birds, and Current Use, these residual effects were considered not significant. However, due to the extremely low probability of such a ship impact and spill scenario, all residual effects were considered unlikely. **Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario. **Addressed in MSA Section 10.0:** The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. With the exceptions of residual effects on marine mammals (SRKW), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill.	**EIS** 30.0 Potential Accident and Malfunctions **MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures 10.5 Assessment of Potential Effects of Accidents or Malfunctions Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment

Table 15: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-15.1	Stated that the Project extinguishes more area for harvesting and fishing, and adds to activity that infringes on Tsartlip Rights. Concerned with impacts to fishing locations. Expressed concerns with salmon and Tsartlip rights/fishing grounds in the Project area. Stated that the Project is taking place right in Tsartlip's area. Stated that Tsartlip has interests on Mayne Island in proximity to the Project. Noted Mayne Island is a sensitive habitat and an important area to Tsartlip. Stated this Project will be right in the middle of where their fishing takes place, and Tsartlip should be compensated for what is being lost. Stated that they used to practice reef fishing as a Douglas Treaty right, but due to changes in the water they no longer can. Stated that Tsartlip is looking for ways to return to traditional ways, which is made difficult with new developments and increased activity in the region. Concerned that pollution is precluding Tsartlip's harvesting.	15-Apr-2016, Meeting 20-Jul-2017, Site Tour 30-Nov-2017, Meeting	**15-Apr-2016, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Section 7.0 on Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes. **20-Jul-2017, Site Tour:** Recorded comment for consideration by the Project team. **30-Nov-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. The effects of other projects and activities that have been carried out are reflected in the existing (and expected) conditions of the ICs and VCs, and in EIS Section 32.0. By assessing potential Project-related effects against those conditions, the cumulative effects of the Project and other past projects and activities are inherently considered. The EIS also includes historical data, where available and applicable, to assist interested parties to understand the potential effects, including cumulative effects, of the Project. The EIS does not include an assessment of historical infringements on the ability of Indigenous groups to exercise rights or impacts to traditional use. **Addressed in AIEIS Section 7.0:** Potential Project-related effects on *W̱SÁNEĆ* use or the exercise of asserted or established rights and measures to address potential effects, including measures proposed by *W̱SÁNEĆ*, are described in AIEIS Section 7.0. As noted in AIEIS Section 7.3.2, Project-related incremental impacts on the exercise of these rights (i.e., asserted Aboriginal rights, including title, and asserted or established Douglas Treaty rights to hunt or fish) would not be expected to be measurable in relation to: • Access to preferred locations for the exercise of asserted or established rights in the vicinity of the Project area (i.e., Roberts Bank, including adjacent upland areas, or the Fraser River); • Availability or quality of preferred resources associated with the exercise of asserted or established rights in the vicinity of the Project area (i.e., identified as principally salmon); • Quality of experience related to sense of place or physical heritage, safety and security, or noise, vibration, light, or air quality conditions while exercising asserted or established rights in the vicinity of the Project area; or • Cultural heritage or economic activities that may be tied to the exercise of asserted or established rights in the vicinity of the Project area. For an explanation of the use of 'measurable' in this context, see the VFPA's response to AIR-12.04.15-30.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.2 Results of the Rights Assessment **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)
Tsartlip-15.2	Noted that rights extend into the water under the Douglas Treaty. Stated that if the Project will result in any infringement on Douglas Treaty rights, there would need to be consultation and discussion around protection and accommodations.	30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Section 7.0 on Potential or Established Aboriginal and Treaty Rights and	**Addressed in AIEIS Section 7.0:** Potential Project-related effects on *W̱SÁNEĆ* use or the exercise of asserted or established rights and measures to address potential effects, including measures proposed by *W̱SÁNEĆ*, are described in AIEIS Section 7.0. As noted in AIEIS Section 7.3.2, Project-related incremental impacts on the exercise of these rights (i.e., asserted Aboriginal rights, including title, and asserted or established Douglas Treaty rights to hunt or fish) would not be expected to be measurable in relation to: • Access to preferred locations for the exercise of asserted or established rights in the vicinity of the Project area (i.e., Roberts Bank, including adjacent upland areas, or the Fraser River); • Availability or quality of preferred resources associated with the exercise of asserted or established rights in the vicinity of the Project area (i.e., identified as principally salmon); • Quality of experience related to sense of place or physical heritage, safety and security, or noise, vibration, light, or air quality conditions while exercising asserted or established rights in the vicinity of the Project area; or • Cultural heritage or economic activities that may be tied to the exercise of asserted or established rights in the vicinity of the Project area.	**AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.2 Results of the Rights Assessment **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	For an explanation of the use of 'measurable' in this context, see the VFPA's response to AIR-12.04.15-30.	
Tsartlip-15.3	Noted that Tsartlip are very active on the water but that it has become dangerous, which is a deterrent and has a big impact on their traditional transportation.	20-Jul-2017, Site Tour	**20-Jul-2017, Site Tour:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in EIS Section 30.0, as well as EIS Appendix 30-A. Data collected by DFO between 2008 and 2012 for vessels in DFO sub-areas encompassing Canadian and U.S. waters transited by ships bound for Roberts Bank was reviewed. These data indicated that daily fishing vessel numbers in the area are low (i.e., no vessels per sub-area on most days; maximum of six vessels on one day in the largest sub-area). On this basis, the quantitative risk assessment estimated the return period for a collision involving a container ship and a fishing vessel as 1 in 50 years, equivalent to a 'very low' probability in this assessment. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues. **Addressed in MSA Section 10.0:** Includes a description of applicable collision risk reduction measures. The assessment of Current Use considers the risk of collision, and perceptions of safety and determined that residual effects of the collision scenario on Current Use was considered significant, though unlikely to occur. **Addressed in AIEIS Appendix 2-B, Table 28 (#130):** *W̲SÁNEĆ* travel from the island to the mainland is described in AIEIS Section 7.0 and MSA Section 9.5. Potential Project-related effects on *W̲SÁNEĆ* use or the exercise of asserted or established rights and measures to address potential effects, including measures proposed by *W̲SÁNEĆ*, are also described in AIEIS Section 7.0. The consultative measures are as follows: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs. **Addressed in response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 30.0 Potential Accident and Malfunctions 30.4.4 Vessel Collision Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W̲SÁNEĆ* Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #15 (IR10-15)

Table 16: Project Overview and Description

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-16.1	Interested in whether/how any change in trade anticipated as a result of the Trans-Pacific Partnership (TPP) trade agreement has been considered in the assessment/Project rationale. Expressed the view that the TPP takes away any opportunity for government to have any powers over any potential international partnerships created; it would be out of Canada's hands; disputes would need to be settled by an arbitrator.	15-Apr-2016, Meeting 30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**15-Apr-2016, Meeting:** Stated that container volumes are expected to increase with or without the TPP. The TPP is not assumed in the forecast for container traffic. **30-Jan-2017, Meeting:** Stated that RBT2 is not dependent upon the TPP going ahead. With or without the trade deal additional capacity is needed. Committed to providing a more detailed response. [See additional information column].	**Additional information provided by the VFPA:** The volume of shipping containers that are handled along Canada's west coast has grown substantially in the past decades. To handle this growth, there have been significant investments in new container terminals in Vancouver and Prince Rupert, as well improvements to existing terminals. Even with the additional capacity provided by these improvements, independent expert forecasts show that it will not be enough to manage Canada's future trade demand beyond the mid-2020s. The Comprehensive and Progressive Agreement for Trans-Pacific Partnerships (CPTPP) will provide enhanced access to key Asian markets, including Japan, Malaysia, and Vietnam. Once in force, it will be one of the largest trade agreements in the world. Canadian imports from and exports to the 10 other CPTPP countries accounted for $100 billion in 2016. CPTPP members were responsible for 20.8 million tonnes, or 22%, of Canadian import and export cargo, worth $16.6 billion.	

Table 17: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-17.1	Asked if Tsawwassen First Nation has an agreement with the VFPA. Requested to know the value and terms of the VFPA-Tsawwassen First Nation Memorandum of Agreement (MOA). Stated that Tsawwassen First Nation should not be the only Aboriginal group being compensated and that the Project affects more than just Tsawwassen.	15-Apr-2016, Meeting	**15-Apr-2016, Meeting:** Referred to the 2004 Memorandum of Agreement between the VFPA and Tsawwassen First Nation. **16-Jun-2017, Letter from the VFPA:** *"The VFPA is interested in initiating discussions with Tsartlip First Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Indigenous groups involved in the RBT2 Project.* *We welcome input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. With that in mind, we request a meeting with Tsartlip First Nation to hear about your community's priorities in relation to this funding.* *In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Tsartlip First Nation regarding a potential mutual benefits agreement ("MBA") for the Project."* **18-Dec-2017, Meeting:** The VFPA and Tsartlip began discussions regarding a Mutual Benefits Agreement. Discussions are ongoing.	**Addressed in AIEIS Section 7.3.3.3:** The VFPA proposes to assist *W*SÁNEĆ Nation in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3.	**AIEIS** 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.3 Mitigation Measures

Table 18: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Tsartlip-18.1	Concerned about the determination that the effects to noise will be minimal, on account of existing high levels of noise in the area. Requested to see the VFPA doing more to improve the environment. Requested for more information related to underwater noise. Expressed interest in ECHO program. Interested in being provided with additional and more detailed information about the ECHO program.	06-Jun-2016, Meeting 30-Jan-2017, *W*SÁNEĆ All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum) 30-Nov-2017, Meeting	**06-Jun-2016, Meeting:** Explained that the VFPA is providing a high-level presentation, which may not reflect the complexity of the work undertaken. For the marine mammal component, there are 7 or 8 stand-alone assessments, involving a comprehensive regional population model and a new approach to defining an effect, designed exclusively for this project. Stated that there will always be uncertainty, but these things help to limit it. Added that the VFPA recognises the impacts of sound and shipping on marine mammals, and has other initiatives looking into this that are separate from the Project. Explained the ECHO Program, looking into reducing noise. **23-Jun-2016, Email from the VFPA:** *"Please find the power point slide including the noise depiction video, attached. Figure 14-6, 14-7, and 14-8 in the EIS show underwater noise dispersion.* *In our meeting, I also mentioned the Vancouver Fraser Port Authority's Enhancing Cetacean Habitat and Observation (ECHO) Program. This initiative is aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of British Columbia. The ECHO program has been supporting Fisheries and Oceans Canada in its assessment of the risk of a vessel striking a large whale off the west coast of Vancouver Island, as ships make their approach to the mouth of the Strait of Juan de Fuca. Through aerial surveys to determine whale distribution and tracking of vessel distribution and speed via Automated Identification System (AIS), Fisheries and Oceans Canada has modelled the probability of a vessel encountering a whale and will identify areas where encounter probabilities are higher and lower. Results are expected to be published soon and will be used to inform future mitigation and management considerations.* *More information on the ECHO program can be found here:* *http://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/"* **30-Jan-2017, Meeting:** Offered to provide an in-depth presentation with ECHO Program representatives who can provide more detailed information at a future date. **26-Sep-2017, Phone Call:** The VFPA contacted Tsartlip to discuss scheduling a meeting on with the *W*SÁNEĆ chiefs (and potentially councils or others) to discuss the Follow-up Program, and the ECHO Program (marine mammals). The VFPA asked Tsartlip to let them know what topics are of priority to Tsartlip and when they may be able to meet. **30-Nov-2017, Meeting:** Committed to arranging a presentation on ECHO for Tsartlip. **12-Dec-2017, Meeting:** The VFPA met with Tsartlip First Nation and provided a presentation on the ECHO Program.	**Addressed in AIEIS Appendix 2-B, Table 14 (#59):** The scope and methods of the underwater noise study are summarised in EIS Section 9.8, and detailed in EIS Appendix 9.8-A. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and movements of support vessels, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile driving, vibro-densification, or construction support vessel movement, would occur. Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to Project vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year due to vessel berthing and unberthing, and for approximately 2% of a year due to vessel approach and departure. The ECHO Program has been established by the VFPA, in collaboration with government agencies, Indigenous groups, marine industry users, non-government organisations, and scientific experts, to better understand and manage the potential impacts to cetaceans (whales, porpoises, and dolphins) from commercial vessel activities throughout the southern coast of B.C. Further information about ECHO can be found at http://www.portmetrovancouver.com/en/environment/initiatives/marine-mammals.	**EIS** 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.5 Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *W*SÁNEĆ Nation, Table 14 Underwater Noise

APPENDIX IR10-01-C16

TSEYCUM FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum -1.1	Concerned with air quality and pollution, and the effects on the environment.	04-Mar-2016, Elders' Workshop	**04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the proposed Roberts Bank Terminal 2 (RBT2 or Project). The results of the air quality assessment were used in the assessments of human health and current use of lands and resources for traditional purposes (Current Use). The assessment modelled Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial, and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Coal dust is also included in the assessment of air quality in existing conditions, in the future with the Project, and in the cumulative effects assessment. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth ultimately improving air quality. The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels; • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels; • Project construction activities are predicted to cause a small increase in concentrations of some contaminants; • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions; • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide); and • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation. The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits, such as improvements in fuel, are described based on their anticipated level of benefit to future air quality emissions. Through its ongoing Air Action Program, the Vancouver Fraser Port Authority (VFPA) is constantly looking at addressing air quality and climate change, by focusing on the use of technologies and the promotion of operational efficiencies to reduce air emissions from port operations, such as those mitigation measures suggested during consultation. Key components of the Air Action Program include the EcoAction Program, the Northwest Ports Clean Air Strategy, the Landside Air Emissions Inventory, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air Action Program can be found at http://www.portmetrovancouver.com/en/environment/initiatives/Air.aspx. As part of the Deltaport Third Berth Project (DP3), the VFPA funded the establishment of the Tsawwassen Air Quality Monitoring Station. The location of the station, at Pebble Hill Reservoir located at 411 Milsom Wynd in Delta, was chosen by the Delta Air Quality Monitoring Technical Working Group (composed of representatives from Corporation of Delta, Environment Canada, Metro Vancouver, Tsawwassen First Nation, and the VFPA). The station is comprised of state-of-the-art monitoring equipment including ozone and particulate monitoring technologies. Since this station is part of Metro Vancouver's regional air quality monitoring network, results from the station can be viewed in real-time at www.bcairquality.ca/readings.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.2 Air Quality Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.5 Methods 9.2.6 Existing Conditions 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Appendix A – Emissions Inventory Appendix B – Existing Air Quality Appendix C – Air Dispersion Modelling Appendix F – Ships Underway Appendix H – Westshore Coal Dust Assessment **Additional Information to the EIS – *W̲SÁNEĆ* Nation (AIEIS; CEAR Document #930)** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 8 Air Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				Addressed in AIEIS Appendix 2-B Table 8 (#45): An assessment was carried out to predict potential changes in air quality as a result of the Project. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth, ultimately improving air quality. The assessment concludes the following: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels; • Cumulative changes incorporating the Project and other certain and reasonably foreseeable projects and activities are predicted to be small relative to expected future ambient air quality levels; • Project construction activities are predicted to cause a small increase in concentrations of some contaminants; • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions; • The Project is expected to have a negligible effect on future ozone levels and an increase in greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide); and • Although the Project activities would emit black carbon, black carbon emissions are expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that will meet more stringent emission standards for particulate matter.	

Table 2: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-2.1	Asked why the terminal is proposed to be constructed using fill and not cement piles, so as to leave the habitat alive underneath.	08-Sep-2016, Elders Tour Debrief	**08-Sep-2016, Elders Tour Debrief:** Stated that the caisson structure proposed for the Project incorporates habitat components. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in AIEIS Appendix 2-B Table 2 (#16):** A pile and deck structure was considered as an alternative means of carrying out the Project (EIS Section 5.0); however, through the assessment of alternative means of carrying out the Project, a pile and deck structure was not identified as a preferred means. In order to construct an entire terminal built on a supported deck structure, the load-bearing capacity requirements for the container storage yard and equipment area would require many large-diameter piles, effectively in-filling the area below the deck with piles. Potential environmental effects include increased underwater noise and above ground noise associated with pile driving, which would affect marine fish, marine mammals, coastal birds, and human health. Therefore, 'fill' is the preferred alternative to pile and deck due to the reduced noise effects, public opinion, improved seismic performance, and costs.	**EIS** 5.0 Alternative Means of Carrying Out the Project 5.5.3 Construction of Supporting Land (Marine Terminal and Causeway) **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation

Table 3: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-3.1	Interested in Archaeological monitoring, and suggested to have a First Nations observer on-site during construction to avoid disturbance to gravesites and artefacts. Noted proximity to burial cairns at Point Roberts and likelihood of archaeological potential in proximity to the Project. Suggested to scan the beach for artefacts. Requested inclusion in cultural/ archaeological work undertaken in the Project area. Stated that historically the Tsawwassen area was a stop for the *W*SÁNEĆ people, a gathering place. They never stayed for long because the area is wide open.	03-Mar-2016, Elders Workshop 17-Aug-2016, Meeting 30-Jan-2017, *W*SÁNEĆ All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum) 02-Mar-2017, Elders Meeting 20-Apr-2017, Meeting	**03-Mar-2016, Workshop:** Stated that some archaeological studies have been done in the area, and any archaeological potential relates to fish weirs and stakes. Stated that the VFPA anticipates the involvement of archaeological monitors during construction, and also marine mammal observers. **17-Aug-2016, Meeting:** Stated that the VFPA anticipates the involvement of archaeological monitors during construction. **30-Jan-2017, Meeting:** Explained the involvement of cultural workers as well as Indigenous groups in archaeological works in advance of and during construction. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response. **02-Mar-2017, Meeting:** Responded that there is an archaeology section in the EIS and there was a recommendation for archaeological monitoring during construction. **20-Apr-2017, Meeting:** Responded that archaeology was a topic covered in the EIS, and provided a binder of materials from previous workshop where archaeology was covered for a new staff member. Stated archaeology was considered in the assessment and the section on archaeology in the EIS includes some standard information for mitigation measures such as a chance find protocol. Noted the Project area was not deemed to have a lot of archaeological potential due to its location and depth. Explained that as part of the assessment the locations of known archaeological sites were identified in the context of the Project. The greatest archaeological potential was for fish trap stakes. Offered to schedule a meeting on the topic of archaeology at a later date.	**Addressed in AIEIS Appendix 2-B Table 27 (#126):** The Project has the potential to affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project construction activities, and indirect effects could result from changes to sediment deposition or erosion. Mitigation measures, including proposed archaeological monitoring, are described in the EIS. Mitigation for effects on heritage and archaeological resources includes the following measures: • The VFPA will excavate a test trench, or series of trenches, across the eastern end of the causeway expansion area within the area of moderate archaeological potential (the historic drainage channel) to enable concurrent inventory (and preservation where possible) of potential fish trap stakes and mitigate future Project-related effects of crushing or degradation of stakes, or reduced access for future study; and • The VFPA will ensure annual monitoring, for a period of four years, of predicted erosion of the historic tidal channel (northwest of the terminal, formerly draining Canoe Passage) to mitigate potential exposure of potential fish trap stakes. Any stakes found will be inventoried and preserved where possible. In addition, the Construction Environmental Management Plan will include an Archaeological Monitoring and Management Plan, describing the procedures to be followed by the Infrastructure Developer in the event that an archaeological site is discovered during Project construction (also referred to as a 'chance find'). The plan will also describe the role and responsibilities of a professional archaeologist designated by the Infrastructure Developer to conduct archaeological monitoring, as needed. The VFPA acknowledges the request to have an Indigenous observer present during construction, and will consider this suggestion as mitigation measures and monitoring plans are finalised. **Addressed in EIS Appendix 7.2-B (#151):** The purpose of the archaeological and heritage resources assessment was to determine whether there is potential for archaeological and heritage resources to exist in the assessment area, and to determine any Project-related effects on these resources, if they are present. The assessment was supported by an Archaeology Overview Assessment, which included an ethnographic overview of the area and a review of the potential for undocumented heritage sites to exist in the local assessment area (LAA). The results of the archaeological and heritage resources assessment were considered in EIS Section 32.0. The LAA included the physical footprint of the Project plus a 100 m buffer zone, as well as a zone of coastal-geomorphological influence. The regional assessment area (RAA) considered a four kilometre area around the Project area. No archaeological sites were identified in the LAA, either using the B.C. Archaeology Branch's online heritage registry or through the Archaeological Overview Assessment. If archaeological or historical materials remain in the intertidal area, it is likely that they have been preserved in the sediment layers, if not affected by previous construction. The Project may affect archaeological resources, namely, fish trap stakes, if present in the Project area. Direct effects could result from Project-related construction activities, and indirect effects could result from changes to sediment deposition or erosion. Through mitigation, including excavation of test trenches prior to construction activities and the implementation of an Archaeological Monitoring and Management Plan, potential damage to archaeological resources would be avoided and the opportunity for future archaeological study would be protected. The Project is not expected to result in significant residual effects to	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 28.0 Archaeological and Heritage Resources 28.2 Selection of Archaeological and Heritage Resources Valued Component 28.3 Assessment Boundaries 28.4 Information Sources 28.7.2 Mitigation Measure #2 – Mitigation for Exposure of Potential Fish Trap Stakes 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Land and Resources for Traditional Purposes 33.0 Environmental Management Program 33.3.4 Archaeological Monitoring and Management Plan **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 27 Archaeological and Heritage Resources 6.0 Archaeological and Heritage Resources 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purpose

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			31-May-2017, Email from the VFPA: Followed up on their interest in scheduling a meeting on the topic of archaeology, as well as on the assessment to Current Use or rights. The VFPA asked Tseycum to suggest potential dates that would be convenient for them.	archaeological and heritage resources. The Project is not expected to result in any incremental cumulative effects to archaeological and heritage resources. A description of the past use of the Roberts Bank area by Indigenous groups is provided in EIS Section 32.0. The presentation of information on past use of the area in the assessment of archaeological and heritage resources is tailored to those Indigenous groups whose past uses is directly linked to the type of physical archaeological resources that have the potential to be present in the study area, and have the potential to be affected by the Project. The scope or methods of the archaeological and heritage resources assessment are described in the EIS.	
Tseycum-3.2	Concerned with traffic and subsequent changes to their shoreline. Concerned with erosion of burial sites due to ship wake. Stated that this issue has been experienced in the past due to BC Ferries activities. Expressed concerns with the effects of marine traffic on Tseycum gravesites as a result of erosion.	27-May-2015, Phone 04-Jun-2015, Meeting 22-Jul-2015, Meeting with Chief	**27-May-2015, Phone:** Recorded comment for consideration by the Project team. **04-Jun-2015, Meeting:** Asked on which islands, specifically, the erosion is occurring. Answer: "all islands" (references map on wall depicting areas with grave sites). **22-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B summarising Indigenous issues and interests and providing the VFPA's responses.	**Addressed in MSA Appendix 5-B (#56):** The LAA for the assessment in MSA Section 9.4 includes the shoreline of the San Juan and Gulf islands. MSA Section 9.4 describes existing conditions as they currently reflect cumulative changes to date from other projects and activities that have been carried out, as well as the impact of natural processes. As no measurable effects are predicted for archaeological and heritage resources related to ship wake and erosion from marine shipping associated with the Project, no mitigation is suggested, and an assessment of cumulative effects has not been carried out. **Addressed in MSA Section 9.4:** All potential incremental effects on archaeological and heritage resources related to Project-associated vessel transit activities, including shoreline erosion from vessel wake, were determined to be negligible, as wake waves predicted from Project-associated marine vessel traffic are predicted to be within the range of natural conditions. **Addressed in responses to IR10-21 and IR10-23:** The VFPA's response to IR10-21, as requested by the Review Panel, provides additional information on the assessment of impacts to shoreline archaeological sites from wake associated with the Project. The VFPA's response to IR10-23, as requested by the Review Panel, presents an assessment of the effects of the potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm, and considered important by Indigenous peoples and the Ministry of Forests, Lands and Natural Resource Operations and Rural Development.	**Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 9.4 Archaeological and Heritage Resources 9.4.5 Existing Conditions 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake **Information Requests** Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #23 (IR10-23)

Table 4: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-4.1	Concerned about the decline in bird populations. Stressed the importance of (and interest in) birds and ducks. Noted that when the birds are out the table is set; the birds are the guardians of the beach and tell us that everything is okay to eat. Noted the importance of eagles, hawks and blue herons; refers to elders' saying that as long as you see birds, the table is still open for people to eat as well. Expressed a general interest in heron. Concerned with potential impacts to birds and migratory birds. Commented regarding the importance of these species to Aboriginal groups.	22-Jul-2015, Meeting with Chief 24-Feb-2016, Meeting 27-Jul-2016, Meeting 17-Aug-2016, Meeting 01-Nov-2016, Elders Workshop	**24-Feb-2016, Meeting:** Recorded comment for consideration by the Project team. **27-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **17-Aug-2016, Meeting:** Stated that the VFPA would organise a workshop on topics of Tseycum's interest (birds, marine fish, noise, air quality) likely in September or October. **01-Nov-2016, Workshop:** Committed to organise a meeting on other topics, including coastal birds. **30-Jan-2017, All Chiefs Meeting:** The VFPA met with Tseycum and representatives from Tsawout First Nation, Tsartlip First Nation and Pauquachin First Nation. Coastal birds was not identified as a priority topic for that meeting. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Section 7.0 on Coastal Birds.	**Addressed in EIS Appendix 2-B, Table 20 (#89):** The Fraser River estuary is an important area to many coastal birds because of its abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds, including migratory birds. The scope and methods of the coastal birds assessment are described in EIS Section 15.0. Anticipated Project-related changes to coastal birds were assessed by considering potential changes in productivity, abundance, density, species diversity, distribution, and suitable habitat area, for the seven sub-components. For some sub-components, foraging opportunity and contaminant levels were also examined. The assessment concludes that the Project is not expected to result in any significant adverse residual effects or significant residual cumulative effects to coastal birds. Changes in the productive potential of shorebirds, herons, raptors, gulls and terns, and passerines are not anticipated. Decreases to the productive potential of waterfowl and diving birds are expected to be minor. Effects to diving birds can be partially offset through the creation of onsite eelgrass and subtidal rock reef habitats, which would create habitat for their prey, which include mussels and other invertebrates. The importance of bird species to Indigenous groups is addressed in EIS Section 32.2 and AIEIS Section 7.0.	**EIS** 15.0 Coastal Birds 15.2 Selection of Coastal Birds Valued Component 15.5 Existing Conditions 15.5.4 Waterfowl 15.7 Future Conditions with the Project 15.7.2 Potential Effect – Changes in Productivity Appendix 15-B Shorebird Foraging Opportunity during Migration Appendix 15-C Overwintering Dunlin Foraging Opportunity 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Framework 17.3.2.1 Summary of Project-related Effects on Marine Biophysical Valued Components 17.3.2.2 Onsite Habitat Concepts 32.2 Current Use of Land and Resources for Traditional Purposes **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 20 Coastal Birds 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
Tseycum-4.2	Suggested that the VFPA provide artificial branching or post/structures to encourage heron nesting in proximity to the Project.	01-Nov-2016, Elders Workshop	**01-Nov-2016, Workshop:** Responded that herons like to nest in groups and prefer clusters of trees on the shore. Suggested that perches for raptors are more common. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in AIEIS Appendix 2-B, Table 22 (#98):** The VFPA acknowledges Tseycum First Nation's suggestion and will consider the suggestion as mitigation measures are finalised.	**AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 22 Mitigation for Marine Biophysical VCs

Table 5: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-5.1	Concerned with the trend towards larger ships, and that larger ships may mean increased noise, vibration, and bigger waves. Concerned that bigger ships will have a different impact on the current tidal and coastal geomorphological conditions of the area.	04-Jun-2015, Meeting 08-Sep-2016, Elders Tour Debrief	**04-Jun-2015, Meeting:** Explained that underwater noise is being investigated, including resulting effects to fish, marine invertebrates, vegetation, marine mammals. Stated that conservative assumptions were used in the assessment (i.e., assumed the noisiest ships, etc.) **08-Sep-2016:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in AIEIS Appendix 2-B Table 11 (#51):** Potential changes to the wave environment from ship wake (from Project-associated vessels) was assessed for a representative container vessel with approximately 9,000 to 9,500 twenty-foot equivalent unit (TEU) capacity in MSA Section 7.2. In addition to the study of a representative vessel, a sensitivity analysis of other vessel types with differing hulls was also conducted (see MSA Appendix 7.2-B). The analysis of wake height varied by a little over 10 cm in response to the vessel hull type, compared to the representative vessel. Coastal geomorphic conditions are not expected to change from wake-generated waves as vessel wake is a small component of the existing wave climate, which is influenced by wind-generated waves and ocean swell. **Addressed in MSA Appendix 5-B (#31):** The assessment of effects from marine shipping associated with the Project is based on a representative ship size of 9,000 to 9,500 TEU capacity, which is likely to be the type of ship calling on RBT2 most frequently (MSA Section 4.0). If container ship capacity (ship size) increases faster than predicted, the number of Project-associated vessels in the marine shipping area in 2030 would be fewer. The assessment of potential changes in waves is provided in MSA Section 7.2. The assessment of potential changes in atmospheric noise is provided in MSA Section 7.4. The assessment of potential changes in underwater noise is provided in MSA Section 7.6. **Addressed in response to IR7-18:** The VFPA's response to IR7-18 presents model results showing vessel wake of five types of vessels: • Category A – 215 m length for a 2,500 TEU vessel; • Category B – 290 m length for a 3,400 to 4,500 TEU vessel; • Category C – 300 m length for a 6,000 to 8,000 TEU vessel; • Category D – 366 m length for a 12,500 vessel; and • Category E – 400 m length for a 18,000 TEU vessel. The results of the modelling demonstrate that larger ships minimally change wave height and the conclusions of the EIS and MSA remain the same.	**MSA** 4.0 Activity Description 4.2.1.1 Type of RBT2 Container Vessels Appendix 5-B Aboriginal Issues and Interests 7.2 Wave Environment 7.2.5 Incremental Changes to the Wave Environment from Marine Shipping Associated with the Project Appendix 7.2-B Ship Wake Calculations 7.4 Atmospheric Noise 7.6 Underwater Noise **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 11 Coastal Geomorphology **Information Requests** Response to Sufficiency Information Request #18 (IR7-18 of CEAR Document #1141)

Table 6: Effects of the Environment on the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-6.1	Concerned with the effects of a big earthquake and tsunami event to the Project.	02-Mar-2017, Elders Meeting	**02-Mar-2017, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#214):** Potential effects related to a spill in the marine environment are addressed in EIS Section 30.0. Seismic events are considered in EIS Section 31.0. Effects of the environment on the Project related to extreme weather and weather-related events, and any subsequent effects on the environment, would be avoided or reduced through application of design criteria and implementation of standard management practices, work procedures, and mitigation measures during construction and operation. Effects of the environment on the Project related to low-probability events such as a large earthquake, a submarine landslide in the immediate vicinity of the Project, or a large tsunami, could result in irreparable damage to the Project. Effects of a catastrophic natural event or sea level rise would be widespread in the Fraser River delta and would not be unique to the Project. Measures conducted during Project construction to improve the ability of infrastructure to withstand a submarine landslide resulting from seismic activity include the dredging of soils and silts with poor seismic performance followed by vibro-densification. Due to the unpredictability and uncertainty associated with submarine landslides and tsunamis, and their expected low probability of occurrence at the Project site, measures to protect the Project during such events would be further defined in the detail design phase. **Addressed in EIS Section 30.0 and MSA Section 10.0:** In developing EIS Section 30.0 and MSA Section 10.0, the VFPA identified plausible worst-case scenarios to assess. The scenarios were selected based on the probability of events occurring (using ship incident data collected over several years) and the environmental consequences of those events. An event such as that which is described, while possible, did not warrant assessment.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions 31.0 Effects of the Environment on the Project 31.4 Seismic Activity **MSA** 10.0 Accidents and Malfunctions

Table 7: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-7.1	Requested additional funding. Requested additional funding to support elders' involvement. Requested to provide input via consultation rather than completing a Project-specific TUS. Requested an honorarium for elders for their attendance at the workshop.	24-Feb-2016, Meeting 17-Aug-2016, Meeting	**26-May-2015, Letter:** Offered funding for participation regarding marine shipping. **04-June-2015, Letter:** Accepted funding. **03-Dec-2015, Letter:** Offered funding for Project participation. **26-Feb-2016, Letter:** Accepted funding. **24-Feb-2016, Meeting:** Committed to taking the request back to the VFPA and responding shortly. Expected that the request for additional funding can be accommodated. Explained the funding agreed to was meant to cover the gathering of traditional use information (since initially Tseycum was not going to undertake a study), but suggested it might be possible to get creative with funding, for example, providing payment per meeting for related costs (renting the space, equipment, catering, etc.). Agreed that the VFPA would provide the funding as offered to Tseycum, and then it would be for Tseycum to determine how to allocate the funds/pay the elders. **26-Feb-2016, Letter:** Offered funding for Project Traditional Use Information. **26-Feb-2016, Letter:** Accepted funding. **03-Oct-2016:** The VFPA was provided with *W̲SÁNEĆ* Traditional Use Study of the Roberts Bank Terminal 2 Project. Prepared on behalf of Tsawout, Tseycum, Tsartlip, and Pauquachin (*W̲SÁNEĆ* Nation groups). **26-Feb-2016, Letter:** Offered funding for additional Project participation. **26-Feb-2016, Letter:** Accepted funding. **20-Jul-2017, Letter:** Offered funding for Tseycum Science Day. **24-Jul-2017, Letter:** Accepted funding. **05-Sep-2017, Letter:** Offered funding for participation in negotiation discussions of a mutual benefits agreement. **07-Sep-2017, Letter:** Accepted funding.	**Addressed in AIEIS Section 2.1.3:** Participation funding agreements have been negotiated between the VFPA and each of the *W̲SÁNEĆ* bands and were designed to support the consultation process for the Project.	**AIEIS** 2.1.3 Participation Funding

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			24-Oct-2017, Letter: Offered additional funding for participation in consultation activities for the Project. **25-Oct-2017, Letter:** Accepted additional funding. **15-Nov-2017, Letter:** Offered funding for participation in mutual benefits agreement negotiations. **16-Nov-2017, Letter:** Accepted mutual benefits agreement negotiation funding.		
Tseycum-7.2	Asked whether the VFPA is speaking with Aboriginal groups in the United States. Concerned with potential impacts to people from Anacortes, who cross the border to fish.	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Responded that the VFPA is consulting with Indigenous groups as directed by the Canadian Environmental Assessment Agency (CEA Agency).	**Addressed in MSA Appendix 5-B (#11):** The VFPA has engaged and consulted with Indigenous groups as listed in the *Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*). Where available, information related to Indigenous groups in the U.S.A. has been considered in the MSA. **Addressed in AIEIS Appendix 2-B, Table 3 (#19):** The VFPA is engaging and consulting with Indigenous groups as identified in the *EIS Guidelines*, and as identified in additional instructions to the VFPA in January 2016. These groups include Indigenous groups that are potentially affected by the Project and are based in Canada. Indigenous groups that were engaged and consulted with are listed in AIEIS Section 2.0 and in EIS Section 7.0.	**EIS** 7.0 Engagement and Consultation 7.2.1.2 Identification of Aboriginal Groups **MSA** Appendix 5-B Aboriginal Issues and Interests **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.1.2 Identification of Aboriginal Groups Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 3 Engagement and Consultation
Tseycum-7.3	Asked how long the project review process will take. Asked what happens with Tseycum's concerns, and noted that they cannot stop the Project. Commented on the importance of meaningful consultation, and the importance of ongoing consultation into the future. Requested information regarding the authority of VFPA (with regard to EA decision making), where VFPA can exercise its authority, and the agency that determines VFPA's mandate. Asked if the VFPA is required to get approval from Tseycum to build the Project.	04-Mar-2016, Elders Workshop 02-Mar-2017, Elders Meeting	**04-Mar-2016, Workshop:** Responded that the VFPA is working on gathering information now, and that the decision regarding whether or not to approve the Project probably will not be for another couple of years. Explained the review process. Stated that there will be a panel review likely later this year or early next year. The panel is an opportunity for experts and scientists to assess the work done in the EIS, and provides an opportunity for the public and Indigenous groups to comment on the Project. This will all be taken into consideration when the Minister of the Environment makes a decision on the Project. Pointed to the EIS Executive Summary that was handed out to the group. Explained the VFPA's mandate and jurisdiction. **02-Mar-2017, Meeting:** Responded that the VFPA is not required to get approval from Tseycum, but noted it would like to work with Tseycum. Explained the review process and noted the Minister of the Environment will make a decision on the Project based on input from Indigenous groups and other stakeholders; the federal government has a responsibility to consult.	**Addressed in AIEIS Appendix 2-B, Table 3 (#20):** The VFPA acknowledges Tseycum First Nation's concerns. AIEIS Section 2.0 describes the approach, methods, and actions that the VFPA has undertaken to work with *W̱SÁNEĆ* Nation to obtain their views on the Project and potential effects and impacts that may result from Project construction and operation activities. The section also describes efforts to collect information on Current Use, rights, and Indigenous traditional knowledge (ITK) pertaining to the Roberts Bank area. The AIEIS also describes future and ongoing engagement and consultation. Following release of the AIEIS, the VFPA will continue to consult with *W̱SÁNEĆ* Nation to clarify information on the Project, EIS, and related documents; provide additional information; and discuss potential environmental effects from the Project, potential impacts on their ability to exercise asserted Aboriginal or treaty rights and related interests, and potential mitigation and accommodation. Information received by the VFPA after submission of the AIEIS will continue to be tracked and addressed outside of the AIEIS and made available to the CEA Agency.	**EIS** 1.0 Introduction 1.3.2 VFPA Overview 1.3.2.2 Mandate and Jurisdiction Figure 1-3 VFPA Managed Federal Lands and Navigation Jurisdiction 1.3.3 Governance and Corporate Structure 1.3.3.1 Insurance and Liability Management 1.3.3.2 Environmental Policy 6.0 Environmental Assessment and Permitting Process **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.2.1 Collection of Current Use Information and ATK 2.3 Engagement and Consultation Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Stated that the VFPA is meeting with Tseycum to talk about the environmental effects and do its best to avoid effects from the Project. The VFPA also wants to ensure Tseycum has the opportunity to benefit from the Project.	**Addressed in AIEIS Appendix 2-B, Table 4 (#27):** The Project is undergoing an environmental assessment led by the CEA Agency, which is also the Crown consultation coordinator. As the proponent for the proposed Project, the VFPA is conducting Indigenous consultation and engagement as directed by the CEA Agency. The B.C. Environmental Assessment Office (EAO) has stated that it will actively participate in the federal panel process and will coordinate its assessment and consultation with the federal process to the extent possible. The federal decision maker for the Project is either the Minister of Environment and Climate Change or Governor in Council, taking into account the report of the three-member Review Panel. The Executive Director of the B.C. EAO will rely principally on the Review Panel's report, along with additional information, to make a recommendation to two provincial Ministers, Minister of Environment and Minister of Transportation and Infrastructure. The ministers will then decide whether to issue an environmental assessment certificate. The environmental assessment and permitting process is described in EIS Section 6.0. Indigenous groups potentially affected by the Project are invited to participate in the panel review process by providing written submissions, as well as oral presentations at the Panel's public hearings. In the case of RBT2, the VFPA is considered a private project proponent with respect to environmental assessment decision making. If the Environment and Climate Change Minister or Governor in Council determines that the project can proceed, the CEA Agency would ensure that the VFPA fulfils any Project conditions. The *Canada Marine Act* sets out the VFPA's mandate.	2.5 Future Planned Engagement and Consultation Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 3 Engagement and Consultation Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 4 Environmental Assessment Process and Regulatory Framework
Tseycum-7.4	Requested to talk about the VFPA's fiduciary obligation to consult. Concerned that once the VFPA has what it needs it will no longer continue to meet with Tseycum. Asked what meaningful consultation means to the VFPA. Asked how Tseycum will continue to be involved in the future, for example if there's an accident. Concerned with the process for addressing Tseycum's concerns. Commented on the importance of meaningful consultation, and the importance of ongoing consultation into the future.	08-Sep-2016, Elders Tour Debrief	**08-Sep-2016, Elders Tour Debrief:** Responded that the VFPA will continue to meet with Tseycum to talk about the Project and that they were just beginning a very rigorous process. Committed to coming back to discuss other topics of interest. Stated that it is an important thing for the VFPA's consultation to be meaningful. Stated that the VFPA is not here to tick a box. We want to understand your interests and concerns, and have worked with Tseycum to make sure we can do what works for you. We want to continue to hear from you.	**Addressed in AIEIS Appendix 2-B, Table 3 (#20):** The VFPA acknowledges Tseycum First Nation's concerns. AIEIS Section 2.0 describes the approach, methods, and actions that the VFPA has undertaken to work with *W̱SÁNEĆ* Nation to obtain their views on the Project and potential effects and impacts that may result from Project construction and operation activities. The section also describes efforts to collect information on Current Use, rights, and ITK pertaining to the Roberts Bank area. The AIEIS also describes future and ongoing engagement and consultation. Following release of the AIEIS, the VFPA will continue to consult with *W̱SÁNEĆ* Nation to clarify information on the Project, EIS, and related documents; provide additional information; and discuss potential environmental effects from the Project, potential impacts on their ability to exercise asserted Aboriginal or treaty rights and related interests, and potential mitigation and accommodation. Information received by the VFPA after submission of the	**AIEIS – *W̱SÁNEĆ* Nation** 2.0 Aboriginal Groups Engagement and Consultation 2.2.1 Collection of Current Use Information and ATK 2.3 Engagement and Consultation Process 2.5 Future Planned Engagement and Consultation Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 3 Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				AIEIS will continue to be tracked and addressed outside of the AIEIS and made available to the CEA Agency.	
Tseycum-7.5	Stated that the process has been going on for a while and RBT2 is a big project, but today is the first she's heard of it. Asked why Tseycum was one of the last nations to be included in the process. Expressed the view that Tseycum should have been involved from the beginning; that building a relationship should have started at the beginning. Concerned that Tsawout First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation were not involved in the EIS previously. Criticised that Tseycum First Nation was not involved in the EIS previously.	03-Mar-2016, Elders Workshop 02-Mar-2017, Elders Meeting	**03-Mar-2016, Workshop:** Explained that the *WSÁNEĆ* tribes were on the list of groups the VFPA reached out to initially to find out if they were interested in the Project, and the Port did not hear back from *WSÁNEĆ* Nation groups. Noted that the VFPA knows now that they are, which is why they are here today, to talk about the Project with Tseycum like the Port has done with other groups. Noted that the VFPA is still at a point in the process where there is an opportunity to raise and talk about concerns. Stated that the EIS has been submitted but the conclusions have not been reviewed yet. The VFPA wants to submit an additional report to the CEA Agency specific to the *WSÁNEĆ* tribes. Interested in hearing your concerns and about your use in the area either in the past or now. **02-Mar-2017 Meeting:** Explained how the consultation process unfolded and reviewed Project milestones, including the recent the submittal of the AIEIS on Feb 10, 2017.	**Addressed in AIEIS Appendix 2-B Table 3 (#17):** By way of this comment, the VFPA notifies the CEA Agency and the Review Panel of this concern. The details of the CEA Agency's direction to the VFPA with regard to engagement and consultation, including *WSÁNEĆ* Nation groups, in the assessment is provided in the introduction to the AIEIS. **Additional information provided by the VFPA:** The CEA Agency provided additional instructions to the VFPA to consult with Tseycum First Nation regarding the Project on January 13, 2016. The VFPA has been in touch with Tseycum First Nation regarding the Project since February 2014 and associated marine shipping since May 26, 2015. **Addressed in AIEIS Appendix 2-A:** **Feb 2014:** Letter and email to Tseycum First Nation with a package of introductory materials regarding the Project, including an invitation to participate in planned technical working groups. Package included: • Technical Working Group invitation • Technical Working Group Summary Reports • Draft Archaeological Overview Assessment • Project Description • Field Studies Information Sheet (January 2014) • Guidelines for the preparation of an EIS for the Project. **Feb – Mar 2014:** Phone call and email to Tseycum First Nation in follow-up to the introductory package that was sent in Feb 2014. The VFPA did not receive a response to the package or invitation to participate in planned technical working groups. **May 2015:** Package to Tseycum First Nation providing the EIS.	**AIEIS** 1.0 Introduction 1.1 Purpose of the Additional Information to the EIS Appendix 2-A Consultation Activities by Aboriginal Group Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 3 Engagement and Consultation
Tseycum-7.6	Asked if Tsawwassen First Nation knows that the VFPA is talking to nations on Vancouver Island. Concerned with the potential for Tseycum's involvement in consultation for the Project to cause conflict with other First Nations. Interested in whether or not Tsawwassen First Nation is aware of and/or supporting the Project.	03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 05-Jul-2016, Roberts Bank Tour #1 15-Jul-2016, Meeting	**03-Mar-2016, Workshop:** Stated that the direction provided by the CEA Agency is public. **04-Mar-2016, Workshop:** Explained that the list in the executive summary is only a short summary. Provided a printed version of EIS Appendix 7.2-B during the break. **05-Jul-2016, Tour #1:** Recorded comment for consideration by the Project team. **15-Jul-2016, Meeting:**	**Addressed in EIS Appendix 7.2-B:** EIS Appendix 7.2-B includes all issues and interests raised by Indigenous groups in regard to the Project. **Addressed in AIEIS Appendix 2-B:** AIEIS Appendix 2-B includes all issues and interests raised by *WSÁNEĆ* Nation in regard to the Project. **Addressed in MSA Appendix 5-B:** MSA Appendix 5-B includes all issues and interests raised by *WSÁNEĆ* Nation in regard to marine shipping.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **MSA** Appendix 5-B Aboriginal Issues and Interests **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Interested in the views of people living in the area about the Project. Interested in other First Nations' views of the Project and asked if the VFPA has met with other nations. Requested to see the concerns from Aboriginal groups listed in the executive summary.	05-Aug-2016, Roberts Bank Tour #2 08-Sep-2016, Elders Tour Debrief 02-Mar-2017, Elders Meeting	Responded that the port authority has been working with Tsawwassen First Nation on topics related to the Project since 2010/11, and they have been very involved. The port authority has conducted meetings and interviews with elders, hunters, fishers, and other harvesters and members to understand their concerns. The VFPA also notes there is a Memorandum of Agreement (MOA) between the port authority and Tsawwassen First Nation that was ratified in 2004 that references and addresses the Project. **05-Aug-2016, Tour #2:** Explained that the *W̲SÁNEĆ* Nation groups were not originally scoped into the EIS, and previous correspondence from the VFPA to Tseycum regarding the Project was not responded to. Now that the VFPA hears that Tseycum is interested in participating in the Project, the VFPA is consulting with Tseycum at the same level as other groups. The VFPA has met with all the *W̲SÁNEĆ* Nation groups to have similar discussions. Stated that the VFPA and Tsawwassen First Nation are still engaged in consultation and working together to address issues and concerns. **08-Sep-2016, Elders Tour Debrief:** Committed to send the link to the CEA Agency registry for the Project (showing comments received from different people and groups) to the Chief of Tseycum so that she can share with the elders. **01-Nov-2016, Meeting:** The VFPA brought copies of EIS Appendix 7.2-B to the meeting to share with elders the list of concerns and issues raised by Indigenous groups to date. **02-Mar-2017, Meeting:** Responded that Tsawwassen First Nation has been involved in the Project for years and are well-informed. The VFPA confirmed that Tsawwassen First Nation is developing a new facility that will be used to inspect containers.		
Tseycum-7.7	Asked whether or not the VFPA has approached larger organisations such as the BC Union of Indian Chiefs or Aboriginal Friendship Centre.	04-Mar-2016, Elders Workshop	**04-Mar-2014, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response	**Addressed in AIEIS Appendix 2-B Table 3 (#21):** All of the VFPA's engagement and consultation activities, regarding the Project, with Indigenous groups are as required by the *EIS Guidelines* and as described in additional instructions to the VFPA in January 2016. Specific activities are described in AIEIS Section 2.0 and EIS Section 7.0. The VFPA has engaged and consulted directly with each potentially affected Indigenous group, rather than with larger organisations that may speak on behalf of individual groups.	**EIS** 7.0 Engagement and Consultation **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 3 Engagement and Consultation
Tseycum-7.8	Interested in participating in consultation for the Project not just with the VFPA, but other Salish Sea nations as well.	05-Jul-2016, Roberts Bank Tour #1	**05-Jul-2016, Tour #1:** Recorded comment for consideration by the Project team.		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Indicated a preference for group meetings with the other *W̲SÁNEĆ* Nations only (i.e. not the broader group of Island First Nations).	17-Aug-2016, Meeting	**17-Aug-2016, Meeting:** Committed to contact other *W̲SÁNEĆ* Nation groups regarding this request and gauge interest from them. **26-Nov-2015, EIS Results Workshop #1 – *W̲SÁNEĆ* Nation:** The VFPA held a workshop with *W̲SÁNEĆ* Nation; however, Tseycum was unable to attend. **27-Nov-2015, EIS Results Workshop #2 –*W̲SÁNEĆ* Nation:** The VFPA held a second workshop with *W̲SÁNEĆ* Nation; however, Tseycum was unable to attend. **30-Jan-2017, *W̲SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum):** The VFPA held a *W̲SÁNEĆ* Nation All Chiefs Meeting. **12-Dec-2017, *W̲SÁNEĆ* All-Chiefs Meeting:** The VFPA held a second *W̲SÁNEĆ* All-Chiefs Meeting. Tseycum First Nation was invited, but unable to attend.		
Tseycum-7.9	Concerned that information shared specific to fishing locations would be made public.	27-Jul-2016, Meeting	**27-Jul-2016, Meeting:** Stated that the VFPA will summarise traditional and commercial use in our addendum but you will get a chance to look it over before it goes public. Stated that there will not be any mapping included in the publicly available documentation. Confirmed that any information Tseycum wants removed, the VFPA will remove. **23-Nov-2017, Letter from the VFPA:** Provided a draft copy of the AIEIS for Tseycum's review and comment. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response	**Addressed in AIEIS Appendix 2-B Table 3 (#22):** The VFPA recognises that information related to Indigenous Current Use may be considered confidential and has followed instructions provided by each Indigenous group with respect to confidential information shared with the VFPA. As an additional measure to ensure the content included in the AIEIS is appropriate to be made public, the VFPA has provided a copy of the complete AIEIS for each *W̲SÁNEĆ* group to review and comment prior to submission of the report to the CEA Agency and the Review Panel.	**AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.3.1 Project Information Disclosure Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 3 Engagement and Consultation
Tseycum-7.10	Expressed the view that Project-related activities undertaken to date have been "engagement", not "consultation".	20-Apr-2017, Meeting	**20-Apr-2017, Meeting:** Reviewed the contents of the proposed consultation plan in the meeting package and noted it is intended as a starting point for discussion and can be adapted and changed based on Tseycum's interests.		
Tseycum-7.11	Agreed that there has been adequate consultation and accommodation of its Aboriginal rights, title and interests, and Treaty rights, for the Project and associated marine shipping and further supports the granting of each authorization and permit necessary for the Project and associated marine shipping.	14-Nov-2017, Letter to Panel (CEAR Document #1111)	The VFPA has reviewed this letter and provides the following information.	The VFPA thanks Tseycum First Nation for their support of the Project.	

Table 8: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-8.1	Asked whether there are First Nations involved in the federal Panel. Asked who specifically was on the Panel.	03-Mar-2016, Elders Workshop 05-Aug-2016, Roberts Bank Tour #2 27-Jun-2017, Meeting	**03-Mar-2016, Workshop:** Responded that Indigenous groups can apply to present to the panel. **05-Aug-2016, Tour #2:** Stated that there are three people on panel, and referred to a handout on them. Explained that each of them have different backgrounds. Stated that they are running the panel, but there will be many people presenting to the panel. Stated that anybody can apply to present. **27-Jun-2017, Meeting:** Committed to send Tseycum the names of the Panel representatives. **07-Jul-2017, Email from the VFPA:** Provided more information on members of the Independent Review Panel (Dr. Douw Steyn, Ms. Jocelyne Beaudet, and Dr. David Levy): http://www.robertsbankterminal2.com/news-updates/roberts-bank-terminal-2-project-review-panel-appointed/ http://www.robertsbankterminal2.com/news-updates/new-member-appointed-to-review-panel/.		
Tseycum-8.2	Concerned with the speed at which progress occurs; that there is not enough time given for careful consideration of long-term effects. Noted the challenge of comparing economic benefits to environmental effects.	05-Aug-2016, Roberts Bank Tour #2	**05-Aug-2016, Tour #2:** Stated that Tseycum is involved now, and knowing that Tseycum can see there might be impacts, now is a good opportunity to think about what is being presented, what concerns you have, what the impacts will be, and share that with the VFPA so it can be considered through the review process.		
Tseycum-8.3	Concerned with the potential for port authorities to be privatized by the Canadian Federal Government: • Asked what sort of obligations a private owner would have to Tseycum; • Concerned with private ownership not complying with commitments made by the VFPA related to the Project. • Concerned with ownership changing and the Project being changed.	02-Mar-2017, Elders Meeting	**02-Mar-2017, Meeting:** Responded that it is difficult to speculate on what might happen if the port authority is privatised. Stated that regarding the Project process, the VFPA is going through the environmental assessment and no matter who owns the port there is a requirement to consult with Indigenous groups on the Project. As a port authority that reports to the federal government, the VFPA has a mandate to enable Canadian trade, protect the environment, and consider local communities. The VFPA acts as a landlord for the terminals but they all have different operators. This new terminal would have a different operator and the procurement process will determine who that will be. Even if the port authority is run by a private entity there is still a permitting and approval process. If there were to be any changes they would have to be assessed and approved. For example, you cannot get a permit for a container terminal and decide to ship oil at the last minute.	**Additional information provided by the VFPA:** The VFPA does not support the privatisation of Canada's ports. The port authority is confident that the current arrangement as a financially self-supporting federal agency with a mandate to enable Canada's trade while protecting the environmental and seeking to address impacts on communities is one that works well for our country. The VFPA welcomes the federal government's Ports Modernization Review, which was announced in March 2018, and looks forward to working with and supporting the efforts of government to ensure that the Port of Vancouver remains economically and environmentally sustainable for the benefit of local communities and all Canadians. Regardless of any changes that are made to the *Canada Marine Act* or to the VFPA, the construction and operation of the proposed Project will be subject to approval by the Minister of Environment and Climate Change, as well as any conditions that are issued as part of the project permit. This includes commitments made to Indigenous groups, including Tseycum.	

Table 9: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-9.1	Asked about lessons learned from building the first terminal. Asked whether the design of the Project is final.	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Explained the VFPA's adaptive management strategy and how lessons learned from DP3 are being considered for RBT2. **12-Dec-2017, Meeting:** The VFPA hosted a *W̲SÁNEĆ* All-Chiefs Meeting, and presented on lessons learned from DP3 as well as the RBT2 Follow-up Program. Tseycum First Nation was invited, but unable to attend. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response	**Addressed in EIS Appendix 7.2-B (#200):** Onsite habitat selection considered lessons learned from previous habitat creation programs (e.g., DP3). The effectiveness monitoring reports for DP3 increased the understanding of the successes and challenges of previous habitat projects. The concepts presented in the EIS have been presented to communities, stakeholders, Indigenous groups, public, and regulators in fall 2014. The expected benefits to species productivity from proposed onsite offsetting concepts have been evaluated in the marine biophysical valued components (VCs), where relevant. **Additional information provided by the VFPA:** In December 2014, the VFPA concluded its eight-year Adaptive Management Strategy, a science-based program to monitor and manage the Roberts Bank inter-causeway ecosystem. The strategy was developed in consultation with Environment Canada, and allowed for the early detection of changes in the inter-causeway ecosystem (between Deltaport Way and Highway 17) so that potentially significant negative ecosystem trends attributable to the project could be prevented or mitigated. After eight years of detailed analysis, it has been concluded that there were no ecosystem-wide trends towards marine eutrophication (nutrient imbalances in the water column leading to ecosystem changes) in the study area and no new dendritic channel formation as a result of the development of DP3. For more information, and for access to the annual reports: https://www.portvancouver.com/development-and-permits/status-of-applications/deltaport-third-berth-project/. **Addressed in AIEIS Appendix 2-B Table 2 (#6):** EIS Section 4.0 describes the components of the Project (i.e., the preferred option) as designed in the Preliminary Engineering phase and as assessed in the EIS. Final designs will be produced, and construction methodology will be determined, by the chosen Terminal Operator and Infrastructure Developer upon Project approval, and as such may vary slightly from those described in EIS Section 4.0. Any design or construction changes will be required to meet any commitments made by the VFPA, or conditions stipulated during the environmental assessment and regulatory review process. Lessons learned from DP3 were considered in the evaluation of alternative means of carrying out the Project and in the selection of onsite habitat offsetting, and will also be considered in the development of the Follow-up Program: • EIS Section 5.0 provides a summary of alternative design options that were considered, and the rationale for the selected option. As part of the process for identifying and selecting alternatives, the VFPA reviewed and considered Indigenous input provided as part of the environmental assessment processes for prior projects at Roberts Bank, including DP3. • Onsite habitat selection considered lessons learned from previous habitat creation programs (e.g., DP3). The effectiveness monitoring reports for DP3 increased the understanding of the successes and challenges of previous habitat projects. The concepts presented in the EIS were presented to communities, stakeholders, Indigenous groups, the public, and regulators in fall 2014. • An adaptive management approach is proposed for RBT2 as indicated in EIS Section 33.5 and will consider lessons learned from the DP3 Adaptive Management Program.	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project Appendix 7.2-B Aboriginal Issues and Interests 11.0 Marine Vegetation 11.7.2 Reduction and Offsetting Measures 12.0 Marine Invertebrates 12.7.4 Mitigation #3 for Productivity Losses – Offsetting 13.0 Marine Fish 13.7.6 Mitigation #5 Offsetting Plan 15.0 Coastal Birds 17.0 Mitigation for Marine Biophysical Valued Components 33.0 Environmental Management Program **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation **Information Request** Response to Sufficiency Information Request #08 (IR1-08 of CEAR Document #897)

Table 10: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-10.1	Concerned with potential effects to sand lance, as they are food for salmon and smelt. Requested sand lance studies. Disagreed with the prediction that effects to sand lance will be minor.	03-Mar-2016, Elders Workshop	**03-Marc-2016, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response	**Addressed in EIS Appendix 7.2-B (#80):** Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. **Addressed in AIEIS Appendix 2-B Table 18 (#81):** Potential Project effects on sand lance are considered in the marine fish assessment within the forage fish sub-component. Several studies were completed for Pacific sand lance. A habitat suitability model was developed for the species, and is presented in EIS Appendix 12-A. Additionally, Pacific sand lance were a target species of the marine benthic subtidal study, which involved remotely operated vehicle (ROV) surveys; however, no sand lance were observed. Additionally, quantification of Pacific sand lance habitat use was an objective of the benthic fish trawl surveys. For sand lance, a prediction that effects to productivity will be minor is based on several considerations including: i) results of the Habitat Suitability Index, which indicate that approximately 9.4% of suitable habitat in the LAA will be lost to the Project footprint, suggesting ample burying habitat remains to sand lance post-Project, and ii) while individual fish may be affected, the Project is unlikely to result in changes in productivity outside the range of natural variability. **Additional information provided by the VFPA:** As noted in the VFPA's response to IR5-20, proposed offsetting in the form of sand and gravel beach creation along the north side of the causeway will increase Pacific sand lance spawning habitat in the LAA, and is anticipated to enhance Pacific sand lance productivity. Similar compensation habitat (i.e., sand and gravel beaches) was created along the south side of the causeway as part of habitat compensation for DP3. The VFPA's response to IR5-21 further supports effects ratings for forage fish.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates Appendix 12-A Habitat Suitability Modelling 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4 Information Sources 13.4.1 Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 18 Marine Fish **Information Requests** Response to Sufficiency Information Request #20 (IR5-20 of CEAR Document #1134) Response to Sufficiency Information Request #21 (IR5-21 of CEAR Document #1140)
Tseycum-10.2	Concerned with potential effects to species at risk in the area.	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Described species at risk throughout the presentations for each VC. Responded that the EIS looks at potential effects and ways of mitigating the effects to these creatures. Added that if there are suggestions for mitigation to help avoid or help creatures in the area, they should be shared. Stated that the EIS concludes that given the avoidance and habitat enhancement planned, the Project should not have a significant impact on these species. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response	**Addressed in AIEIS Appendix 2-B Table 18 (#82):** Information regarding species at risk in the vicinity of the Project is provided in the response to AIR-12.04.15-11, Table IR11-1 for the marine invertebrates, marine fish, marine mammals, and marine birds VC assessments. The assessments of these VCs include consideration of species at risk, either as a representative species (e.g., southern resident killer whale (SRKW)) or as represented by a representative species (e.g., eulachon, which is represented by both salmon due to its anadromous nature and Pacific herring as a sound sensitive forage fish). **Addressed in responses to AIR-12.04.15-09 and IR5-15:** Rationale as to how species at risk were assessed via use of representative species, as well as similarities between species at risk and representative species as they pertain to existing conditions (e.g., life history and habitat requirements), the mechanisms through which the Project may affect species at risk, and effectiveness of mitigation, are presented in AIR-12.04.15-09, including Appendix AIR9-A Table 2, and IR5-15. **Additional information provided by the VFPA:** As noted in EIS Section 15.0, SRKW are listed as Endangered under the *Species at Risk Act* and their critical habitat is protected. The assessment concludes the Project is not anticipated to have an adverse effect on SRKW critical habitat features when needed for SRKW life functions. The Project would not limit the survival or population recovery of SRKW.	**EIS** 15.0 Marine Mammals **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 18 Marine Fish **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-09 of CEAR Document #388) Response to Additional Information Request #11 (AIR-12.04.15-11 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-10.3	Noted the importance of (and interest in) herring. Noted importance of herring and traditional uses for herring eggs.	24-Feb-2016, Meeting 27-Jul-2016, Meeting	**24-Feb-2016, Meeting:** Recorded comment for consideration by the Project team. **27-Jul-2016, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response **10-Apr-2017, Email from the VFPA:** Please find below a notice of field studies taking place this week related to the presence of herring spawning activity at Roberts Bank. At the time of writing the EIS, no Pacific herring spawning records existed for the Project area, and no herring spawn was observed during RBT2 baseline environmental studies; therefore, spawning in this area was understood to be limited. However, last week a member of the public contacted the VFPA with reports of herring spawn on eelgrass beds north of the existing terminals. In order to document the presence and distribution of herring spawning activity at Roberts Bank in April 2017, the VFPA are quickly mobilising a team of biologists and SCUBA divers to conduct a herring spawn survey on Thursday April 13, 2017. Additional details regarding the proposed study can be found below.	**Addressed in AIEIS Appendix 2-B Table 18 (#76):** Pacific herring is considered as a representative species in the forage fish sub-component of the marine fish assessment, as presented in EIS Section 13.0. The importance of Pacific herring to the ecosystem is acknowledged and described in EIS Section 13.5.3.3. Potential effects to herring, whether localised or migratory, that may be present in the vicinity of the Project are assessed in EIS Section 13.6. **Additional information provided by the VFPA:** As noted in the VFPA's response to IR4-18, in response to anecdotal reports by a member of the public of herring spawn on eelgrass on the north side of the Roberts Bank causeway in early April 2017, the VFPA conducted a survey to document presence and distribution of herring spawning activity at Roberts Bank. Survey results are in agreement with existing conditions described in EIS Section 13.5.3.3, and confirm that while the LAA does support some spawn, it does not appear to be an important herring spawning area. Adherence to environmental management plans (EIS Section 33.3) will reduce the potential that herring will be affected by changes to water quality and sediment, or underwater noise during Project construction activities that will occur outside the fisheries-sensitive window. Notwithstanding the above, a potential for interaction with the Project has been identified and a residual effect has been assessed as not significant (EIS Section 13.8.1).	**EIS** 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4 Information Sources 13.4.1 Desktop and Field Studies 13.5 Existing Conditions 13.5.3 Forage Fish 13.5.3.3 Pacific Herring 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish 13.8.1 Residual Effect – Characterisation of Productivity Loss Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 33.3 Construction Environmental Management Plans **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 18 Marine Fish **Information Requests** Response to Sufficiency Information Request #18 (IR4-18 of CEAR Document #1051)
Tseycum-10.4	Requested confirmation that the assessment was inclusive of the high tide mark since some fish lay their eggs at the high tide and their eggs settle into the gravel.	01-Nov-2016, Elders Workshop	**01-Nov-2016, Workshop:** Responded that the assessment is inclusive of high tide and stated that the VFPA has spent many hours at low tide counting organisms in the sand. Explained that at high tide, the area has lots of forage fish (such as surf smelt), that will lay eggs in these areas. The VFPA undertook a study looking at spawning beaches for surf smelt. The offsetting plan involves creating pockets of sandy beach along the causeway for their eggs to settle and hatch. Stated that it was factored into the assessments and the offsetting plan.	**Addressed in EIS Section 17.0:** As noted in EIS Section 17.0, sandy gravel beach provides spawning area for forage fish, including surf smelt, Pacific herring, and sand lance. Two sandy gravel beaches, totalling approximately 4.5 hectares (ha), are proposed along the widened causeway. The beaches are intended to provide attachment-type habitat and substrate suitable for marine vegetation and invertebrates, and to benefit some of their predators (e.g., juvenile Chinook salmon, waterfowl, and American wigeon). **Addressed in response to AIR-12.04.15-10:** The Forage Fish Beach Spawn Survey Technical Data Report (TDR MF-4) summarises field surveys looking for surf smelt and sand lance beach spawn. TDR MF-4 is available as part of Appendix AIR10-C.	**EIS** 17.0 Mitigation Framework for Marine Biophysical Valued Components **Information Requests** Response to Additional Information Request #10 (AIR-12.04.15-10 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-10.5	Concerned that ships will disrupt salmon that migrate along the international shipping route line. Noted importance of/interest in salmon. Concerned with potential effects to salmon habitat, and concern that the Project overlaps with a salmon migration route. Concerned with how salmon runs will be affected; how salmon will manoeuver around the new terminal components.	04-Jun-2015, Meeting 24-Feb-2016, Meeting 03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 08-Sep-2016, Elders Tour Debrief 01-Nov-2016, Elders Workshop	**04-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **24-Feb-2016, Meeting:** Recorded comment for consideration by the Project team. **03-Mar-2016, Workshop:** Stated that the Project area includes lots of habitat like eelgrass, which salmon like. In particular, there are a lot of Chinook and chum in the area. Noted there have been studies on those fish, and there is habitat proposed to benefit salmon. Stated that lot of studies were done to look at salmon use in the area. In particular, they looked at effects to juvenile salmon who use the eelgrass habitat in the area. **04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **08-Sep-2016, Elders Tour Debrief:** Responded that a lot of studies were done to look at salmon use in the area. In particular, they looked at effects to juvenile salmon who use the eelgrass habitat in the area. **01-Nov-2016, Workshop:** Stated that the Project might cause the death of individual salmon, but not on the scale of large effects such as climate change. There is nothing that scales up to a major impact. Salmon runs are staged from spring through fall, and there is a big portion of year that salmon are not in the estuary. To the extent possible, the VFPA looked at timing construction activities so as not to interfere with the salmon runs. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response	**Addressed in EIS Appendix 7.2-B (#78):** Field studies, air photo review, and modelling were undertaken during the coastal geomorphology assessment at Roberts Bank, including Canoe Passage. Changes are anticipated around the terminal and within the intertidal zone shoreward of the terminal. The potential effects of these changes on marine fish are considered in the EIS. An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. The assessment of marine fish, as well as marine vegetation and invertebrates upon which fish depend, consider seasonal influences, and potential Project-related changes on these influences. Terminal footprint-related changes to coastal process such as currents and freshwater-marine water mixing near and shoreward of the terminal are anticipated. Project-related changes in salinity and turbidity are discussed with respect to marine water quality. A discussion of the potential effects of these changes on marine fish, including different fish life stages, is presented in the marine fish assessment. Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. Potential underwater noise-related effects on marine fish during both Project construction and operation phases are considered in the EIS. **Addressed in AIEIS Appendix 2-B Table 18 (#80):** An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. Information regarding effects in relation to changes in habitat availability and migration is available in EIS Section 13.0. As outlined in EIS Section 13.6.3.1, while terminal placement will result in the loss of wetted area, this is unlikely to measurably affect adult salmon returning to their freshwater spawning grounds as they are not considered habitat-limited within the LAA or RAA. For out-migrating juvenile Pacific salmon, terminal placement will increase travel distance and time spent in deeper waters along the terminal length, assuming migration is linear. Effects to vegetated habitats used by juvenile salmon, including eelgrass and intertidal marsh, are predicted to be negligible and positive, respectively. Overall, Project-related changes in juvenile salmon migration and habitats are predicted to have a minor adverse effect on productivity. **Addressed in MSA Appendix 5-B (#38):** The assessment of potential effects of marine shipping associated with the Project on marine fish, including salmon, is included in MSA Section 8.1. Physical disruption or vessel strikes of salmon are not anticipated to be a form of interaction between marine shipping and marine fish, and therefore these aspects are not included in the assessment. **Addressed in responses to IR5-18 and IR5-22:** Potential Project-related effects on juvenile salmon migration due to changes in habitat availability (i.e., terminal placement) are assessed in EIS Section 13.6.3.1 as minor. Additional rationale on the effect characterisation is provided in the VFPA's responses to IR5-18 and IR5-22. With mitigation, including onsite offsetting in the form of eelgrass transplants and tidal marsh creation, effects on juvenile salmon migration are assessed as negligible.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.5 Coastal Geomorphology 9.5.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 11.0 Marine Vegetation 11.6.3 Potential Effect 1 – Changes in Productivity 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4 Information Sources 13.4.1 Desktop and Field Studies 13.5 Existing Conditions 13.5.1 Pacific Salmon 13.6 Future Conditions with the Project 13.6.3 Potential Effect - Changes in Productivity 13.6.3.1 Potential Effect - Changes in Productivity of Pacific Salmon Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish **MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 18 Marine Fish **Information Requests** Response to Sufficiency Information Request #18 (IR5-18 of CEAR Document #1153) Response to Sufficiency Information Request #22 (IR5-22 of CEAR Document #1153)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-10.6	Concerned with potential impacts to salmon and food fishing. Commented that the Roberts Bank area was once good fishing grounds and has been disturbed by the ferry terminal and Deltaport Third Berth (DP3), and will be further disturbed by RBT2. Tseycum expressed concern with impacts to fish such as sockeye salmon related to food security for their community.	03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 27-Jun-2017, Meeting	**03-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Section 5.1.7 on Food Security. **27-Jun-2017, Meeting:** Stated that the VFPA is doing more work to look at Project effects on commercial fishing and Indigenous food, social, and ceremonial (FSC) fishing. Sought input from Tseycum on how the Project may impact their FSC fishing as well as commercial use. Stated that the VFPA is interested in understanding if there will be any potential impacts on fishing and seafood harvesting activity from the Project so if there needs to be mitigation measures, it can be considered. Stated that the VFPA knows that there will be some displacement of crabbing, for example from the proposed Project terminal footprint, but the VFPA is interested in learning if there are any other impacts that should be considered.	**Addressed in EIS Appendix 7.2-B (#171):** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. In addition, the potential effects of the Project with respect to the ongoing productivity of commercial, recreational, and Aboriginal fisheries are evaluated in the EIS. **Addressed in EIS Section 13.0:** Overall, marine fish are expected to experience a minor decrease in productivity in the future with the Project. Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flatfish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. **Addressed in EIS Section 32.2:** EIS Section 32.2 examines potential Project-related and cumulative effects that are relevant to traditional food consumption and nutritional health. These potential effects are related to access to preferred locations for harvesting preferred food resources, availability of preferred food resources, and quality of preferred food resources. Based on information considered in the Current Use assessment (EIS Section 32.2), there are no anticipated residual effects to most traditional food sources, including marine vegetation, marine fish, coastal birds, marine mammals, and most marine invertebrates, including bivalve shellfish and Dungeness crab.	**EIS** 3.0 Geographical Setting 3.4 Projects and Activities Contributing to Existing and Expected Conditions Appendix 7.2-B Aboriginal Issues and Interests Physical Intermediate Components (ICs; Sections 9.2 through 9.8) 18.4 Population Biophysical VCs (Sections 11.0 through 16.0) 13.0 Marine Fish 13.6 Future Conditions with the Project 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.6 Future Conditions with the Project Socio-economic VCs (Sections 19.0 through 28.0) 21.0 Marine Commercial Use 24.0 Outdoor Recreation 27.0 Human Health 27.6.1.5 Negligible Effects Related to Food Security 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **AIEIS** Appendix 2-B Issues and Interests - *W̲SÁNEĆ* Nation, Table 21 Commercial, Recreational, or Aboriginal Fisheries

Table 11: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-11.1	Concerned with potential impacts to sea pens. Asked whether sea pens will be moved from the area prior to construction. Concerned with impacts to species that use sea pens as habitat (perch and minnow).	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Responded yes, there will be some transplanting, and also will time activities to avoid sensitive periods. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response. **07-Feb-2018, Letter from the VFPA:** Starting in 2014, the Project team conducted a pilot study to test a method for transplanting orange sea pens, which involved transplant of 1,200 orange sea pens to three sites within the LAA for the Project. Please find attached a report titled Orange Sea Pen Transplant Pilot and Monitoring Program. The results of the study show that the pilot sea pen transplant was successful, with stable densities and evidence of recruitment at two of the three transplant sites. This report will be submitted to the Review Panel shortly with the VFPA's response to IR5-05.	**Addressed in EIS Appendix 7.2-B (#73):** Orange sea pens are a soft coral species that depend on habitat with strong tidal outflows and oceanic currents for food delivery. Sea pen beds provide habitat for many benthic (bottom dwelling) species and likely play a role in maintaining productive near-shore communities for clams, sea stars, marine worms, Dungeness crabs, and several fish species. Orange sea pens were assessed as a sub-component of the marine invertebrates VC. The assessment concludes that a decrease in the productivity of orange sea pens due to direct mortality and changes in habitat availability is expected as a result of permanent loss of subtidal sand habitat associated within the terminal footprint. This decrease can be partially mitigated through the implementation of environmental management plans, including the collection and transplantation of orange sea pens to nearby undisturbed sites identified as suitable through habitat modelling. While the Project is predicted to cause losses of productivity of orange sea pens, the scale of change is minor in the context of natural variability and will not compromise the population integrity or ecological function. The residual effect was determined to be not significant. **Addressed in AIEIS Appendix 2-B Table 17 (#69):** Orange sea pens are a soft coral species that depend on habitat with strong tidal outflows and oceanic currents for food delivery. Sea pen beds provide habitat for many benthic (bottom dwelling) species and likely play a role in maintaining productive near-shore communities for clams, sea stars, marine worms, Dungeness crabs, and several fish species. Orange sea pens were assessed as a sub-component of the marine invertebrates VC. The assessment concludes that a decrease in the productivity of orange sea pens due to direct mortality and changes in habitat availability is expected as a result of permanent loss of subtidal sand habitat associated within the terminal footprint. This decrease can be partially mitigated through the implementation of environmental management plans, including the collection and pre-construction transplantation of orange sea pens to nearby undisturbed sites identified as suitable through habitat modelling. While the Project is predicted to cause losses of productivity of orange sea pens, the scale of change is minor in the context of natural variability and will not compromise the population integrity or ecological function. The residual effect was determined to be not significant. Potential indirect effects on marine fish resulting from potential effects on orange sea pens are described the in the marine fish assessment (EIS Section 13.6). There is no evidence to suggest perch or minnow species use sea pens as habitat. Sea pen distribution is described in EIS Section 12.5, and shown on EIS Figure 12-12. **Addressed in response to IR5-05:** The VFPA's response to IR5-05 provides the Orange Sea Pen Transplant Pilot and Monitoring Program report (Appendix IR5-05-A). In summary, the pilot sea pen transplant was successful. Stable densities, and evidence of recruitment, at two of the three transplant sites demonstrate that not only can environmental conditions successfully be used to predict habitat suitability for orange sea pens across a larger study area, but also attests to the ecological viability of transplantation as a potential mitigation method.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.5 Existing Conditions 12.5.4 Orange Sea Pens 12.5.4.3 Population Characteristics Figure 12-12 Orange Sea Pen Distribution at Roberts Bank 12.6.3 Potential Effect – Changes in Productivity Table 12-8 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Invertebrates Table 12-10 Habitat Suitability (ha) for Orange Sea Pens in the Local Assessment Area in Future Cases with and Without Roberts Bank Terminal 2 12.7.2 Mitigation #1 for Direct Mortality 12.8.1 Residual Effect – Characterisation of Productivity Losses 12.9.2 Significance Determination Table 12-15 Summary of Determination of Significance of Residual Effects for Marine Invertebrates 13.0 Marine Fish 13.6.3.4 Potential Effect – Changes in Productivity of Flatfish **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 17 Marine Invertebrates **Information Requests** Response to Sufficiency Information Request #05 (IR5-05 of CEAR Document #1145)
Tseycum-11.2	Concerned with potential effects to sea urchins and interest in habitat for sea urchins. Stated that current harvesting levels are restricted. Noted importance of sea urchins for	24-Feb-2016, Meeting 03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop	**24-Feb-2016, Meeting:** Recorded comment for consideration by the Project team. **03-Mar-2016, Workshop:** Responded that sea urchins prefer a harder substrate and the Project area is quite sandy.	**Addressed in EIS Section 12.0:** Sea urchins were not directly assessed within the EIS (i.e., they were not selected as a sub-component or representative species) for several reasons: • They prefer rocky habitat (because they prey on kelp, which attach to hard or rocky substrate); • Roberts Bank and the entire Fraser delta is a soft sediment environment; • Hard substrate is really only there due to development; at Roberts Bank, urchins are pretty much only found associated with the artificial rocky reefs constructed as habitat compensation for DP3; • There are no active urchin fisheries at Roberts Bank; • In initial scoping conversations with regulators and Indigenous groups, as well as the Technical Advisory Groups, sea urchins were not flagged as a species of particular importance or concern for this area; and	**EIS** 8.0 Effects Assessment Methods 12.0 Marine Invertebrates 12.2.1 Sub-components **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 17 Marine Invertebrates 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests,

	traditional medicine (helps with low iron).	05-Jul-2016, Roberts Bank Tour #1 27-Jul-2016, Meeting	Stated that there are more sea urchin in the area now than before, as a result of the first terminal having been built. Identified the locations proposed for habitat enhancement; the rock reef type would be beneficial for sea urchin. **04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **05-Jul-2016, Tour #1:** Responded that the proposed site for the Project is out in deeper water to avoid impacts to the more sensitive intertidal area. Noted sea urchins aren't that common in the area because it's sandy, but there will be some habitat mitigation being proposed as part of the Project (rocky reefs). **27-Jul-2016, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Section 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes.	• They are considered to be represented by Dungeness crabs—i.e., the mechanisms or pathways of Project effects on Dungeness crabs are considered to adequately capture any potential effects to urchins. **Addressed in response to IR5-12:** Potential Project-related effects on sea urchin have been assessed in the EIS through the use of Dungeness crab as a representative species. Details are provided below: • Potential effects on Dungeness crab from changes in water quality (EIS Section 12.6.2.1, pp. 12-44 to 12-48) are assessed as negligible. Assessment result is the same for sea urchin as the maximum concentration of total suspended solids (TSS) resulting from dredging is not likely to exceed the existing, naturally occurring, maximum levels associated with estuarine circulation. • Potential effects on Dungeness crab from changes in sedimentation and coastal processes (EIS Section 12.6.2.2, pp. 12-49) are assessed as negligible. Assessment result is the same for sea urchin, as there is less spatial overlap with predicted areas of sediment deposition (i.e., sea urchin are not found in the intertidal zone in the LAA). • Potential effects on Dungeness crab from injury/direct mortality (EIS Section 12.6.3.3, pp. 12-64 to 12-65) are assessed as minor, as some mortality is expected from construction activities. Assessment result is conservative for sea urchin, as their habitat preferences (rock) limit spatial overlap with the terminal footprint (sand). Potential effects on Dungeness crab from changes in habitat availability (EIS Section 12.6.3.3, pp. 12-65 to 12-66) are assessed as minor. Changes in habitat availability for sea urchins are of lesser magnitude due to preferences for rocky habitat and a net gain in hard substrate with the Project. Tseycum First Nation's interest in harvesting sea urchin is considered in AIEIS Section 7.0.	Including Current Use of Lands and Resources for Traditional Purposes 7.2.4 Existing Conditions 7.2.4.4 Tseycum First Nation **Information Requests** Response to Sufficiency Information Request #12 (IR5-12 of CEAR Document #1078)
Tseycum-11.3	Concerned that the Project might impact shellfish and clam digging, noting Tseycum can no longer go digging locally due to sewage, farm waste, and other chemicals going into the ocean. Concerned with potential health effects associated	03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 27-Jun-2017, Meeting	**03-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **04-Mar-2016, Workshop:** Describes sandy beach habitat proposed and asked for more information about Tseycum's work with clam beds. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B	**Addressed in EIS Appendix 7.2-B (#75):** No bivalve harvesting is currently allowed within the LAA or RAA of marine invertebrates, due to both Sanitary and Biotoxin Shellfish Closures imposed by Fisheries and Oceans Canada (DFO) over concerns regarding discharges from sanitary, stormwater, or industrial sources. DFO is the proper authority to determine the validity of shellfish closures. **Addressed in AIEIS Appendix 2-B Table 28 (#132):** As described in EIS Section 12.0, bivalve harvesting is currently not permitted within the LAA or RAA of marine invertebrates, due to both Sanitary and Biotoxin Shellfish Closures imposed by DFO over concerns regarding discharges from sanitary, stormwater, or industrial sources. A human health risk assessment was conducted on existing shellfish contamination levels at Roberts Bank, and the potential human health risks associated with consumption. EIS Section 27.0 concluded negligible health risks associated with shellfish contamination.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.5 Existing Conditions 12.5.2 Bivalve Shellfish 27.0 Human Health (revised June 2016) Appendix 27-C Shellfish Harvesting Potential and Contaminant – Related Consumption Risks at Roberts Bank Technical Report **AIEIS**

	with shellfish contamination. Tseycum expressed concern with contamination from dumping and a need to protect the land for generations.		summarizing the issues raised by Tseycum First Nation and the VFPA's response **27-Jun-2017, Meeting:** Recorded comment for consideration by the Project team.	EIS Section 27.0 and AIEIS Section 5.0 indicate that no new contaminant input to edible resources is expected as a result of the Project. AIEIS Section 7.0 considers these conclusions in relation to potential Project effects on *WSÁNEĆ* use of these resources for traditional purposes. **Addressed in EIS Section 27.0:** EIS Section 27.0 and EIS Appendix 27-C address potential effects of contaminant-related consumption risks of Dungeness crab, where contaminant analysis of crab tissue and the completion of a human health risk assessment was completed to support the development of the RBT2 environmental assessment. The leg muscle tissue did not contain detectable polycyclic aromatic hydrocarbon (PAH) concentrations, despite the use of sensitive laboratory analytical methods. Only arsenic was present in concentrations of potential concern and, consequently, was carried forward in a quantitative human health risk assessment; it was concluded that arsenic-associated health risks from the consumption of Dungeness crab tissue are acceptably low. **Addressed in response to IR4-33:** In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of polychlorinated biphenyls (PCBs), coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and intermediate transfer pit sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site. **Addressed in response to IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in its response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada.	Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 5.0 Human Health 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)
Tseycum-11.4	Concerned with potential impacts from the Project to crabs in the area. Concerned with potential effects to crab. Commented that the Project area is good crab fishing grounds. Interested in crab relocation mitigation and the effectiveness of this approach. Asked whether other types of	24-Feb-2016, Meeting 02-Mar-2017, Elders Meeting 03-Mar-2016, Elders Workshop	**24-Feb-2015, Meeting:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Section 3.0 on Marine Commercial Use. **02-Mar-2017, Meeting:** Responded that shellfish are typically in closer to shore and the terminal is located in deep water. **03-Mar-2016, Workshop:** Stated that impacts to crabs was studied for the EIS.	**Addressed in EIS Appendix 7.2-B (#117):** Marine commercial use, or the use of marine waters and resources to generate revenue, has been identified as an important economic factor in local and regional communities, and for Indigenous groups. The marine commercial use assessment included four sub-components: • Seafood harvesting; • Marine fish harvesting; • Guided sport fishing; and • Marine-based tourism. Potential effects on marine commercial use include displacement of commercial crab harvesting during construction and operation, resulting in a potential change of harvesting area, total harvest, and revenue, due to the Project footprint and the proposed expansion of the area closed to commercial crabbing. The VFPA will work with DFO to engage commercial crab harvesters to identify and implement feasible mitigation measures, and will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operation.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 12.0 Marine Invertebrates 12.4 Information Sources 12.4.1 Desktop and Field Studies Table 12-4 Marine Invertebrates Studies to Support the Assessment 12.5 Existing Conditions 12.5.3 Dungeness Crabs 12.6 Future Conditions with the Project 12.6.2 Negligible Effects 12.7 Mitigation Measures 12.7.1 Avoidance Measures 12.7.1.2 Timing Windows 12.7.2 Mitigation #1 for Direct Mortality

	shellfish will be relocated. Asked if shellfish have been found in the area to be dredged for the Project.		Stated that findings show that there will not be a big impact, because the whole broader area is good habitat for crabs. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	The Project is anticipated to result in a negligible effect to marine fish harvesting, guided sport fishing, and marine-based tourism. These negligible effects are related to changes in area, access, resource availability and harvesting revenues. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. The residual effect is determined to be not significant, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area. Other planned or reasonably foreseeable projects and activities would also displace crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab fishing. This adverse incremental cumulative effect is determined to be not significant. **Addressed in EIS Section 21.8 and AIEIS Section 3.0:** As stated in EIS Section 21.8 and AIEIS Section 3.0, the VFPA will work with DFO to ensure that consultation with commercial crab harvesters and Indigenous groups is undertaken to: • Communicate timing and spatial area of proposed navigational closure expansion for commercial crab harvesting; • Communicate access restrictions and procedures for maintenance of safety for commercial crab harvesting activity; and • Provide a process for commercial crab harvesters and Indigenous groups to ask questions and submit concerns about the proposed navigational closure expansion and associated displacement of commercial crab harvesting. Where identified and agreed upon through this consultation process, the VFPA will work with DFO, commercial crab harvesters, and Indigenous groups to implement additional mitigation measures to address effects from displacement of commercial crab harvesting associated with the Project. As well, the VFPA will implement construction and operation environmental management plans related to construction phase communication, construction monitoring, and crab salvages effects from displacement of commercial crab harvesting during construction and operations. Mitigation measures related to crab fishing for traditional (or FSC) purposes in the Project area are described in EIS Section 32.0 and AIEIS Section 7.0. **Addressed in EIS Section 33.3.12:** The Marine Species Salvage Plan will describe the strategy, procedures, and timing associated with required salvage of marine species, including fish, crab, and orange sea pen salvage. Beyond crab, currently no other shellfish salvages are planned. **Addressed in response to IR5-04:** As noted in the VFPA's response to IR5-04, salvages are planned for all Project activities that have the potential to cause direct mortality to legal-sized male and gravid female Dungeness crabs. A list and schedule of proposed Project activities is provided in Table IR5-04-1; the activities for which Dungeness crab mortality or injury may occur are indicated, and for those activities that may cause mortality or injury, plans for salvages are also indicated. Given the nature of direct mortality effects, mitigation options are limited, and crab salvage is the only viable and feasible mitigation. Salvages were conducted to meet the conditions of the *Fisheries Act* Authorization for DP3. Cutter suction dredging was preceded by ongoing crab salvages (where baited traps were set in advance of dredging and crabs relocated approximately 2 km from the project area) and a visual dive survey (where divers provided visual confirmation of no crabs prior to initial dredging) (Hemmera 2009). In the case of clamshell dredging, visual inspections of the collected dredgeate were made by the contractor's crews and the environmental monitor; only one crab was identified within the dredgeate during the entire project, underscoring the effectiveness of this measure. In consultation with Indigenous groups, the VFPA has heard a suggestion to bait outside the Project area to draw crabs away as opposed to baiting within the Project area and relocating them. The VFPA is currently exploring this option and will determine an appropriate approach to this mitigation method through engagement with relevant regulatory agencies, stakeholders, and Indigenous groups.	12.7.2.1 Crab Salvages 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.6 Future Conditions with the Project – Potential Project-related Effects 21.8 Mitigation Measures 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project – Potential Project-Related Effects 33.0 Environmental Management Program 33.3.12 Marine Species Salvage Plan **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 17 Marine Invertebrates Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 21 Commercial, Recreational, or Aboriginal Fisheries 3.0 Marine Commercial Use 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request #04 (IR5-04 of CEAR Document #1209) **From Tsawwassen First Nation to the Review Panel re: Addendum to the Tsawwassen First Nation Independent Study on Crab and Crab Habitat (CEAR Document #997)**
Tseycum-11.5	Concerned with potential impacts to littlenecks and geoducks.	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#71):** Bivalve shellfish (e.g., clams and cockles) were assessed as a sub-component of the marine invertebrates assessment.	**EIS** 12.0 Marine Invertebrates 12.6.3.2 Potential Effect – Changes in Productivity of Bivalve Shellfish

	Stated that Tseycum can no longer harvest these species because of pollution.		**10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response	Productivity decreases for bivalve shellfish are predicted and can be partially mitigated through the implementation of environmental management plans (including salvaging and transplanting), the creation of onsite intertidal marsh habitat, and other offsetting measures. While the Project is predicted to cause losses of productivity of bivalve shellfish, the scale of change is minor in the context of natural variability and will not compromise population integrity or ecological function. Mitigation to reduce Project-related effects to bivalve shellfish would also mitigate potential changes in the availability of preferred Current Use resources for Indigenous groups. The VFPA is committed to developing and implementing a RBT2 Follow-up Program. The Follow-up Program will be developed after the submission of the EIS, in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada (ECCC). Consultation with these regulatory agencies will ensure that the program will deliver the type, quantity, and quality of information required to reliably verify predicted effects (or absence of them), and to confirm both the assumptions and the effectiveness of mitigation. The need for shellfish monitoring will be considered in consultation with these agencies. **Addressed in AIEIS Appendix 2-B Table 17 (#73):** Bivalve shellfish were a sub-component assessed in the marine invertebrates' assessment, with littleneck clams as a representative species for other bivalves. Geoducks have not been observed in the Roberts Bank area; however, if geoducks were present, littleneck clams would be an appropriate proxy for any potential effects on geoducks. Additional information on representative species was provided in the response to AIR-12.04.15-09. This response provides rationale for the selection of each representative species, including why each one is an appropriate proxy for other species, both in the characterisation of existing conditions as well as the assessment of effects, including cumulative effects where applicable. A human health risk assessment was conducted on existing shellfish contamination levels at Roberts Bank, and the potential human health risks associated with consumption. The health assessment (EIS Section 27.0) concluded negligible health risks associated with shellfish contamination; however, DFO bivalve harvesting closures are maintained near outfalls as a preventative measure for public safety. These results were considered in EIS Section 32.0 and AIEIS Section 7.0, in relation to potential Project-related effects on traditional harvesting.	27.0 Human Health Appendix 27-C Shellfish Harvesting Potential and Contaminant – Related Consumption Risks at Roberts Bank Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **AIEIS** Appendix 2-B Issues and Interests - *W*SÁNEĆ Nation, Table 17 Marine Invertebrates 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-09 of CEAR Document #388)
Tseycum-11.6	Noted importance of "stickers" (chiton).	04-Mar-2016, Elders Workshop 27-Jul-2016, Meeting	**04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Table 9-1 Additional Aboriginal Traditional Knowledge Supporting the Additional Information to the EIS – WSÁNEĆ Nation.	**Addressed in EIS Section 12.0:** Chitons are captured by the assessment presented in EIS Section 12.0. Given the suitability of habitat, chitons are expected to have a low abundance within the project area.	**EIS** 12.0 Marine Invertebrates **AIEIS** Table 9-1 Additional Aboriginal Traditional Knowledge Supporting the Additional Information to the EIS –WSÁNEĆ Nation.
Tseycum-11.7	Concerned with the decreased number of oysters as a result of overharvesting and increasing ocean temperature. Concerned with potential Project-related effects to oysters.	27-Jul-2016, Meeting	**27-Jul-2016, Workshop:** Recorded comment consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First	**Addressed in AIEIS Appendix 2-B Table 17 (#75):** Bivalve shellfish (e.g., clams, cockles, mussels, oysters) were assessed as a sub-component of the marine invertebrates' assessment. The characterisation of existing conditions reflects harvesting to date, and current marine water quality conditions. As outlined in EIS Section 12.6.3.2, despite initial short-term losses during construction, the Project will increase the amount of hard substrate available within the LAA by a total of 6 ha, which will benefit both Pacific oysters and bay mussels, among other species that require hard surfaces for attachment. Overall, productivity of epifaunal bivalves is predicted to increase with the Project. Additionally, as described in EIS Section 12.5.2, bivalve harvesting is currently not allowed within the LAA or RAA due to sanitary and biotoxin closures imposed by DFO; therefore, overharvesting of oysters is not of concern for this area.	**EIS** 12.0 Marine Invertebrates 12.5.2 Bivalve Shellfish 12.6.3.2 Changes in Productivity of Bivalve Shellfish 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Framework

			Nation and the VFPA's response.		17.3.2.1 Summary of Project-related Effects on Marine Biophysical Valued Components 17.3.2.2 Onsite Habitat Concepts 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 17 Marine Invertebrates

Table 12: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-12.1	Concerned that potential contaminants from the Project could adversely affect killer whales.	01-Nov-2016, Elders Workshop	**01-Nov-2016, Workshop:** Stated that the objective of the environmental assessment is to evaluate the effects of the proposed Project. Stated that the proposed Project does not really involve the moving of contaminant goods, so it will not be introducing such contaminants in the area. Sediment sampling was done to consider existing contaminant levels in the soil that could potentially be disturbed and suspended as a result of construction activities, to the extent that it would be measurable for killer whales.	**Addressed in EIS Section 14.6.1.4:** Modelling was performed to predict changes in SRKW PCB exposure potential due to marine discharge of sediment in the candidate disposal at sea (DAS) site, located in critical habitat (see EIS Appendix 14-D). The RBT2 model is site and project specific, and builds on an earlier modelling assessment that examined the issues of dredging and DAS in the context of killer whale health. Contamination risk for SRKW is considered negligible. Results indicate that, under existing conditions, the uptake from surface sediments and trophic transfer could result in PCB concentrations in SRKW tissues that exceed conservative health effect thresholds for PCBs in marine mammals. However, the model further predicts that incremental changes in SRKW PCB exposure due to Project-related construction activities are extremely low relative to existing conditions. For example, increases in PCB contamination of 0.00003% for males and 0.00002% for females were predicted for the scenario where the affected seabed area accumulates sediment greater than or equal to 0.1 mm in an area of 196.7 km^2. An increase of 0.000003% in PCB contamination for both males and females was predicted for the scenario where the affected seabed area accumulates sediment greater than or equal to 1.0 mm in an area of 21.6 km^2. The Project is not anticipated to have an adverse effect on SRKW critical habitat features when needed for SRKW life functions. The Project would not limit the survival or population recovery of SRKW. Due to their Endangered status and lack of recovery of the SRKW population, the VFPA has assumed past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, would result in a continued significant cumulative effect to SRKW.	**EIS** 14.0 Marine Mammals 14.6.1.4 Changes in Water and Sediment Quality Appendix 14-D Changes in Polychlorinated Biphenyl (PCB) Exposures of Southern Resident Killer Whales Associated with RBT2 Disposal at Sea
Tseycum-12.2	Concerned with vibration disruption to southern resident killer whales. Noted importance of/interest in whales.	04-Jun-2015, Meeting	**04-Jun-2015, Meeting:** Described studies on SRKW. Stated that the EIS looked at impacts from Project across all of SRKW critical habitat outside the VFPA's jurisdiction, and determined that there would be no impact from the Project to SRKW. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 8.2 on Marine Mammals.	**Addressed in MSA Section 8.2:** Potential effects of underwater noise from marine shipping associated with the Project on marine mammals are assessed in MSA Section 8.2. Potential effects on marine mammals related to Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment. These effects are expected to be not significant for marine mammals.	**MSA** 8.2 Marine Mammals 8.2.6 Potential Interactions and Effects 8.2.6.1 Negligible Effects 8.2.6.2 Potential Effect #1 – Behavioural Effects Due to Underwater Noise 8.2.7.1. Mitigation Measures – Acoustic Disturbance 8.2.8.1 Residual Effect #1 - Behavioural Effects Due to Underwater Noise

Table 13: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-13.1	Stated that a lot of fishermen go through the shipping route area, and they will be affected. Concerned about the approach of ships and potential interactions between fishers in the Haro Strait.	04-Jun-2015, Meeting 24-Feb-2016, Meeting	**04-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 10.0 on Potential Accidents and Malfunctions. **24-Feb-2016, Meeting:** Referred to the MSA and explained that the VFPA has submitted it to the CEA Agency. Noted that the VFPA had discussions with the previous Chief at Tseycum who shared Tseycum's concerns around ship movements. Referenced MSA Appendix 5-B, which provides a record of all concerns shared, not just from Tseycum but other Indigenous groups as well.	**Addressed in EIS Appendix 7.2-B (#206):** A quantitative risk assessment (QRA) of potential accidents and malfunctions related to marine vessel traffic, including the risk of a collision between a container ship and small craft (i.e., fishing and recreational vessels), was undertaken and is described in the potential accidents or malfunctions section (EIS Section 30.0), as well as the QRA (EIS Appendix 30-A). Data collected by DFO between 2008 and 2012 for vessels in DFO sub-areas encompassing Canadian and U.S. waters transited by ships bound for Roberts Bank was reviewed. These data indicated that daily fishing vessel numbers in the area are low (i.e., no vessels per sub-area on most days; maximum of six vessels on one day in the largest sub-area). On this basis, the QRA estimated the return period for a collision involving a container ship and a fishing vessel as 1 in 50 years, equivalent to a 'very low' probability in this assessment. A Land and Marine Traffic Management Plan is included in the Environmental Management Program (EIS Section 33.0) in order to mitigate potential marine vessel traffic issues. **Addressed in MSA Section 10.0:** MSA Section 10.0 includes a description of applicable collision risk reduction measures. The assessment of Current Use considers the risk of collision, and perceptions of safety and determined that residual effects of the collision scenario on Current Use was considered significant, though unlikely to occur.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
Tseycum-13.2	Concerned with ships passing through their territory (Saturna, Mayne, "our little island"), causing erosion in these passages. Concerned what things will be like in 2030, and that they will lose more of their land to erosion.	04-Mar-2016, Elders Workshop	**04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA..	**Addressed in response to IR7-21:** The VFPA's response to IR7-21 notes that although their probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves.	**Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1141)
Tseycum-13.3	Concerned with ships coming through Tseycum territory and destroying marine and terrestrial habitat.	04-Mar-2016, Elders Workshop	**04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA..	**Additional information provided by the VFPA:** The MSA has been developed in accordance with the *Updated EIS Guidelines*, issued by the CEA Agency on April 17, 2015. The conclusion of the MSA is that marine shipping associated with the Project is not likely to result in any significant adverse residual effects to any of the VCs assessed. In addition, no adverse cumulative effects are anticipated, with the exception of potential effects to SRKW. As with the conclusions in the EIS, submitted in March 2015, the MSA concludes that SRKW have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant.	**MSA** 1.0 Introduction
Tseycum-13.4	Interested in whether impacts to Active Pass were considered in the assessment.	02-Mar-2017, Elders Meeting	**02-Mar-2017, Meeting:** Confirmed that Active Pass was included in the MSA and noted the area is outside of the boundaries of VFPA jurisdiction, but the boundaries of the marine shipping area were larger and included it.		

Table 14: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-14.1	Interested in the distribution of non-native eelgrass in the Project area, the potential for it to overtake the native species, and whether there are plans to rid the Project area of non-native eelgrass.	01-Nov-2016, Elders Workshop	Stated that non-native eelgrass tends to live higher up in the mid-intertidal zone, whereas the native eelgrass tends to prefer and live in deeper water. There is a zone of overlap, but the native species tends to do better. The non-native eelgrass is not out-competing the native eelgrass. Both species have been co-existing for decades. Stated that non-native eelgrass also provides habitat for other species, and many use it; little fish hide in both native and non-native eelgrass. It is considered to have a high habitat value even though it is invasive, and there is no push to eradicate it from the area.	**Addressed in AIEIS Appendix 2-B, Table 16 (#62):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the International Maritime Organization (IMO), are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving to Canada from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Within Canadian waters, ballast water is regulated by the Ballast Water Control and Management Regulations. Also, the International Convention for the Control and Management of Ships' Ballast Water and Sediments, to which Canada is a signatory, will come into force on September 8, 2017. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary. The potential for introduction of invasive species via effluent discharges and other operational procedures, including discharges from ships (bilge and ballast), was considered in the assessment of marine vegetation. This potential effect was determined to be negligible due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures outlined in EIS Section 4.2.1, and implementation of regulatory requirements and guidelines described above. **Addressed in response to IR-7.31.15-03:** Via support of the B.C. Spartina Working Group and other interested parties, the Province has made progress in English cordgrass management at Roberts Bank. In particular, there is evidence that herbicide treatment at Roberts Bank in 2013 has decreased English cordgrass in 2014. The VFPA also understands that funding and management effort will continue for the foreseeable future.	**AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 16 Marine Vegetation **Information Requests** Response to Additional Information Request #3 (IR-7.31.15-03 of CEAR Document #314)
Tseycum-14.2	Concerned with the potential effect of ships on the distribution of marine vegetation in the Project area.	01-Nov-2016, Elders Workshop	**01-Nov-2016, Workshop:** Stated that by locating the terminal in deeper water it avoids overlap and interaction with a lot of the really sensitive habitats.	**Addressed in EIS Section 11.0:** Potential operation-phase changes from discharges from ships (bilge water and ballast water) are not expected to affect marine vegetation due to the distant location of discharges into subtidal waters and the implementation of regulatory requirements and guidelines (see EIS Section 9.7.8).	**EIS** 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 11.0 Marine Vegetation 11.6.2.1 Changes in Water Quality
Tseycum-14.3	Concerned with regard to potential effects to rockweed in the Project area. Stated that rockweed is part of Tseycum's ceremonial practices.	27-Jul-2016, Meeting	**27-Jul-2016, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 11.0:** Potential effects of the Project related to rockweed are discussed in EIS Section 11.6.3.3. Empirical evidence indicates there will be minor decreases in the productive potential of macroalgae—including *Ulva*, rockweed, and kelp representative species—driven by direct mortality within the causeway and terminal footprints during the construction phase. During the operation phase, and over the longer-term, macroalgae is expected to recolonise quickly due to inherent biological attributes (i.e., spore dispersal) as well as increased availability of hard substrate habitat with development of RBT2, despite initial losses during construction; however, a lag in rockweed recovery is anticipated due to the magnitude of direct mortality (i.e., temporal loss). Food web interactions negatively influence *Ulva* and rockweed and kelp productivity but are not thought to be major drivers of predicted change. Ecosystem model predictions also indicate a negative direction of change; however, the extent of loss predicted for both *Ulva* and brown algae (i.e., rockweed and kelp) does not fully align with professional judgement; *Ulva* productivity loss is considered overestimated while rockweed	**EIS** 11.0 Marine Vegetation 11.6.3.3 Macroalgae **Information Requests** Response to Sufficiency Information Request #03 (IR8-03 of CEAR Document #1199)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				productivity loss is considered underestimated. Differences are attributed to the overestimation of *Ulva* biomass in the upper intertidal zone as well as over-estimations of food-web interactions. Overall, a net minor decrease is predicted for this sub-component, driven by predicted decreases in rockweed productivity during construction, while changes in both *Ulva* and kelp productivity are judged to be negligible. **Addressed in response to IR8-03:** The VFPA's response to IR8-03 further discusses rockweed biomass estimates used in the ecosystem model.	

Table 15: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-15.1	Concerned about dump zones, which has come up with other projects, transfer of ballast and bilge water. Concerned that raw and untreated sewage/waste is dumped into the water from ships, and it floats into shore. Asked whether or not waste is treated before it is dumped in the ocean. Concerned that ships pump their bilges into the water, introducing foreign and invasive species such as non-native eelgrass, mussels and clams to local environments. Asked whether ships dump their bilge water at sea, or through a treatment plant of some sort. Asked whether this effect is accounted for in the predictions presented for the marine vegetation VC.	04-Jun-2015, Meeting 24-Feb-2016, Meeting 03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 08-Sep-2016, Elders Tour Debrief 02-Mar-2017, Elders Meeting	**04-Jun-2015, Meeting:** Recorded comment for consideration by the Project team. **24-Feb-2016, Meeting:** Recorded comment for consideration by the Project team. **03-Mar-2016, Workshop:** Explained that there are rules for the pumping of bilge water and that it is not permitted in Canadian waters. Stated that invasive species were considered in the Project's assessment. Provided the example of non-native eelgrass that is present at Roberts Bank. Stated that there is eelgrass and non-native eelgrass currently at the terminal. Planting would involve the native eelgrass, but the Project may also result in increases in non-native eelgrass. This is factored into the assessment. Non-local eelgrass dies back every year, which gives the local species a chance to stay in the area. **04-Mar-2016, Workshop:** Responded at the workshop the following day that in Canada there are regulations that applies to ships with more than 15 people or over 400 tonnes. Stated that these ships must have a holding tank for sewage, can only release sewage at least 12 miles out, and there are limits to what can be discharged. **08-Sep-2016:** Responded that Transport Canada requires ships to dump their bilge water a certain distance out from port, so it does not affect ecosystems here. Undertook to follow up with the exact distance. **02-Mar-2017, Meeting:** Provided Tseycum a handout from Transport Canada related to	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Import containers are generally not opened at the terminal. Canada Border Services Agency inspects the contents of a percentage of import containers off-terminal in Richmond, and in the future will be done at the facility on Tsawwassen land currently being developed. All ships use rat guards on their mooring lines to ensure that rats and other rodents do not crawl up or down the mooring lines between the ship and the wharf. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary. **Addressed in AIEIS Appendix 2-B, Table 2 (#8):** Discharge of untreated sewage is not permitted within VFPA jurisdiction as per the VFPA Port Information Guide http://www.portvancouver.com/marine-operations/port-information-guide/. Furthermore, the VFPA requires vessels to have an International Sewage Pollution Prevention Certificate to enter VFPA jurisdiction. As per Transport Canada regulations, "With some exceptions, the discharge of untreated sewage into all Canadian inland waters and Canadian coastal waters within 3 nautical miles of land (ships less than 400 tons) and 12 miles of land (ships larger than 400 tons) is now banned. Treated sewage will only be allowed to be discharged into Canadian waters subject to specified limits of faecal coliforms per 100 ml of water." This can be found on the Transport Canada website at https://www.tc.gc.ca/eng/marinesafety/oep-environment-sources-sewage-2247.htm **Addressed in AIEIS Appendix 2-B, Table 16 (#62):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving to Canada from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. Within Canadian waters, ballast water is regulated by the Ballast Water Control and Management Regulations. Also, the International Convention for the Control and Management of Ships' Ballast Water and Sediments, to which Canada is a signatory, will come into force on September 8, 2017. The VFPA is a part of the B.C. Spartina Working Group, which maps, tests eradication methods, and supports the removal of invasive English cordgrass from the Fraser River estuary.	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Issues and Interests 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project 11.0 Marine Vegetation 11.6 Future Conditions with the Project **MSA** 3.0 Regulatory Framework and Role of Government 3.1 Federal Authorities Overview 3.2 Regulatory Framework 4.0 Activity Description 4.2.2.1 Associated Activities – Ballasting 4.4.2 Potential In-Transit Accidents Incidence and Release Amount Predictions Appendix 5-B Aboriginal Issues and Interests 7.3 Marine Water Quality 7.3.5 Incremental Changes to Marine Water Quality from Marine Shipping Associated with the Project 10.0 Potential Accidents or Malfunctions 10.5.6 Marine Fish and Fish Habitat **AIEIS** Appendix 2-B Aboriginal Issues and Interests - W̱SÁNEĆ Nation, Table 2 Project Planning, Development and Implementation Appendix 2-B Aboriginal Issues and Interests - W̱SÁNEĆ Nation, Table 16 Marine Vegetation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			information on Ballast Exchange and Anti-fouling. Explained vessels are required to exchange their ballast water further out; the idea is that it is done in water with high salinity that helps to kill parasites.	The potential for introduction of invasive species via effluent discharges and other operational procedures, including discharges from ships (bilge and ballast), was considered in the assessment of marine vegetation. This potential effect was determined to be negligible due to the distant location of discharges into subtidal waters, the incorporation of management and treatment measures outlined in EIS Section 4.2.1 and implementation of regulatory requirements and guidelines described above. **Addressed in MSA Appendix 5-B (#33):** Information on ballasting is provided in MSA Sections 3.0 and 4.0. Transport Canada enforces Canadian regulations and international conventions implemented by Canada governing matters such as ballast water management. Since ballasting is not permitted within the marine shipping area, it is not assessed as an activity of marine shipping associated with the Project. Further rationale is provided in MSA Section 7.3. Other types of releases are also described in MSA Section 4.0, and the assessment of potential effects on marine vegetation and other marine resources as a result of a spill is included in MSA Section 10.0.	
Tseycum-15.2	Concerned about Project impacts to fishing due to contamination. Stated that Tseycum members cannot clam dig anymore, because the water is contaminated. Concerned with impacts to water quality from the existing terminals at Roberts Bank, and potential changes to water quality resulting from the Project. Interested in marine water quality and how that relates to the health of marine species.	27-Jul-2016, Meeting 08-Sep-2016, Elders Tour Debrief	**27-Jul-2016, Meeting:** Recorded comment for consideration by the Project team. **08-Sep-2016, Elders Tour Debrief.** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in AIEIS Appendix 2-B, Table 13 (#54):** EIS Section 9.7 considers the physical and chemical characteristics of waters that influence the estuarine ecosystem. An assessment was carried out to determine potential changes to marine water quality as a result of the Project. Studies were undertaken to determine existing conditions for several water quality parameters, including temperature, acidity or basicity (pH), dissolved oxygen, conductivity, salinity, oxidation reduction potential, total dissolved solids, TSS, turbidity, water hardness, nutrients, and metals. Existing water quality conditions at Roberts Bank include fine silt and clay sediments carried in the freshwater discharged by the Fraser River, which spread as a plume out into the Strait of Georgia, including Roberts Bank (shown in EIS Figure 9.5-9). The assessment concludes the following: • The Project is expected to result in changes to marine water quality, but no incremental cumulative changes are anticipated; • Construction activities are not expected to temporarily alter water contaminant or nutrient levels, pH, dissolved oxygen, or temperature; and • Increases in TSS levels from construction activities are expected to be temporary and minimal relative to existing natural variability. With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation, marine invertebrates, marine fish, and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience. **Addressed in EIS Appendix 7.2-B (#60):** Marine water quality considers the physical and chemical characteristics of waters that influence the estuarine ecosystem. An assessment was carried out to determine potential changes to marine water quality as a result of the Project. The results of the marine water quality assessment were considered in the assessments of marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, and ongoing productivity of commercial, recreational, and Aboriginal fisheries. Studies were undertaken to determine existing conditions for several water quality parameters, including temperature, acidity or basicity (pH), dissolved oxygen, conductivity, salinity, oxidation reduction potential, total dissolved solids, TSS, turbidity, water hardness, nutrients, and metals. The assessment concludes that: • The Project is expected to result in changes to marine water quality, but no incremental cumulative changes are anticipated.	**EIS** 9.7 Marine Water Quality **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 13 Marine Water Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Construction activities are not expected to temporarily alter water contaminant or nutrient levels, pH, dissolved oxygen, or temperature. • Increases in TSS levels from construction activities are expected to be temporary and minimal relative to existing natural variability. • As a result of the terminal footprint, localised changes in salinity and turbidity are predicted in the intertidal zone, but within the natural ranges currently experienced. The discharge of treated wastewater and stormwater is not expected to change marine water quality. Sanitary discharge will be collected from serviced buildings and piped to a wastewater treatment plant on the east side of the terminal. Treated effluent will meet B.C. Ministry of Environment effluent standards prior to discharge via ocean outfall. Stormwater will be collected by a stormwater system that includes oil interceptors to trap surface oil and grit that reaches the drainage collection system, and five outfalls located at the wharf face. Further information regarding the Project's treated wastewater and stormwater systems is presented in the EIS.	

Table 16: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-16.1	Requested more information about intertidal marsh and the plants. Asked how habitat is built.	04-Mar-2016, Elders Workshop	**04-Mar-2016, Workshop:** Explained intertidal marsh and that native plants are brought in and monitored to ensure they are healthy. Presented information on the habitat mitigation options, intertidal marsh and mudflat concepts. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#198):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The five habitat types considered for onsite offsetting include: • Intertidal marsh: Important for shoreline stabilisation, gas and nutrient regulation, contaminant filtering, and nutrient supply, as well as providing structural habitat used for shelter and food by organisms. Some of the species that use intertidal marsh habitat at Roberts Bank include bivalve shellfish, Dungeness crabs, juvenile Chinook salmon, shiner perch, sand lance, and waterfowl. Approximately 15 ha of intertidal marsh is proposed along the widened causeway and in the S-bend of the new terminal. • Sandy gravel beach: Provides spawning area for forage fish including surf smelt, Pacific herring, and sand lance. Two sandy gravel beaches, totalling approximately 4.5 ha, are proposed along the widened causeway. The beaches are intended to provide attachment-type habitat and substrate suitable for marine vegetation and invertebrates, and to benefit some of their predators (e.g., juvenile Chinook salmon, waterfowl, and American wigeon). • Mudflat: Plays a role in dissipating wave energy and supports large numbers of birds and fish. Mudflats also support biofilm, an important component of the food web in estuarine and coastal ecosystems. Approximately 4.5 ha of mudflats is proposed along the widened causeway and in the S-bend of the new terminal. Biofilm, invertebrates, waterfowl, and shorebirds will benefit from this habitat. • Subtidal rock reefs: Support rockfish populations and assist in meeting fisheries management objectives to alleviate historic declines of regional populations. The creation of approximately 2 ha of reef habitat will benefit macroalgae vegetation, and provide refuge, feeding, and spawning habitat for invertebrates, fish, and birds. • Eelgrass: Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Approximately 3 ha of native eelgrass will be established through transplants in the inter-causeway area. The onsite habitat concepts presented in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups has been considered in the finalisation of the EIS. **Addressed in AIEIS Appendix 2-B Table 22 (#97):** Information on the intertidal marsh onsite habitat concept is provided in EIS Section 17.3.2. Approximately 15 ha of intertidal marsh is proposed along the widened causeway, within the bend of the northwest section of the existing terminal, and in an elbow of the proposed terminal (shown in EIS Figure 17-1). Details on the intertidal marsh concept are provided in EIS Appendix 17-B. The intertidal marsh concept will include native plantings, and wind and salt resistant shrub species in the backshore of the marsh. The onsite habitat concepts described in EIS Section 17.0 have been presented to Indigenous groups, the community, stakeholders, and the public in open houses and small group meetings that took place in the fall of 2014. The feedback received from Indigenous groups was considered in the finalisation of the EIS.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.3.2.2 Onsite Habitat Concepts Figure 17-1 Overview of Proposed Onsite Habitat Concept Locations Appendix 17-B Habitat Concept Drawings **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 22 Mitigation for Marine Biophysical VCs
Tseycum-16.2	Suggested to build a light pole so eagles can land, and see fish.	04-Mar-2016, Elders Workshop	**04-Mar-2016, Workshop:** Recorded comment for consideration by the Project tem. **10-Feb-2017, Letter from the VFPA:**	**Addressed in AIEIS Appendix 2-B Table 22 (#98):** The VFPA acknowledges Tseycum First Nation's suggestion and will consider the suggestion as mitigation measures are finalised.	**AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 22 Mitigation for Marine Biophysical VCs

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.		
Tseycum-16.3	Concerned with the likelihood that mitigation measures (including habitat creation) will be successful at restoring marine life. Interested in mitigation and monitoring. Suggested that the Tseycum Shorekeepers program would be a good fit for monitoring activities.	15-Jul-2016, Meeting 02-Mar-2017, Elders Meeting	**15-Jul-2016, Meeting:** Committed to ongoing consultation regarding mitigation and monitoring. Committed to share information about the Shorekeepers program with the Project team once provided. **02-Mar-2017, Meeting:** Noted that the VFPA is working on developing a long-term monitoring program based on adaptive management, whereby the effects of the Project are monitored and if unintended effects occur they can be addressed accordingly. Offered to return to Tseycum and present on the adaptive management strategy used for DP3. Offered to return with the high-level information from the EIS to present on mitigation to help bring Tseycum's new Councillor up to speed. **12-Dec-2017, Meeting:** The VFPA hosted a *WSÁNEĆ* All-Chiefs Meeting, and presented on lessons learned from DP3 as well as the RBT2 Follow-up Program. Tseycum First Nation was invited, but unable to attend.	**Addressed in EIS Section 33.5:** Similar to the Adaptive Management Strategy for DP3, as described in EIS Section 33.5, the VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and ECCC. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the Program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives.	**EIS** 33.5 Roberts Bank Terminal 2 Follow-up Program

Table 17: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information

Tseycum-17.1	Asked if there are any anticipated complaints about the noise from the terminal.	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:**
			Responded that there may be some noise, but the terminal is fairly far out.
			10-Feb-2017, Letter from the VFPA:
			Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.
				Addressed in EIS Appendix 7.2-B (#43):
				The potential changes in noise and vibration that may be caused by the Project, and the potential effects of those changes on biophysical VCs and human health are considered in the EIS. Mitigation measures to address noise-related effects are also described in the EIS.
				The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use.
				The assessment considered the potential changes in noise and vibration that may result from the Project and the potential cumulative changes in noise and vibration that are likely to result from the Project in combination with other certain and reasonably foreseeable projects and activities, including incremental marine vessel traffic.
				• The assessment considers noise and vibration from trains, as a source contributing to existing conditions, as well as a potential Project-related source of noise and vibration and a potential source of cumulative change in noise and vibration.
				• Mitigation measures related to noise are included in the human health assessment (EIS Section 27.9.2).
				The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration.
				The assessment concluded that:
				• Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible.
				• The Project, in combination with other certain and reasonably foreseeable projects and activities, is expected to result in minimal incremental cumulative changes to noise in areas close to road and rail corridors.
				• Some changes in noise conditions that could be perceptible include:
				  ○ Increased noise during periods of peak construction activity.
				  ○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals.
				  ○ Increased noise in marine areas is expected to be perceptible close to the terminal.
				• The construction and operation of the marine terminal and causeway is not expected to result in perceptible increases in levels of ground-borne vibration.
				Suggested mitigations were considered in the development of proposed mitigation for Project-related changes in noise. Noise Management Plans would be developed for construction and operation phases and would integrate with the VFPA's existing noise monitoring programs.
				Mitigation of construction-related noise would include:
				• Scheduling of higher-noise generating activities during weekdays, and during the daytime;
				• Shutdown of equipment and vehicles when not in use;
				• Utilisation of equipment that produces less noise; and
				• Awareness and training for construction crews.
				Mitigation for operation-related noise would include:
				• Optimised tonality of equipment alarms to limit audibility on shore while meeting safety requirements;
				• Operator awareness and training; and
				• Regular maintenance of equipment (e.g., lubrication of pulleys and other moving parts, replacement of deteriorated exhaust mufflers, maintaining efficiencies of engines through servicing).
				Addressed in AIEIS Appendix 2-B, Table 10 (#50):
				As described in EIS Section 9.3.1, the selection of noise and vibration as an IC in this assessment was based in part on complaints from local residents about noise from the existing port facilities and related activities.
				Addressed in EIS Section 35.0:
				EIS Table 35-2, commitment #5.2 notes that the VFPA will continue to update and make available media information material, as part of its public information commitment. As part of this commitment, the VFPA will implement a mechanism for two-way dialogue and communications about port-related issues in Delta and continue to maintain the VFPA Community Feedback Line (to register and respond to feedback and complaints).
					EIS
					Appendix 7.2-B Aboriginal Issues and Interests
					9.3 Noise and Vibration
					9.3.1 Selection of Noise and Vibration Intermediate Component
					9.3.6 Methods
					9.3.7 Existing Conditions
					9.3.9 Future Conditions with the Project
					9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities
					9.8 Underwater Noise
					13.0 Marine Fish
					13.6.3 Potential Effect - Changes in Productivity
					14.0 Marine Mammals
					14.6 Future Conditions with the Project
					15.0 Coastal Birds
					15.7.2 Potential Effect - Changes in Productivity
					27.0 Human Health
					27.6.3 Potential Effect #2 – Adverse Health Effects Related to Noise
					27.6.4 Potential Effect # 3 – Adverse Health Effects Due to Stress and Annoyance
					27.6.5 Potential Effect # 4 – Adverse Health Outcomes due to Changes in Health Inequity
					27.7.2 Mitigation Measures, Mitigation Measure #2 - Measures to Address Noise-related Effects
					35.0 Effects Assessment Summaries
					AIEIS
					Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 10 Noise and Vibration

Table 18: Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-18.1	Concerned with the age of the vessels that would be transiting the area and the potential for materials on the boat flaking off (i.e., the paint on ships hulls). Referred to another location where machines clean the hulls of cargo ships of whatever they pick up in port to prevent the spread of invasive species. Asked whether the same technology would be implemented for this Project.	24-Feb-2016, Meeting 08-Sep-2016, Elders Tour Debrief	**24-Feb-2016, Meeting:** Recorded comment for consideration by the Project team. **08-Sep-2016, Elders Tour Debrief:** Responded that Transport Canada sets rules about invasive species and procedures that have to be followed related to that, and the same practice/ requirements would be required of ships calling at RBT2. Offered to follow up with more information. **01-Nov-2016, Meeting:** The VFPA shared information from Transport Canada website: https://www.tc.gc.ca/eng/marinesafety/debs-arctic-environment-hull-fouling-1159.htm. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in AIEIS Appendix 2-B, Table 13 (#55):** The types of ships expected to call at Roberts Bank terminal are described in EIS Section 4.2.1. The marine water quality assessment (EIS Section 9.7) considers the physical and chemical characteristics of waters that influence the estuarine ecosystem, and changes from ships transiting the area are not anticipated as pollution from vessels is regulated. Compliance with pollution prevention provisions of the *Canada Shipping Act, 2001* and International Convention for the Prevention of Pollution from Ships by RBT2-associated marine vessels will prevent harmful changes in marine water quality by vessels during marine transportation operations. This includes compliance with Transport Canada regulations regarding anti-fouling paints, available at https://www.tc.gc.ca/eng/marinesafety/oep-environment-sources-antifouling-1964.htm Therefore, paint from ship hulls was not identified as a potential effect of Project-associated vessels on marine water quality. **Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles nm and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters.	**EIS** 4.0 Project Description 4.2.1.2 Three-berth Wharf structure 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 13 Marine Water Quality
Tseycum-18.2	Concerned with regard to the ability of criminals to access container cargo.	05-Jul-2016, Roberts Bank Tour #1	**05-Jul-2016, Tour #1:** Recorded comment for consideration by the Project team.	**Addressed in EIS Section 4.2.1.5:** Site security systems will be located throughout the terminal to ensure that port operations meet expected municipal, national, and international requirements. Security equipment will include perimeter fencing, closed-circuit television (CCTV) cameras, and vehicle and cargo inspection system (VACIS) facilities. Refer to Area 33 in EIS Appendix 4-B Engineering Drawing 60287593-GE-104.	**EIS** 4.2.1.5 Infrastructure, Ancillary Systems, and Support Facilities Appendix 4-B Preliminary Engineering Drawings (AECOM/KCB)
Tseycum-18.3	Interested in the Fraser River Maintenance Dredging Program, specifically the areas the port authority dredges. Concerned with the effects of dredging related to the Project, such as to substrate stability. Noted that dredging activity has been associated with increased earthquake	08-Sep-2016, Elders Tour Debrief 01-Nov-2016, Elders Workshop 02-Mar-2017, Elders Meeting	**08-Sep-2016, Elders Tour Debrief:** Provided some information on the Fraser River Maintenance Dredging Program. Committed to follow-up with the specifics of the dredging program. **01-Nov-2016, Workshop:** Committed to follow-up with more information about the Fraser River Maintenance Dredging Program. **02-Mar-2017, Meeting:** Responded that there will be dredging of the sediment at the bottom of the ocean to make space for the ships and so the terminal is solid. Stated that one section of the EIS looks at the effects of the	**Addressed in AIEIS Appendix 2-B, Table 1 (#3):** Information on the Fraser River Maintenance Dredging Program is available on VFPA website at http://www.portvancouver.com/marine-operations/fraser-river-maintenance/. The VFPA dredging policy addresses the maintenance dredging of deep sea and domestic shipping channels in the Fraser River that support international and domestic trade, and the management of dredge materials. Dredging is an essential part of the VFPA's long-term strategy to ensure the Fraser River can continue to support trade and meet Transport Canada's safe navigation requirements. It involves the careful removal and disposal of sediment from navigation channels to maintain draught and ensure vessels can safely transit to their destination. **Additional information provided by the VFPA:** EIS Section 9.1.3 provides an overview of the project area's geotechnical characteristics and EIS Section 31.2.2 discusses potential effects of seismic activity.	**EIS** 5.0 Alternative Means of Carrying Out the Project 9.1.3 Geotechnical Considerations 31.0 Effects of the Environment on the Project 31.2.2 Seismic Activity **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 1 Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	activity and impacts to tectonic plates in the Straits.		environment on the Project, like an earthquake, and evaluates the ability of the Project to withstand such environmental events. Shared with Tseycum a hand-out on the Fraser River Maintenance Dredging Program and provided the link to the VFPA's website where more information could be found.		
Tseycum-18.4	Concerned that chemicals from ships will lead to contamination of waters and shoreline and affect salmon, people, etc. Asked what chemical is used to clean ship decks.	04-Jun-2015, Meeting	**04-Jun-2015, Meeting:** Acknowledged this concern and added enforcement would be important as well. Stated that the VFPA only has control over ships within VFPA jurisdiction. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B summarising Indigenous issues and interests and providing the VFPA's responses.	**Addressed in MSA Appendix 5-B (#33):** Information on ballasting is provided in MSA Sections 3.0 and 4.0. Transport Canada enforces Canadian regulations and international conventions implemented by Canada governing matters such as ballast water management. Since ballasting is not permitted within the marine shipping area, it is not assessed as an activity of marine shipping associated with the Project. Further rationale is provided in MSA Section 7.3. Other types of releases are also described in MSA Section 4.0, and the assessment of potential effects on marine vegetation and other marine resources as a result of a spill is included in MSA Section 10.0. **Additional information provided by the VFPA:** Relevant to inside VFPA jurisdiction, the Port Information Guide (see Appendix IR1-01-A in the VFPA's response to IR1-10) contains a set of localised practices and procedures designed to promote safe and efficient navigation within the waters of the port and support efforts to protect the marine environment. Port Information Guide sections 13.5 and 14.4 include provisions regarding vessel cleaning and the Harbour Master's authority thereover. **Addressed in MSA Section 7.3:** In Canadian and international waters, marine vessels are governed by the IMO under the MARPOL Convention (see Section 3.2 Regulatory Framework for more information). Compliance with pollution prevention provisions of the *Canada Shipping Act, 2001* and MARPOL by RBT2-associated marine vessels will prevent harmful changes in marine water quality by vessels during marine transportation operations (e.g., from discharges within the marine shipping area of bilge water or ballast water). Therefore, routine marine shipping associated with the Project is not expected to adversely affect marine water quality.	**MSA** 3.0 Regulatory Framework and Role of Government 3.1 Federal Authorities Overview 3.2 Regulatory Framework 4.0 Activity Description 4.2.2.1 Associated Activities – Ballasting 4.4.2 Potential In-Transit Accidents Incidence and Release Amount Predictions Appendix 5-B Aboriginal Issues and Interests 7.3 Marine Water Quality 7.3.5 Incremental Changes to Marine Water Quality from Marine Shipping Associated with the Project 10.0 Potential Accidents or Malfunctions 10.5.6 Marine Fish and Fish Habitat **Information Requests** Response to Sufficiency Information Request #10 (IR1-10 of CEAR Document #897)

Table 19: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-19.1	Asked whether there would be a buoy to notify the boats of the shallow waters.	04-Mar-2016, Elders Workshop	**04-Mar-2016, Workshop:** Responded that hazards would be clearly marked.	**Addressed in AIEIS Appendix 2-B Table 2 (#9):** The southern B.C. coast is a mature marine vessel traffic area that is regularly used by deep sea vessels. Vessel operations in the region are supported by several marine risk mitigation approaches, including navigational aids. The Canadian Coast Guard places and maintains visual, aural, and electronic aids to navigation in Canadian coastal waters, including the shipping lanes on Roberts Bank, to assist vessels in determining their position and course, warn of dangers or obstructions, and indicate the best or preferred route. Other existing regional traffic marine risk mitigation measures include: • Vessel traffic management system, including radar surveillance and traffic separation zones; • Mandatory vessel pilotage for all vessel moves within the region; and • Precautionary areas and special operating instructions. Further, the marine operations at and near Roberts Bank include additional measures such as: • Radio communication with BC Ferries; and • Weather restrictions (leading to anchorage).	**EIS** 30.0 Potential Accidents or Malfunctions 30.3.2 Regional Risk Mitigation Related to Marine Traffic **MSA** 10.0 Potential Accidents or Malfunctions 10.4.1 Risk Mitigation Practices in the Marine Shipping Area **AIEIS** 8.0 Potential Accidents or Malfunctions Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 2 Project Planning, Development and Implementation
Tseycum-19.2	Concerned with the potential for an accident or malfunction involving a container ship carrying dangerous goods. Requested information concerning the kinds of dangerous cargo that would be transported, and the amounts of each. Requested information regarding how containers involving dangerous goods are handled. Concerned about the potential for a container fire.	01-Dec-2015, Meeting 03-Mar-2016, Elders Workshop	**01-Dec-2015, Meeting:** Answered that container shipping does not come with the same risks as transporting oil or gas. If an incident were to occur, container contents include goods such as raw materials, consumer goods. A small percentage of container contents include hazardous chemicals, and there is information on this in the EIS. Added that there is a specific process for transporting hazardous goods. **02-Dec-2015, Email from the VFPA:** Provided information on the types of goods shipped via containers, and whether there were any hazardous goods shipped. EIS Appendix 30-A, Table B-4 (http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482) shows the composition and number of HNS (hazardous and noxious substances) containers at Deltaport in 2012. Of the 1.7 million TEUs handled at the Deltaport Terminal in 2012, less than 1% (0.7062%) involved goods that could be classified as Dangerous Goods under the International Maritime Dangerous Goods Code. Demand	**Addressed in AIEIS Appendix 2-B Table 29 (#156):** EIS Section 30.0 considers incidents involving both non-hazardous (e.g., aggregate, non-hazardous container cargo) and hazardous (e.g., hydrocarbons, dangerous goods) materials. It also considers the potential for an accident or malfunction involving a fire (EIS Section 30.2). Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Appendix G, Table G-3). Transportation of hazardous materials is regulated by the *Transportation of Dangerous Goods Act, 1992*, which is administered by Transport Canada. Regulations for the transport of dangerous goods, are set by the IMO: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx. The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** 30.0 Potential Accidents or Malfunctions 30.2.1 Potential Project-Related Accidents and Malfunctions, Probabilities and Consequences 30.4 Potential Marine-based Accidents and Malfunctions 30.5 Potential Land-based Accidents and Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix G - Spill Materials and Properties Table G-3 Dangerous Good TEUs Transported through Deltaport (RBT) in 2012

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			for goods is assumed to be the same if the Project goes ahead. In Canada, the transportation of dangerous goods is strictly regulated under the *Transportation of Dangerous Goods Act, 1992*. The Act was designed with the sole purpose of maintaining public safety in the transportation of dangerous goods. This includes advance notification requirements, an application process for transporting containerised dangerous goods, clearly marking the shipment, packaging requirements, as well as time and quantity limitations, including not permitting the on-dock storage of containerised dangerous goods—immediate loading onto vessel or removal by inland carrier only is required. **03-Mar-2016, Workshop:** Asked if Tseycum is referring to the container that caught fire at the Centerm Terminal in Burrard Inlet the year before. Stated that that type of incident is very rare, and a lot was learned as a result of the incident, such as how to avoid such incidents in the future, and how to respond. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.		**MSA** 10.0 Potential Accidents or Malfunctions 10.2 Assessment Methods 10.3 Potential Accidents or Malfunctions 10.4 Mitigation Measures 10.5 Assessment of Potential Effects of Accidents or Malfunctions 11.0 Follow-up Program 12.0 Summary of Changes to the Environment and Effects of Changes to the Environment: Marine Shipping associated with RBT2 **AIEIS** Appendix 2-B Aboriginal Issues and Interests - W̱SÁNEĆ Nation, Table 29 Potential Accidents or Malfunctions 8.0 Potential Accidents or Malfunctions
Tseycum-19.3	Concerned with potential accidents and malfunctions. Requested information regarding previous incidents at Roberts Bank. Concerned with effects to the environment, sea life, birds, eagles, whales, mammals. Asked if there is insurance related to accidents. Asked if the VFPA had a bond in place for risks and if the on-site mitigation was for impacts or risks.	03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 02-Mar-2017, Elders Meeting 27-Jun-2017, Meeting	**03-Mar-2016, Workshop:** Responded that as part of the environmental assessment, the VFPA looked at worst-case scenarios. In one hypothetical scenario for the assessment, a ship crashed into the terminal. Noted that it is not likely, but a plausible disaster. The assessment considered what the effects on the environment would be if that happened. Referred to the MSA executive summary and the marine shipping scenario that considered the potential of an accident in Boundary Passage. Even though the vessels are not shipping oil for example, it considers the possibility of fuel getting spilled. **04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#204):** Potential spills of deleterious materials (e.g., hydrocarbons) and their environmental effects are discussed in the EIS. Plausible worst-case scenarios involving a marine vessel, motor vehicle, and train accident, each assumed to result in a spill of deleterious materials, are assessed. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on SRKW, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices	**EIS** Appendix 7.2-B Aboriginal Issues and Interests **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.2 Assessment Methods 10.3 Potential Accidents or Malfunctions 10.4 Mitigation Measures 10.5 Assessment of Potential Effects of Accidents or Malfunctions 11.0 Follow-up Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
			02-Mar-2017, Meeting: Responded that an assessment was done to determine what the effects of plausible worst-case scenarios would be. **27-Jun-2017, Meeting:** Stated that the VFPA is preparing for meetings with Indigenous groups to discuss the Follow-up Program and the VFPA would contact Tseycum shortly to organise a meeting. **12-Dec-2017, Meeting:** The VFPA hosted a *W̲SÁNEĆ* All-Chiefs Meeting, and presented on lessons learned from DP3 as well as the RBT2 Follow-up Program. Tseycum First Nation was invited, but unable to attend.	and procedures to ensure the safety of workers and the public, and protection of the environment. The composition and number of hazardous goods containers handled at Deltaport Terminal in 2012 was reviewed during the development of the QRA (EIS Appendix 30-A (Appendix B, Table B-4)). The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS. **Addressed in MSA Appendix 5-B (#1):** The regulatory framework for spill response is described in MSA Section 3.0. The regulatory requirement for maritime insurance is established under the *Marine Liability Act*, S.C. 2001, c. 6 and administered by Transport Canada. Additional information about the roles of various parties in spill response is provided in MSA Section 10.0. Information about the amount available in the insurance fund, and whether the CEA Agency has the authority to raise the amount, is not included in the MSA. The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#1).	12.0 Summary of Changes to the Environment and Effects of Changes to the Environment: Marine Shipping associated with RBT2
Tseycum-19.4	Concerned with the accuracy of predictions of the likelihood of an accident occurring.	04-Mar-2016, Elders Workshop	**04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in AIEIS Appendix 2-B, Table 29 (#158):** The probabilities of various accident scenarios are provided in in EIS Appendix 30-A. The QRA also includes information on historical incidents, including at Roberts Bank, in EIS Appendix 30-A, Section 3.1.1. The sensitivity and level of certainty associated with accident rate predictions is described in EIS Appendix 30-A, Section 4.2. The frequency assessment conducted indicates that all shipping-related accidents can be considered improbable, with or without RBT2. The QRA explicitly included uncertainty in analyses and utilised 95% confidence bounds to make that assessment. The regulatory management framework, standard practices, and Project-specific measures to reduce the risk of accidents or malfunctions, including spills, as well as the emergency response and mitigation measures to be implemented in the event of a spill are described in EIS Section 30.0. Three worst-case scenarios involving hydrocarbon spills were assessed: a container ship impact incident at the terminal, a tanker truck accident on Roberts Bank Way North, and a yard locomotive derailment on the widened causeway. The assessment determined that a ship impact scenario involving a marine spill of heavy fuel oil at the terminal would result in adverse residual effects to all marine biophysical VCs, as well as marine commercial use, outdoor recreation, and land and water use. While the residual effects on SRKW, coastal birds, and Current Use were considered significant, due to the extremely low probability of such a scenario, all residual effects were considered unlikely. Since the diesel spill in each of the land-based scenarios would occur away from the marine environment, no potential interactions with marine biophysical VCs were identified. Further, no residual adverse effects were identified with respect to socio-economic VCs, including services and infrastructure and human health. As with any activity, the potential for unplanned incidents during Project construction and operation exists. The VFPA, its tenants, contractors, operators, and intermodal partners are committed to continue to improve port-wide operational practices and procedures to ensure the safety of workers and the public, and protection of the environment. The estimated probability and potential consequences of a range of accidents or malfunctions, including spills of deleterious materials from ships during Project construction and operation, are described in the EIS.	**EIS** 30.0 Potential Accidents or Malfunctions 30.4 Potential Marine-Based Accidents and Malfunctions 30.6 Assessment of Plausible Worst-Case Scenarios 30.6.1 Container Vessel Allision and Fuel Spill at RBT2 Terminal Berth Face 30.6.1.3 Plausible Worst-case Scenario #1 Effects Assessment Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment 3.1.1 Representative Historical Container Ship Accident Scenarios 4.2 Sensitivity to Key Assumptions **MSA** 10.0 Potential Accidents or Malfunctions **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 29 Potential

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
					Accidents or Malfunctions
Tseycum-19.5	Concerned with the potential for an accident to occur in poor weather. Commented that there was one incident where a ferry almost collided with Roberts Bank because of rough winds. Requested clarification regarding whether it is the pilot's decision to anchor if conditions are unsafe.	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Responded that was the kind of scenario that was considered. Stated that if the winds are really bad, the vessel would wait at anchor. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in EIS Appendix 7.2-B (#213):** A description of how local conditions and natural hazards, such as severe or extreme weather conditions and weather-related events, could adversely affect the Project, and how these in turn, could affect the environment, is presented in EIS Section 31.0. Project design and management measures capable of mitigating the effects of extreme weather conditions on the Project also will effectively address any potential effects associated with ideal or normal weather patterns. As described in EIS Section 9.1, climate is recognised as one of the primary drivers in shaping the Roberts Bank ecosystem. The influence of weather patterns typical for south coast B.C. and Roberts Bank are considered as an aspect of the Project's physical setting in existing conditions, expected conditions, and future conditions in the assessment of Project-related effects on the ICs and VCs. **Addressed in AIEIS Appendix 2-B, Table 29 (#160):** A description of how local conditions and natural hazards, such as severe or extreme weather conditions and weather-related events, could adversely affect the Project, and how these in turn could affect the environment, is presented in EIS Section 31.0. Project design and management measures will mitigate the effects of extreme weather conditions on the Project. Additional information on anchorage practices in extreme weather is provided in MSA Section 4.0. As described in MSA Section 4.2.2.2, the decision to anchor in inclement weather is made by the pilot and the port authority having jurisdiction over the anchorage location.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.1 Climate, Coastal Conditions, and Geotechnical Considerations Physical ICs (Sections 9.2 through 9.8) 18.4 Population Biophysical VCs (Sections 11.0 through 16.0) Socio-economic VCs (Sections 19.0 through 28.0) 31.0 Effects of the Environment on the Project 31.2.1 Extreme Weather and Weather-related Events **MSA** 4.0 Activity Description 4.2.2.2 Anchorage **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 29 Potential Accidents or Malfunctions 8.0 Potential Accidents or Malfunctions
Tseycum-19.6	Concerned that nothing will be done in event of an oil spill, and that the boat owner will not be held accountable. Concerned with the potential for accidents and spills and who will be responsible for clean-up. Concern related to slow spill response time.	03-Mar-2016, Elders Workshop 05-Jul-2016, Roberts Bank Tour #1 05-Aug-2016, Roberts Bank Tour #2	**03-Mar-2016, Workshop:** Explained that in the event of a spill, violators are given fines, penalties, and have to pay for the clean-up. **05-Jul-2016, Tour #1:** Explained that the port authority is just one player of many, and is involved when the incident is within its jurisdiction. In such cases the port authority plays a coordination role.	**Addressed in EIS Appendix 7.2-B (#190):** The potential effects of accidents or malfunctions on Current Use are addressed in EIS Section 30.0. The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within VFPA jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and WCMRC. The VFPA's role following a spill would be to maintain situational awareness and coordinate the incident response. Generally, the owner of the vessel from which the spill originates is responsible, in accordance with the *Marine Liability Act*. There is more information on this topic on Transport Canada's	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 30.0 Potential Accidents or Malfunctions **MSA** 10.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Concerned with contamination resulting from an accident or spill.	08-Sep-2016, Elders Tour Debrief 02-Mar-2017, Elders Meeting	Referred to the *MV Marathassa* spill a little over a year ago and explained that the port authority's Operations Centre was used as home base for the coordination and overseeing of the clean-up efforts, and was used by a variety of different entities with various responsibilities, such as the Canadian Coast Guard, Transport Canada, and Western Canada Marine Response Corporation (WCMRC). **05-Aug-2016, Tour #2:** Recorded comment for consideration by the Project team. **08-Sep-2016, Elders Tour Debrief:** Stated that when it comes to a spill, it would be the same process as for any ship. There are a lot of different parties involved, such as Transport Canada, DFO, the Canadian Coast Guard, WCMRC, and the VFPA. The VFPA would get involved if the spill occurred in our jurisdiction. If it occurred further out, it would be more those other groups, and the Pacific Pilotage Authority. Stated that the CEA Agency is hosting a presentation on this topic next week for this Project. Explained that people can connect by teleconference, if Tseycum is interested. **02-Mar-2017, Meeting:** Responded there are a lot of people involved in the event if an accident. If the accident occurred within VFPA jurisdiction the port authority would be involved in coordinating the response. The WCMRC, Canadian Coast Guard Marine Communications and Traffic Services, and other agencies would also be involved in the response. Noted that there is an insurance fund available in the event of an accident.	website, which explains liability and compensation for oil spill clean-up and damages, including funds available for clean-up: http://www.tc.gc.ca/eng/marinesafety/menu-4100.htm#m. Additional sources information on funds available for clean-up are available at the following link: https://www.tc.gc.ca/eng/marinesafety/oep-ers-regime-funds-1119.htm. **Addressed in MSA Section 10.4.4.1:** Spill response procedures, capacities, equipment, response times, and areas of response are described in the MSA. Specifically, MSA Section 10.4.4.1 describes the WCMRC capabilities at the time of writing. WCMRC is the Transport Canada-certified response organisation for the west coast of Canada. To maintain its certification, WCMRC must demonstrate to Transport Canada that it has logistical arrangements in place to meet response time standards in the Geographic Area of Response (see MSA Section 10.4.4.3). **Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and Natural Resources Canada (NRC) have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 information requests provides an overview of activities undertaken by the Government of Canada related to spill management. TC IR-10 specifically discusses training, resources, and equipment available for community response, including the possibility of establishing spill response bases on reserve lands in the southern portion of the west coast of B.C. It also discusses liability considerations and improvements being made to Canada's domestic Ship-Source Oil Pollution Fund.	10.2 Assessment Methods 10.3 Potential Accidents or Malfunctions 10.4 Mitigation Measures 10.5 Assessment of Potential Effects of Accidents or Malfunctions 11.0 Follow-up Program 12.0 Summary of Changes to the Environment and Effects of Changes to the Environment: Marine Shipping associated with RBT2 **Information Requests** Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)
Tseycum-19.7	Requested additional information on spill response, and information about what ships have to do such as protocols, regulations, rules, existing practices and any plans for the implementation of stricter regulations, and perhaps explaining any differences for container ships	17-Aug-2016, Meeting 08-Sep-2016, Elders Tour Debrief	**17-Aug-2016, Meeting:** Recorded comment for consideration by the Project team. **08-Sep-2016, Elders Tour Debrief:** Committed to advise Pacific Pilotage Authority and the Canadian Coast Guard of Tseycum's interest in the Voyage of a Vessel presentation. Noted the difficulty for the VFPA to have meaningful conversations about marine	**Addressed in AIEIS Appendix 2-B, Table 29 (#167):** The EIS includes information on spill response framework, roles, and methods in EIS Section 30.3. The EIS describes the parties who would be notified and assume responsibility as On Scene Commander for spill clean-up in the event of a marine spill within the VFPA's jurisdiction, including Roberts Bank. These parties include the Canadian Coast Guard and WCMRC. Conventions on liability and compensation for oil pollution damage are covered under the *Marine Liability Act* (EIS Appendix 6-A). **Additional information provided by the VFPA:**	**EIS** 6.0 Environmental Assessment and Permitting Process Appendix 6-A Legislation Relevant to the Project 30.0 Potential Accidents or Malfunctions 30.3 Risk Mitigation Framework

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	versus other types of ships (e.g. LNG). Interested in the Pacific Pilotage Authority and Canadian Coast Guard's Voyage of a Vessel and learning more about the regulations around safe shipping. Asked about the potential for a major disaster, and the process for spill response. Requested information concerning how long it takes to respond to an incident.		shipping since other government agencies will be responsible for implementing suggested mitigation measures and enforcement, but the VFPA will pass on any related requests to the relevant agencies. Stated that when it comes to a spill, it would be the same process as for any ship. There are a lot of different parties involved, such as Transport Canada, DFO, the Canadian Coast Guard, WCMRC, and the VFPA. The VFPA would get involved if the spill occurred in our jurisdiction. If it occurred further out, it would be more those other groups, and the Pacific Pilotage Authority. Stated that the CEA Agency is hosting a presentation on this topic next week for this Project. Explained that people can connect by teleconference, if Tseycum is interested.	Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, ECCC, DFO, and NRC have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 information requests (CEAR Document #1204) provides an overview of activities undertaken by the Government of Canada related to spill management. TC IR-10 specifically discusses training, resources, and equipment available for community response, including the possibility of establishing spill response bases on reserve lands in the southern portion of the west coast of B.C. It also discusses liability considerations and improvements being made to Canada's domestic Ship-Source Oil Pollution Fund.	**AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 29 Potential Accidents or Malfunctions
Tseycum-19.8	Concerned with an accident in Tseycum Traditional Territory, particularly within the high risk area between Moresby and Stuart Islands, which is heavily used by commercial, recreational groups.	27-May-2015, Phone 04-Jun-2015, Meeting	**27-May-2015, Phone:** Recorded comment for follow-up. **29-May-2015, Meeting:** The VFPA described the accidents and malfunctions assessment. Explained that a worst-case scenario is being assessed that involves a potential ship grounding in the Boundary Passage area.	**Addressed in MSA Appendix 5-B (#98):** The assessment of potential accidents or malfunctions (MSA Section 10.0) considers a plausible worst-case spill scenario located in Boundary Passage at the south end of South Pender Island, within Segment B of the marine shipping area. Moresby and Stuart islands are located within this area. The assessment considers potential effects of a spill on marine commercial use, as well as outdoor recreation. **Addressed in MSA Section 10.0:** The VFPA's navigational jurisdiction (marine shipping associated with the project) are included in MSA Section 10.5. Several independent studies informed the assessment, including a QRA that estimated probabilities for different types of potential marine vessel accidents from a container ship in transit in the marine shipping area. Two plausible worst-case scenarios were selected for the assessment, based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil; and • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well as serious injury or fatality. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation

Table 20: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-20.1	Stated that *WSÁNEĆ* people historically travelled from the island to the mainland. They have the Right to hunt and fish in the Project area. Concerned that the proposed Project takes precedence over their Rights. Stated that traditionally the area was used for reef netting and the harvest of salmon.	03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 27-Jul-2016, Meeting 05-Aug-2016, Roberts Bank Tour #2	**04-Mar-2016, Workshop:** Recorded comment for consideration by the Project team. **27-Jul-2016, Workshop:** Stated that the VFPA is doing more work to look at project effects on commercial fishing and Aboriginal Food, Social, and Ceremonial ("FSC") fishing. Noted that the VFPA would like to hear more about their use of lands today. **05-Aug-2016, Tour #2:** Recorded comment for consideration by the Project team. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	**Addressed in AIEIS Nation, Appendix 2-B Table 28 (#130):** *WSÁNEĆ* travel from the island to the mainland is described in AIEIS Section 7.0 and MSA Section 9.5. Potential Project-related effects on *WSÁNEĆ* use or the exercise of asserted or established rights and measures to address potential effects, including measures proposed by *WSÁNEĆ*, are also described in AIEIS Section 7.0. The consultative measures carried forward are as follows: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers cultural practices, such as use of travel routes and the use of waterways. This includes an assessment of several aspects related to cultural practices, including potential changes to the following: • Access to preferred Current Use locations; and • Quality of Current Use experience. **Addressed in AIEIS Section 7.0:** Potential Project-related effects on *WSÁNEĆ* use or the exercise of asserted or established rights and measures to address potential effects, including measures proposed by *WSÁNEĆ*, are described in AIEIS Section 7.0. As noted in AIEIS Section 7.3.2, Project-related incremental impacts on the exercise of these rights (i.e., asserted Aboriginal rights, including title, and asserted or established Douglas Treaty rights to hunt or fish) would not be expected to be measurable in relation to: • Access to preferred locations for the exercise of asserted or established rights in the vicinity of the Project area (i.e., Roberts Bank, including adjacent upland areas, or the Fraser River);	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.2 Results of the Rights Assessment Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
				• Availability or quality of preferred resources associated with the exercise of asserted or established rights in the vicinity of the Project area (i.e., identified as principally salmon); • Quality of experience related to sense of place or physical heritage, safety and security, or noise, vibration, light, or air quality conditions while exercising asserted or established rights in the vicinity of the Project area; or • Cultural heritage or economic activities that may be tied to the exercise of asserted or established rights in the vicinity of the Project area. For an explanation of the use of 'measurable' in this context, see the response to AIR-12.04.15-30. **Addressed in MSA Section 9.5:** Taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
Tseycum-20.2	Concerned with the potential for terminal construction and operation to affect crabbing and fishing activities that have taken place for generations, and form a key part of Tseycum's culture and cultural transmission. Concerned with potential effects to salmon and Tseycum's ability to fish for salmon.	27-Jul-2016, Meeting 05-Aug-2016, Roberts Bank Tour #2	**27-Jul-2016, Meeting:** Explained that the construction and operation of the Project is contained within the EIS and it was found to have no adverse effects to salmon.	**Addressed in AIEIS Appendix 2-B, Table 28 (#136):** Potential effects on *W̲SÁNEĆ* use or the exercise of asserted or established rights in relation to salmon and crab harvesting in the area of the Project are described in AIEIS Section 7.0, along with measures to address potential effects, including measures proposed by *W̲SÁNEĆ*. The consultative measures carried forward are as follows:	**EIS** 11.0 Marine Vegetation 11.6.3 Potential Effect 1 – Changes in Productivity 13.0 Marine Fish 13.5 Existing Conditions 13.5.1 Pacific Salmon

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Noted the importance of the Fraser River for all Coast Salish people as the gathering place, because the Fraser River was the main place for the big fish run every year; people used to come here to harvest fish and gather berries along the river.		**05-Aug-2016:** Explained that with respect to salmon fishing, the assessment does not anticipate an impact since salmon fishing occurs a bit further out from the Project footprint. **10-Feb-2017, Letter from the VFPA:** Provided a copy of the AIEIS, which included Appendix 2-B summarizing the issues raised by Tseycum First Nation and the VFPA's response.	• Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs. **Addressed in EIS Section 13.0:** An assessment was undertaken to determine the effects of the Project on the productivity of marine fish, including Pacific salmon. Information regarding effects in relation to changes in habitat availability and migration is available in EIS Section 13.0. As outlined in EIS Section 13.6.3.1, while terminal placement will result in the loss of wetted area, this is unlikely to measurably affect adult salmon returning to their freshwater spawning grounds as they are not considered habitat-limited within the LAA or RAA. For out-migrating juvenile Pacific salmon, terminal placement will increase travel distance and time spent in deeper waters along the terminal length, assuming migration is linear. Effects to vegetated habitats used by juvenile salmon, including eelgrass and intertidal marsh, are predicted to be negligible and positive, respectively. Overall, Project-related changes in juvenile salmon migration and habitats are predicted to have a minor adverse effect on productivity. **Additional information provided by the VFPA:** The Project is not located on the Fraser River and no Project-related effects are predicted on the Fraser River.	13.6 Future Conditions with the Project 13.6.3.1 Potential Effect - Changes in Productivity of Pacific Salmon **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
Tseycum-20.3	Expressed Tseycum's support and consent towards the Project. Acknowledged that the location of the Project and the container ships travelling to and from the terminal are within their asserted Treaty and asserted traditional territory. Acknowledged and agreed that it is satisfied with the mitigation measures provided by the VFPA in respect of the environmental effects of the Project and associated marine shipping.	14-Nov-2017, Letter to Panel (CEAR Document #1111)	The VFPA has reviewed this letter and provides the following information.	The VFPA thanks Tseycum First Nation for their support of the Project.	

Table 21: Project Overview and Description

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-21.1	Concerned with the potential for the Project scope to change (for e.g. to ship oil).	03-Mar-2016, Elders Workshop 05-Jul-2016, Roberts Bank Tour #1	**03-Mar-2016, Workshop:** Responded the Project is a proposed additional container terminal at Roberts Bank. Stated that there is no oil, no liquified natural gas (LNG), and no coal. The ships only carry the fuel to run the ship. **05-Jul-2016, Tour #1:** Responded that the Project is strictly for the shipment of containerized goods. If plans were to change and the port authority wanted the facility to ship oil instead, they would need to redo the entire environmental assessment process.	**Addressed in AIEIS Appendix 2-B, Table 2 (#14):** The proposed Project is a container terminal and does not include any coal or oil-related elements. **Addressed in EIS Appendix 7.2-B (#6):** The proposed Project is a container terminal and does not include any coal-related elements. There are no plans to modify the Project to handle bulk oil or coal. The Project will not contribute to coal dust. Coal dust from Westshore Terminals (the existing coal terminal at Roberts Bank) was included in the examination of air quality existing conditions and air quality cumulative effects assessment. The human health assessment considered the potential for contamination of edible shellfish related to Project activities resulting in re-suspension of historical deposits of coal in sediments. The assessment concluded that there were no risks to human health related to re-suspension of sediments containing coal.	**EIS** 4.0 Project Description Appendix 7.2-B Aboriginal Issues and Interests 9.2 Air Quality 27.0 Human Health **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 2 Project Planning, Development and Implementation
Tseycum-21.2	Concerned that RBT2 will lead to an increase in anchorages. Noted that they often have tankers in the inlet, bay here, and asked if they would find container ships anchored in the area.	04-Jun-2015, Meeting 4-Mar-2016, Elders Workshop	**04-Jun-2015, Meeting:** Explained the difference between bulk ships and container ships, and the rarity of anchorages (1 to 2 times per year). Clarified coal that coal is shipped from Westshore Terminals. **04-Mar-2016, Workshop:** Answered that usually no, because containers are high value cargo and follow a very rigid schedule. Stated that if ships are early, they will typically slow down to use less fuel, and therefore would not need to anchor. Stated that anchorages might be used for extreme weather or other serious disruptions. It does happen, but uncommon. Stated that most of the ships in this area would be bulk ships, like grain, who run on a different schedule. Noted that the Pacific Pilotage Authority oversees the anchorages in this area.	**Addressed in MSA Appendix 5-B (#3):** Anchorage is discussed in MSA Section 4.0. Container ships operate on a scheduled service, and adjust their speeds as required to arrive at the terminal within their assigned arrival window; thus, anchorage is not a normal requirement and there are no plans or requirements for off-terminal anchoring of container ships waiting for a berth at the new RBT2 marine terminal. Exceptions to this could occur in the event of an extreme storm event in the Pacific, resulting in refuge anchorage requirement for safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise. The assessment of marine shipping associated with the Project is based on a routine vessel transit scenario. Because anchorage only occurs in rare circumstances, anchorage is not assessed as an activity related to marine shipping associated with the Project.	**MSA** 4.0 Activity Description 4.2.2.2 Anchorage Appendix 5-B Aboriginal Issues and Interests
Tseycum-21.3	Asked what will happen if planned capacity is no longer enough. Concerned that shipping will continue to increase and affect the environment. Concerned that when capacity is no longer adequate at RBT2, the VFPA will expand the	03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Responded that container terminals get built in response to need, noting it is not like a mine where people dig out a resource and get it to market. Explained that a container terminal moves things back and forth; container shipping responds to market need. It depends on population, and how much people are consuming.	**Addressed in AIEIS Appendix 2-B, Table 2 (#13):** Additional shipping in the future is taken into account in the cumulative effects assessments. Marine vessel traffic projections for certain and reasonably foreseeable projects (EIS Table 8-8) are sourced from EIS Appendix 30-A. Projects on the list were included as of October 1, 2013. The VFPA has no plans for expansion at Roberts Bank beyond the proposed Project. The VFPA will continue to monitor the growth of container traffic through the Pacific Gateway, and will consider all available options to deliver additional capacity as it is required. Any future development at Roberts Bank would be subject to project-specific environmental approvals as appropriate.	**EIS** 2.0 Project Overview 2.2.5 Current Canadian West Coast Container Traffic Forecasts 2.2.5.2 North American Container Port Demand 2.2.5.4 Trends in Container Shipping 2.2.6 The Container Capacity Improvement Program: Meeting

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	terminal or build a new terminal. Concerned that it will be easier to build an additional terminal at Roberts Bank in the future due to the environmental assessment and permitting completed for RBT2.			**Additional information provided by the VFPA:** By 2025, trade of goods in containers through the west coast of Canada is forecasted to be approximately 5.8 million TEUs per year (under the base case forecast). The current practical capacity of all terminals on Canada's west coast is about 4.6 million TEUs, and projects that are currently planned or underway, will increase capacity to 5.5 million TEUs by 2025, leaving a capacity shortfall of 300,000 TEUs, which would grow to 2.5 million TEUs by 2040. Without the ability to move goods efficiently and reliably through west coast ports, shippers will search for the next best alternative, with consequences to Canada's economic progress. A recent report commissioned by the port authority concluded that when the Port of Vancouver and Port of Prince Rupert reach capacity in the mid-2020s, shippers will likely be forced to use ports on the west coast of the U.S.A. such as Seattle and Tacoma, and eventually Los Angeles and Long Beach. If Canadian importers and exporters are required to move cargo to ports in the U.S.A., they would be forced to pay increased transportation costs. By 2030, the total annual additional transportation costs to re-route container cargo through ports in the U.S.A. could be as much as $80 million per year, rising to between $160 and $230 million per year in 2040 and approximately $280 million per year in 205014. These additional costs would be passed on to Canadian consumers and export markets, and would impact Canada's trade competitiveness. Canada would also lose the jobs and economic benefits that would have otherwise occurred as a result of handling Canadian trade in Canada, which for the Project is estimated at $1.2 billion in gross domestic product every year.	Increasing Demand for Containerised Trade 8.0 Effects Assessment Methods 8.1.9 Cumulative Effects Assessment Table 8-8 Project and Activity Inclusion List 30.0 Potential Accidents or Malfunctions Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment; Tables B-2 and B-3 **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation

Table 22: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-22.1	Commented that it is difficult and expensive for people to travel to the mainland for work. Requested for a private First Nations ferry system to transport community members to jobs at the terminal. Asked whether there will be accommodation on site for workers. Interested in the number of First Nations people working in port jobs. Interested in sourcing labour for the Project, and whether there is a sufficient labour pool in the Lower Mainland. Commented that it is harder to find work on the Island.	03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 08-Sep-2016, Elders Tour Debrief 02-Mar-2017, Elders Meeting 30-Jan-2017, *W*SÁNEĆ All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**03-Mar-2016, Workshop:** Responded the idea of a private ferry system has not come up before. Responded that currently there are no plans for accommodation on site; the labour pool is expected to be local. Asked if they are suggesting a labour camp. **04-Mar-2016, Workshop:** Stated that the Metro Vancouver region has a big labour pool, so the magnitude of concerns that they might have related to a Project in a less populated area do not exist here. **08-Sep-2016:** Explained that once the terminal is built it will be the operator who will be doing their own hiring. Explained that it is the VFPA's job to work with Tseycum to connect those dots to opportunities related to operations and also construction. **02-Mar-2017, Meeting:** Noted the suggestions for transportation methods and worker accommodation have been made before. Noted there are conversations yet to be had about benefits. **30-Jan-2017, Meeting:** Explained that there are many Indigenous people working as longshoremen at the port. Added that more information on employment, training, and jobs will become available later in 2017. At that point we can discuss job fairs, etc. **20-Apr-2017, Meeting:** Explained that the VFPA is not ready to hold/participate in a job fair just yet and explains the procurement process for the terminal operator is in progress. Current plans are to select a terminal operator by the end of 2017. With the terminal operator on board, Project specifications will be refined there will be more definition regarding the types of job opportunities available. Provided a copy of the RBT2 Project Information Sheets – Employment Opportunities and On-Site Mitigation. The handout provided information on construction and operation employment opportunities. **31-Aug-2017, Meeting:** The VFPA and Tseycum began negotiations for a mutual benefits agreement. On 23-Nov-2017, a mutual benefits agreement was reached.	**Addressed in AIEIS Appendix 2-B, Table 23 (#102):** The LAA for labour market and economic development was defined in EIS Sections 19.0 and 20.0 as Metro Vancouver. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be detectable. It is not known at this time if *W*SÁNEĆ people are working in jobs at the existing terminals at Roberts Bank. The VFPA acknowledges Tseycum First Nation's interest in the potential for workers to commute to the proposed Project area. The VFPA acknowledges Tseycum First Nation's suggestion of a ferry service for Indigenous workers, and will consider this suggestion as mitigation measures are finalised. The Project components and activities, as described in EIS Section 4.0, do not include on-site worker accommodation. **Addressed in AIEIS Appendix 2-B, Table 23:** EIS Section 19.0 states that the level of local labour sourcing required for the Project is feasible in part due to the relatively large size and diversity of the region's labour force of approximately 1.4 million workers (including a construction workforce in 2013 of almost 100,000 workers), and the region's extensive construction services infrastructure. In addition, labour market capacity is anticipated within the LAA (Metro Vancouver) through a combination of worker reallocation, drawing in unemployed and part-time labour resources, and enhanced labour force participation. As stated in the EIS and in the AIEIS, the VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities and construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs.	**EIS** 4.0 Project Description 19.0 Labour Market 19.3.1 Spatial Boundaries 19.7 Future Conditions with the Project – Potential Project-Related Effects 19.7.1 Rationale for Negligible Effect #1 – Change in Labour Market Balance 19.7.2 Potential Effect #1 – Change in Employment 20.0 Economic Development 20.3.1 Spatial Boundaries **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 23 Labour Market
Tseycum-22.2	Asked who benefits from the Project, and if First Nations will share the profits of the Project.	03-Mar-2016, Elders Workshop 15-Jul-2016, Meeting	**03-Mar-2016, Workshop:** Referenced slide 14-16 regarding Project benefits. Stated that the VFPA hopes to have discussions with Tseycum about opportunities when more information is available.	**Addressed in AIEIS Appendix 2-B, Table 3 (#24):** Consistent with the major scope of the Project at both construction and operation stages, a broad range of individuals, groups, organisations, workers, and governments are expected to benefit from the Project in the Greater Vancouver area, in the rest of B.C., and in the rest of	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Requested a share of revenue from RBT2. Stated that if the Project will result in any infringement on Douglas Treaty rights, there would need to be consultation and discussion around protection and accommodations. Interested in beginning discussions regarding Project Benefits. Specific interests include: • Cultural Workers/ Archaeological Monitors to be involved in the Project and related habitat enhancement efforts • A job fair • Potential habitat restoration sites • Contracting opportunities • Spill and accident response training and opportunities Expressed dissatisfaction with the Nations not sharing in the benefits of past and current port operations; noted the importance for the government and the VFPA to start to recognize that. Concerned about the trade-off between economic benefits and the environment and traditional food sources. Noted that Tseycum has to think about these things from a community perspective. Interested in seeing a sample MBA agreement and what VFPA's agreements are with other First Nations. Discussed MBA agreement, and requested funding to support the negotiations.	05-Aug-2016, Roberts Bank Tour #2 05-Aug-2016, Roberts Bank Tour #2 08-Sep-2016, Elders Tour Debrief 30-Jan-2017, *W̱SÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum) 02-Mar-2017, Meeting with Chief and Council 27-Jun-2017, Meeting 31-Aug-2017, Meeting with Chief 07-Sep-2017, Meeting with Chief and Council	Welcomed comments and suggestions for Project benefits. **15-Jul-2016, Meeting:** Noted opportunity for future discussions about legacy benefits related to the Project. Stated that the VFPA is still determining details, but potential habitat projects might be a possibility. **05-Aug-2016, Tour #2:** Responded that the VFPA have heard lots of concerns about potential environmental effects, and the acknowledgement of benefits. There have been lots of discussions about all the different parts of this, and the VFPA will continue to meet with groups and consider everyone's concerns. **08-Sep-2016, Elders Tour Debrief:** Stated that the VFPA is open to discussions about employment and contracting opportunities as well as legacy benefits. **30-Jan-2017, Meeting:** Agreed that discussions regarding project benefits should take place. **02-Mar-2017, Meeting:** Noted the VFPA's interest in hearing about the benefits Tseycum is looking for, and noted potential opportunities for working together on habitat restoration projects, and contracting for example. **16-Jun-2017, Letter from the VFPA:** *"The VFPA is interested in initiating discussions with Tseycum First Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit Indigenous groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalising aquaculture. It is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of Indigenous groups involved in the RBT2 Project.* *We welcome input regarding potential legacy benefits for Indigenous groups that could be provided as part of the Project. With that in mind, we request a meeting with Tseycum First Nation to hear about your community's priorities in relation to this funding.* *In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Tseycum First Nation regarding a potential mutual benefits agreement ("MBA") for the Project."* **27-Jun-2017, Meeting:** Stated that regarding economic benefits, there will be funds for training and employment opportunities associated with this Project. Stated that once the VFPA has a better idea of the terminal construction plan, there will be a better idea of what types of jobs will be available. There is a slide in this presentation on	Canada. The specific benefits in terms of benefits to marine trade capabilities, employment, labour income, business revenues, gross domestic product, government revenues, and scientific advances are documented in EIS Section 34.2. For example, during a five-and-a-half-year construction period, the Project would generate significant employment benefits for B.C. Project construction would generate a total of 12,719 person-years of direct, indirect, and induced employment of B.C. workers, and approximately $1 billion in wages. In addition, as stated in EIS Section 32.3.3, the VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs.	Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 3 Engagement and Consultation 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.7 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
	Interested in being involved in Projects that improve and maintain relationships.		the predicted economic benefits for construction and operations. **31-Aug-2017, Meeting:** The VFPA and Tseycum begun negotiations for a mutual benefits agreement. On 23-Nov-2017, a mutual benefits agreement was reached.		
Tseycum-22.3	Noted general interest in jobs and benefits, including a job fair. Asked about the types of jobs available at RBT2, expressing interest in jobs for Tseycum youth. Asked about training requirements, and on-the-job training. Asked if there will be a union at the terminal. Requested to know requirements in advance to allow time to train. Stated that Tseycum members have experience as flaggers (certified), construction workers (non-certified), water testers, harvesters, heavy equipment operators (certified), security, tug operation and admin support. Concerned that training and hiring opportunities will not be guaranteed/that they will not be provided. Suggested equal opportunity hiring, specifically of minorities, people with disabilities, and fixed-income people	01-Dec-2015, Meeting 24-Feb-2016, Meeting 03-Mar-2016, Elders Workshop 04-Mar-2016, Elders Workshop 05-Jul-2016, Roberts Bank Tour #1 08-Sep-2016, Elders Tour Debrief 02-Mar-2017, Elders Meeting 03-Mar-2017, Elders Meeting 20-Apr-2017, Meeting	**01-Dec-2015, Meeting:** Answered that is good feedback for the VFPA. **24-Feb-2016, Meeting:** Noted that the VFPA is hoping to have discussions with Tseycum about opportunities once additional information is available, and welcomes any comments or suggestions. **03-Mar-2016, Workshop:** Stated that the VFPA is currently compiling materials and information related to jobs; the VFPA will be sharing information related to the types of jobs available and what kind of training they will require so that workers can be ready. The VFPA is hoping to identify what Tseycum is interested in, and to enable some opportunities to facilitate that (e.g., job fairs, training budget) over the next few years. **05-Jul-2016, Tour #1:** Described Project benefits noting there will be job opportunities created directly related to the Project itself (its construction and operation) and also jobs indirectly created related to the whole transportation network or supply chain. **08-Sep-2016, Elders Tour Debrief:** Stated that there will be different positions that require different training and the VFPA will try and work with Tseycum to get them information on what kind of training they would need. **02-Mar-2017, Meeting:** Replied it has taken Tseycum's concerns and comments back and is now looking at how more assurance that benefits and jobs and training will go to the affected Indigenous groups. Requested Tseycum's input related to opportunities. **03-Mar-2017, Meeting:** Offered to return with the high-level information from the EIS to present on the labour market to help bring Tseycum's new Councillor up to speed. **20-Apr-2017, Meeting:** Stated that the VFPA would like to attend a job fair at Tseycum, but is not ready to hold/participate in a just yet and explained that the procurement process for the terminal operator is in progress. Stated that current plans are to select a terminal operator by the end of 2017. With the terminal operator on board, Project specifications will be refined there will be more definition regarding the types of job opportunities available.	**Addressed in EIS Appendix 7.2-B (#215):** The VFPA proposes to assist Tseycum First Nation in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014. Opportunities for Indigenous training and employment opportunities related to the Project are described in EIS Section 32.3.3. **Addressed in AIEIS Appendix 2-B, Table 23 (#103):** The types of jobs that will be available at RBT2 are addressed in EIS Appendix 20-A. The VFPA is working with Indigenous groups to facilitate access to Project benefits, including training, employment opportunities, and Project contracting opportunities. As stated in the EIS, and in the AIEIS, the VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs. As stated in in EIS Section 19.0, the VFPA's influence over the breadth and depth of training during construction would be limited to the Project's direct workforce. In general, the Infrastructure Developer would offer direct training and apprenticeship positions that are consistent with its labour agreements. As stated in EIS Appendix 20-A, a marine Terminal Operator would be responsible for providing and operating container handling equipment and managing utilities and most terminal maintenance. During the operation phase, the VFPA would have the role of landlord and would be responsible for some of the infrastructure maintenance, including for the Roberts Bank causeway. The Terminal Operator would arrange for the longshore workers, including supervisors who operate the ship-to-shore gantry cranes and other handling equipment that move the containers on and off ships, railcars, and drayage truck trailers, and would contract for terminal security and maintenance personnel. Labour arrangements at RBT2, including collective agreements with unions, would be the responsibility of the marine terminal operator.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 19.0 Labour Market 19.7.5 Potential Effect #4 – Change in Training Opportunities 20.0 Economic Development Appendix 20-A Economic Impact Roberts Bank Terminal 2 Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project 35.0 Effects Assessment Summaries Table 35-2 Proposed Mitigation Measures and Commitments **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 23 Labour Market 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.3 Mitigation Measures

Table 23: Traffic / Transportation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-23.1	Asked whether transport trucks will still be used for hauling cargo to other locations up the Fraser River. Concerned with increases in truck traffic in the area as a result of the Project.	03-Mar-2016, Elders Workshop	**03-Mar-2016, Workshop:** Responded yes, trucks and rail are part of the transport network, and referred to the construction of the South Fraser Perimeter Road. Responded that traffic is being looked at by the Ministry of Transportation and Infrastructure, and the VFPA has been involved in traffic projects, such as holding lots for trucks to wait in, so they do not sit idling while they wait.	**Addressed in EIS Appendix 7.2-B (#216):** As defined in the *EIS Guidelines*, the scope of the Project includes marine, road, and rail transportation within the VFPA's jurisdiction. The scope of the assessment is the potential effects of the Project components and activities included within the scope of the Project wherever they occur, including effects that extend beyond the VFPA's jurisdiction. The scope of assessment is different for the various components being assessed, depending on the range of potential effects for each component. The effects of truck and train traffic beyond the Roberts Bank causeway is not within the scope of the environmental assessment as defined by the *EIS Guidelines*. However, incremental truck traffic travelling outside of VFPA jurisdiction, but within the assessment areas of various VCs, is an activity considered in the assessment of cumulative effects. The federal *Railway Safety Act* promotes the safety and security of the public and personnel, and the protection of property and the environment, in railway operations within the legislative authority of the Canadian government. **Addressed in AIEIS Appendix 2-B, Table 2 (#15):** As defined in the *EIS Guidelines*, the scope of the Project includes marine, road, and rail transportation within the VFPA's jurisdiction. However, incremental RBT2-associated truck traffic travelling outside of the VFPA's jurisdiction, but within the assessment areas of various VCs, is an activity considered in the assessment of cumulative effects.	**EIS** 4.0 Project Description 4.4.2.2 Operation-phase Activities, Marine Terminal Operation Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods Table 8-8 Project and Activity Inclusion List **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation

Table 24: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document and Section providing Additional Information
Tseycum-24.1	Interested in being provided with additional and more detailed information about the ECHO program.	30-Jan-2017, *WSÁNEĆ* All-Chiefs Meeting (Pauquachin, Tsartlip, Tsawout, Tseycum)	**30-Jan-2017, Meeting:** Offered to provide an in-depth presentation with ECHO (Enhancing Cetacean Habitat and Observation) Program representatives who can provide more detailed information at a future date. **10-May-2017, Email from the VFPA:** Provided Tseycum First Nation with a copy of the ECHO Program 2016 Annual Report and stated "As discussed in the last *WSÁNEĆ* Chiefs meeting, the port authority is available to provide a presentation about the program at a time convenient for the group" **05-Oct-2017, Email from the VFPA:** We have also heard interest form the group in a presentation from our ECHO Program, which relates to marine mammals. More information on the program can be found at the following link: https://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/echo-program/. The ECHO team is available to book a meeting starting in November, so please suggest a date if there is interest. **12-Dec-2017, Meeting:** The VFPA hosted a *WSÁNEĆ* All-Chiefs Meeting, and presented on the ECHO Program. Tseycum First Nation was invited, but unable to attend.	**Addressed in response to IR4-10:** As noted in IR4-10, in 2014, the VFPA-led ECHO Program is a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, including Indigenous individuals, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. Further information about ECHO Program can be found at: https://www.portvancouver.com/environment/water-land-wildlife/echo-program/.	**Information Requests** Response to Sufficiency Information Request #10 (IR4-10 of CEAR Document #1051)

APPENDIX IR10-01-C17

MALAHAT NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-1.1	Asked about the study area for the air quality assessment, and whether the focus east of the RBT2 footprint is due to traffic associated with moving containers. Asked whether wind force was a consideration in the air quality assessment.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Explained this is because of meteorological conditions in the area, and stated that dispersion was considered. Stated that receptors east of the Roberts Bank Terminal 2 (RBT2 or Project) footprint (i.e., people on boats) were also considered. Responded that Environment Canada asked the Vancouver Fraser Port Authority (VFPA) to do a sensitivity analysis using a data set called aircraft communications addressing and reporting system (ACARS). Explained that aircraft have monitoring data and it was used to run a sensitivity analysis.	**Addressed in EIS Appendix 7.2-B (#42):** An assessment was carried out to predict potential changes in air quality as a result of the Project. The results of the air quality assessment were used in the assessments of human health and current use of land and resources for traditional purposes (Current Use). The assessment modelled Project-related emission sources during the construction phase, and fuel combustion during the construction and operation phases, and compared them to modelled existing conditions and future expected conditions. Existing conditions considered emissions from marine vessels, trains, trucks, vehicles, and equipment from the existing Westshore Terminals, Deltaport Terminal, and BC Ferries Terminal, while emissions from industrial, commercial, and residential sources within Delta were represented through measured air quality levels in Tsawwassen. A general trend of decreasing concentrations of contaminants has been observed and is expected in the Lower Fraser Valley for some criteria air contaminants, as well as for some trace organic contaminants. Coal dust is also included in the assessment of air quality in existing conditions, in the future with the Project, and in the cumulative effects assessment. Hypothetical maximum emissions scenarios were used to conservatively estimate existing conditions and potential changes from the Project. Estimated emissions and predicted ambient concentrations did not account for the inclusion of shore power as part of the Project, which is expected to decrease future emissions from ships at berth ultimately improving air quality. The assessment concludes that: • Air quality will improve in the future, with or without the Project, as a result of improvements in engine technologies and the use of cleaner fuels. • Cumulative changes, incorporating the Project and other certain and reasonably foreseeable projects and activities, are predicted to be small relative to expected future ambient air quality levels. • Project construction activities are predicted to cause a small increase in concentrations of some contaminants. • Criteria air contaminant (i.e., carbon monoxide, nitrogen oxides, sulphur dioxide, particulate matter, and ground-level ozone) and trace organic contaminant (i.e., formaldehyde and other contaminants related to fuel combustion) levels are predicted to be below air quality criteria on land, with limited exceptions. • The Project is expected to have a negligible effect on future ozone levels and to increase greenhouse gas emissions (i.e., carbon dioxide, methane, and nitrous oxide). • Although Project activities would emit black carbon, black carbon is expected to decrease in the future with the Project due to equipment fleet turnover at existing Roberts Bank terminals to newer engines that meet more stringent emission standards for particulate matter. The Project is not expected to result in any significant adverse effect on human health, including from changes in air quality. During operation, it is unlikely that Project-related exposures to air emissions would result in health effects. The only residual effect associated with air quality changes would be experienced by individuals on the water near the terminal during construction due to short-term and infrequent dust generation.	**Environmental Impact Statement (EIS, CEAR Document #181)** Appendix 7.2-B Aboriginal Issues and Interests 9.0 Physical Setting 9.2 Air Quality 9.2.5 Methods 9.2.6 Existing Conditions Table 9.2-4 Air Quality Criteria for Criteria Air Contaminants Table 9.2-5 Air Quality Criteria for Toxic Organic Contaminants 9.2.7 Expected Conditions 9.2.8 Future Conditions with the Project 9.2.9 Future Conditions with the Project and Other Projects and Activities Appendix 9.2-A Air Quality Study Main Report Appendix A - Emissions Inventory Appendix B – Existing Air Quality Appendix C - Air Dispersion Modelling Appendix F - Ships Underway Appendix H – Westshore Coal Dust Assessment **Additional Information to the EIS – *W̲SÁNEĆ* Nation (AIEIS; CEAR Document #930)** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 8 Air Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The benefits of existing initiatives are realised in the existing emissions monitored at local air quality stations in Metro Vancouver. Future benefits, such as those associated with improvements in fuel (see EIS Section 9.2) are based on their anticipated level of benefit to future air quality emissions. **Addressed in Appendix 2-B, Table 8 (#44):** The local study area (LSA) for the assessment of air quality included a 19 km by 16 km area, which extended beyond the Project footprint as far east as Boundary Bay, south to the tip of Point Roberts, U.S.A., and north to the southern boundary of Richmond. The LSA captures the extent of emissions originating within the Project footprint. Characterisation of the existing climate and meteorological conditions in the vicinity of the Project is important because these are the main forces driving the transport (dispersion or mixing) of emissions in the atmosphere. To ensure that the meteorological conditions were adequately represented, the area over which the air dispersion model was run included all of North Delta and most of Richmond, a domain of approximately 26 km x 24 km (EIS Figure 9.2-1). The air dispersion model included site-specific meteorological data inputs, as described in Appendix C of EIS Appendix 9.2-A.	
MN-1.2	Concerned with effects to air quality associated with container ships travelling around Vancouver Island.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Responded that more information is provided in the MSA.	**Addressed in MSA Section 7.1:** The potential changes in air quality due to air emissions from marine shipping associated with the Project are assessed in MSA Section 7.1. Criteria air contaminants due to emissions from large marine vessels will be lower in 2030, with or without Project-associated vessel emissions, compared to existing conditions, due to the implementation of fuel and technology standard improvements through the North American Emission Control Area (under the responsibility of the International Maritime Organization (IMO)). Air quality objectives and standards for nitrogen dioxide, sulphur dioxide, and fine particulate matter will not be exceeded with ship emissions in the marine shipping area under future cumulative conditions, including Project-associated vessel emissions. The emissions of these criteria air contaminants from Project-associated ships are expected to represent less than 8% of the total annual cumulative emissions from large marine vessels along the vessel routes, and approximately 6% of total annual cumulative greenhouse gas emissions. Trace particulate organic matter emissions (the organic fraction of particulate matter emissions) are projected to decrease substantially compared to existing conditions, due to emission reduction requirements set out for ships operating within the North American Emission Control Area. This assessment predicted that emissions of other trace gaseous volatile organic gas compounds will increase by more than 20% with large marine vessel activity in the future, although some trace organics may decrease with the implementation of the North American Emission Control Area. Vessel traffic associated with the Project is expected to represent eight of the 20 percentage points of this increase. While there are no criteria for diesel particulate matter in Canada, concentrations within the marine shipping area are currently above acceptable source impact limits for Washington state and are projected to remain above this limit in the future. The levels of other trace organics are projected to be below air quality objectives and limits in the future.	**Marine Shipping Addendum (MSA, CEAR Document #316)** 7.1 Air Quality
MN-1.3	Interested in Project-related commitments or opportunities that move toward being carbon neutral and greenhouse gas	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Stated that the VFPA has incentives for better environmental performers, and these incentives are described on the VFPA's website.	**Additional information provided by the VFPA:** The VFPA leads a suite of initiatives that reduce air emissions associated with key port activities: ships, trucks, cargo-handling equipment, and terminal activities. The VFPA's approach is to collaboratively work with industry and stakeholders in each sector to develop programs that respond to their unique operating context and meet	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	remediation, in the context of helping to address impacts to fisheries. Noted that they are exploring carbon sequestration, for which there is interest in exploring and seeking potential support from VFPA.	28-Jul-2016, Issues Workshop - Island Nations 30-May-2017, Meeting with Administrative Staff	Explained that the incentive program is called EcoAction. There are financial incentives for using shore power, which is when vessels plug into the hydro grid for power as opposed to burning diesel. For trucking, the VFPA has no real control over trucking after it leaves VFPA jurisdiction. However, the VFPA restricts the type of engines that are allowed to operate on VFPA property, which provides a method of regulation. Referred to improvements in infrastructure such as truck staging areas, which decrease truck idling. **28-Jul-2016, Workshop:** Undertook to provide information on port-wide initiatives that apply to the Project, such as shore power. **15-Aug-2016, Email from the VFPA:** Under the *Canada Shipping Act, 2001*, the Vessel Pollution and Dangerous Chemicals Regulations establish standards regarding pollution from vessels additional to the standards set out in the International Convention for the Prevention of Pollution from Ships (MARPOL). This applies to air emissions and greenhouse gases from vessels for (a) vessels in waters under Canadian jurisdiction; and (b) Canadian vessels everywhere (http://laws-lois.justice.gc.ca/eng/regulations/sor-2012-69/FullText.html). The VFPA promotes and recognises cleaner ships through our harbour through our EcoAction program. Ships obtain up to 47% off harbour dues for implementing emissions reduction measures and other environmental practices. In 2009, the Canada Place cruise ship terminal became the first in Canada and third in the world to offer shore power for cruise ships, allowing ships to turn off their engines while in port. More information on our initiatives aimed at improving air emissions from shipping can be found on the following webpage: https://www.portvancouver.com/environment/air-energy-climate-action/marine/. **30-May-2017, Meeting:** Recorded comment for consideration by the Project team.	industry leading environmental objectives. Key initiatives include the EcoAction Program, the Northwest Ports Clean Air Strategy, Air Emissions Inventories, Energy Action Initiative, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air, Energy, and Climate Action initiatives can be found at: https://www.portvancouver.com/environment/air-energy-climate-action/.	

Table 2: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-2.1	Asked for an explanation why current field studies and/or an Archaeological Impact Assessment were not undertaken for the EIS marine shipping assessment.	16-Dec-2015, Letter to the Canadian Environmental Assessment Agency (CEA Agency; CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in *Updated EIS Guidelines*, section 17:** Section 17 of the *Updated EIS Guidelines* notes: *"It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail.* *To the degree possible, the proponent [the VFPA] should maximise the use of existing material that is relevant to marine shipping activities associated with the Project which is beyond proponent's care and control and within the 12 nautical mile limit of the territorial sea. Existing material may be utilized from academic studies, work of government and non-government working groups, past or ongoing environmental assessments, Aboriginal traditional knowledge reports or any other source the proponent deems appropriate for its presentation of this material".*	***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**
MN-2.2	Concerned about the potential for ship wake to erode the shoreline resulting in changes to food availability (especially invertebrates) as well as deterioration or destruction of archaeological sites and culturally important areas (especially burial sites).	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Addressed in MSA Section 9.4.6:** The potential effects on archaeological and heritage resources from vessel transit (marine shipping) are viewed as negligible because the only physical mechanism for effect, vessel wakes, are predicted to be within the natural variation in size of wind waves and would reflect only a small percentage of the annual maximum storm wave energy. **Addressed in response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential Project effects to sites of physical and cultural importance to Indigenous peoples. **Addressed in response to IR10-23:** The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm. **Addressed in IR13-19:** The VFPA's forthcoming response to IR13-19 will further discuss potential effects of shoaling on shoreline structures and sites of physical and cultural heritage importance.	**MSA** 9.4 Archaeological and Heritage Resources 9.4.5.1 Existing Conditions – Physical Environment 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake **Information Requests** Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #23 (IR10-23) Response to Sufficiency Information Request #13 (IR13-19)

Table 3: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-3.1	Noted the importance of birds to Malahat. Concerned with potential impacts to birds and migratory birds. Concerned that birds could be adversely affected by the Project as it relates to changes to biofilm. Requested additional information and discussion on the topic of coastal birds.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation 09-Feb-2016, Meeting 28-Jul-2016, Issues Workshop - Island Nations 30-May-2017, Meeting with Administrative Staff	**26-Nov-2015, Workshop:** Noted that the following day's presentation would include migratory birds. Explained that above-ground noise is identified as a potential effect, which is carried forward to the assessments for migratory birds and humans. **27-Nov-2015, Workshop:** Presented information on migratory birds, including information on potential effects associated with the Project. **09-Feb-2016, Meeting:** Agreed to come back and speak more about potential effects to birds. **28-Jul-2016, Workshop:** Responded that coastal birds will be considered as a topic for the next workshop. **30-May-2017, Meeting:** Committed to provide more information on birds and mitigation measures. **12-Jul-2017, Email from the VFPA:** Provided the section references to the EIS that discusses mitigation for marine biophysical valued components (VCs), including describing the proposed approach for mitigation to address Project-related effects to coastal birds. **04-Aug-2017, Email from the VFPA:** Updated the Consultation Plan to include identifying migratory birds and marine mammals as key topics for further discussion. **14-Sep-2017, Email from the VFPA:** Asked if Malahat would like to meet to discuss birds and marine mammals.	**Addressed in AIEIS Appendix 2-B, Table 20 (#89):** The Fraser River estuary is an important area to many coastal birds because of its abundant food sources. The Roberts Bank area supports an abundance and diversity of bird species. An assessment was undertaken to determine the effects of the Project on coastal birds, including migratory birds. The scope and methods of the coastal birds assessment are described in EIS Section 15.0. Anticipated Project-related changes to coastal birds were assessed by considering potential changes in productivity, abundance, density, species diversity, distribution, and suitable habitat area, for the seven sub-components. For some sub-components, foraging opportunity and contaminant levels were also examined. The assessment concludes that the Project is not expected to result in any significant adverse residual effects or significant residual cumulative effects to coastal birds. Changes in the productive potential of shorebirds, herons, raptors, gulls and terns, and passerines are not anticipated. Decreases to the productive potential of waterfowl and diving birds are expected to be minor. Effects to diving birds can be partially offset through the creation of onsite eelgrass and subtidal rock reef habitats, which would create habitat for their prey, which include mussels and other invertebrates. The importance of bird species to Indigenous groups is addressed in the Current Use assessments in EIS Section 32.2 and AIEIS Section 7.0.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 15.0 Coastal Birds 17.0 Mitigation for Marine Biophysical Valued Components 32.2 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **AIEIS – *W̲SÁNEĆ* Nation** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 20 Coastal Birds 7.0 Potential or Established Aboriginal or Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MN-3.2	Interested in bird surveys. Stated that Malahat Nation has been in discussion with the Ministry of Transportation and Infrastructure regarding linking data to migratory birds.	29-Jun-2017, Site Tour	**29-Jun-2017, Site Tour:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** In 2012, the VFPA initiated field, desktop (i.e., literature review), and modelling studies to inform the understanding of existing conditions at Roberts Bank. Building on available information, these studies were designed to address known data gaps, as well as issues and interests of Indigenous groups, stakeholders, and the public, as well as to provide baseline information to assess Project-related effects as part of the environmental assessment. Some Technical Data Reports are appendices to EIS sections (see EIS Section 15.4.1 related to bird surveys and migratory birds), while others are available publicly on the RBT2 website: http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/.	**RBT2 Project website** http://www.robertsbankterminal2.com/environmental-assessment/technical-data-reports/ **EIS** 15.4.1 Desktop and Field Studies **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Technical reports prepared in support of the Panel Review currently underway are posted to the CEA Agency Registry: http://www.ceaa-acee.gc.ca/050/evaluations/document/exploration/80054?culture=en-CA As an example, the VFPA's response to IR8-04 includes technical volumes as appendices: Appendix IR8-04-A Shorebird and Biofilm Dynamics during Northward Migration and Appendix IR8-04-B Investigation of Selective Feeding of Biofilm Communities by Shorebirds during Northern Migration.	
MN-3.3	Stated that there may be interference in Malahat collection of bird eggs during the spring, which occurs primarily along rocky shorelines facing the shipping route. Stated that based on Malahat traditional knowledge ducks are present in deeper waters on windy days and there may be increased interaction between tankers and ducks on windy days.	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Project is a proposed container terminal; therefore, only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 9.5.5.1:** As noted in MSA Section 9.5.5.1, as ship-related wave heights are expected to be within the spectrum of wind-generated waves (i.e., smaller than 10 cm) for a larger percentage of the time, and since Current Use activities would not be expected to always occur during calm conditions, wake from Project-associated vessel traffic is not expected to result in a measurable change in access to preferred Current Use locations, either in open water or along the shorelines within the marine shipping area. **Further information provided by the VFPA:** Although underwater marine bird strikes were not considered as a potential interaction, as noted in MSA Section 8.3, collisions with ships (above the surface) resulting in bird mortality are anticipated to result in a residual effect of loss of productivity, although there are no known reports of such mortalities from vessels transiting shipping lanes within the marine shipping area. This effect, therefore, is not widespread and collisions with vessels are most likely infrequent and, if they occur, are expected to be limited to a small proportion of the population. When considering cumulative effects of increased vessel activity in the marine shipping area, including marine vessel traffic associated with the Project in combination with other existing and future projects and activities, individual mortalities are likely to increase. However, the loss of productivity would not compromise long-term population integrity, and the residual effect is expected to be not significant and unlikely to occur. Cumulative effects are also unlikely to occur.	**MSA** 8.3 Marine Birds 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use

Table 4: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-4.1	Requested additional information about the directional impact of wave travel.	09-Feb-2016, Meeting	**09-Feb-2016, Meeting:** Committed to follow-up to arrange a presentation. **06-Jul-2016, Meeting:** The VFPA met with Malahat to discuss marine shipping. The presentation included a discussion on the wave environment. Below is an excerpt from the presentation: • The existing wind-wave climate varies greatly across the local study area. • Most wind-generated wave heights are in the range of 10 to 50 cm, reaching up to 200 cm. • Vessel wake is a small component of the existing wave climate. • Wake waves larger than 10 cm would reach shorelines only in Segment B of the marine shipping area in three zones. • Container ship wake waves are expected to be indistinguishable from natural waves 54% to 70% of the time, depending on the zone in Segment B. • Vessel wake waves approaching shorelines would be between 10 cm and 12.5 cm high. • Based on the spectrum of wind-generated waves, ship wake would be indistinguishable from wind-generated waves except during calm conditions. • Project-associated traffic is expected to increase total vessel traffic by 6%. • The potential for wake-generated waves to occur during calm conditions is also expected to increase by 6%. • Cumulative vessel traffic (all vessels transiting the marine shipping area) is expected to increase by 36%. • The potential for small wake-related waves (10 to 12.5 cm) is anticipated to cumulatively increase by 36%.	**Addressed in MSA Section 7.2:** As noted in MSA Section 7.2, an assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project to wake-generated waves. Ship wake that is less than 10 cm in height is considered to be well within the range of natural conditions and therefore defines the threshold for consideration in the assessment. In Segment A (southern Strait of Georgia), the estimated Project-associated vessel wave heights are predicted to be equal to or less than 0.03 m due to the slow vessel speed observed in this segment. Thus, the vessel wake from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators in the southern Strait of Georgia during calm conditions. **Addressed in response to IR7-21:** As noted in the VFPA's response to IR7-21, although the probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves. **Addressed in response to IR7-22:** The VFPA's response to IR7-22, as requested by the Review Panel, discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area. For all segments discussed in the MSA, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators. The vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators, including operators undertaking fishing activities, because of the existing energetic wave climate.	**MSA** 7.2 Wave Environment **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1049) Response to Sufficiency Information Request #22 (IR7-22 of CEAR Document #1049)
MN-4.2	Concerned that bigger ships (such as Triple E ships) calling on RBT2 will have an impact on the current tidal and coastal geomorphic conditions of the area.	06-Jul-2016, Meeting	**06-Jul-2016, Meeting:** Stated that the MSA covers this topic. Stated that it depends on the speed and draught of the ship. Committed to following-up with more information. Stated that those ships (Triple E ships) are not designed for use in Pacific Northwest water. Stated that all ports that they dock at would have to be able to accommodate that size ship and there is not a demand for that currently; if there were a progression toward those in 2040 or 2050, the number of ships calls would decrease. Stated that wake-generated waves would only interact with 2% of the coastline and the VFPA has not assessed that for a larger ship. **15-Aug-2016, Email from the VFPA:** *"Wave height from a "representative vessel" vs a Triple-E size ship.*	**Addressed in AIEIS Appendix 2-B, Table 11 (#51):** Potential changes to the wave environment from ship wake (from Project-associated vessels) was assessed for a representative container vessel with approximately 9,000 to 9,500 twenty-foot equivalent units (TEUs) capacity in MSA Section 7.2. In addition to the study of a representative vessel, a sensitivity analysis of other vessel types with differing hulls was also conducted (see MSA Appendix 7.2-B). The analysis of wake height varied by a little over 10 cm in response to the vessel hull type, compared to the representative vessel. Coastal geomorphic conditions are not expected to change from wake-generated waves as vessel wake is a small component of the existing wave climate, which is influenced by wind-generated waves and ocean swell.	**MSA** 7.2 Wave Environment 7.2.5 Incremental Changes to the Wave Environment from Marine Shipping Associated with the Project Appendix 7.2-B Ship Wake Calculations **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 11 Coastal Geomorphology

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			The wave study in the Marine Shipping Addendum calculated the size of a wave when it arrived at the shoreline. Wave height is determined by characteristics of the hull and vessel speed. A Triple-E vessel is larger than the "representative vessel" used to calculate wake for the purposes of the marine shipping assessment, but a Triple-E vessel typically travels at a slower speed to achieve greater energy efficiency. *The graph [provided in the letter] shows the size of vessel wake generated by different types of vessels, and the size of waves as they travel further from the vessel. At a distance of 1,000 m away from the vessel, wake from a tug boat will be approximately 0.18 m and wake from an empty conventional motor vessel would be about 0.05 m. While a Triple-E vessel was not directly assessed, our coastal geomorphology consultant estimates that a Triple-E hull shape would likely plot just a bit higher than the "vessels" line but lower than the "tugs and patrol boats" line [in the graph referenced].* *If helpful, we could arrange a follow-up discussion (either at a workshop or one-on-one) on this topic."*		

Table 5: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-5.1	Concerned with statements in the EIS that the proposed Project will not result in significant environmental effects. Stated that Malahat is of the view that sizable projects such as RBT2 do create significant environmental impacts. Requested clarification regarding what barometer is used for determining whether a significant environmental effect will occur. Stated that the wording of the EIS and AIEIS fail to encapsulate impacts of the proposed Project on Malahat. Commented that proponents never state that they anticipate significant effects; effects are always characterised as negligible and reversible. Concerned that consultants write reports that their clients want to see. Asked how the difference of opinion regarding significance of effects will be addressed.	26-Nov-2015, EIS Results Workshop #1 - *W̱SÁNEĆ* Nation 09-Feb-2016, Meeting 15-Dec-2016, Letter 30-May-2017, Meeting with Administrative Staff	**26-Nov-2015, Workshop:** Stated that the VFPA was asked to define the threshold for a significant effect for each VC, and then assess whether the residual effect would be significant. Clarified that saying there will be no significant effect does not imply that there is no residual effect. The significance determination is done by experts and the Panel will determine if the definition of significance is correct. **09-Feb-2016, Meeting:** Noted the language is linked to the CEA Agency guidelines the VFPA is responding to. The term 'significant environmental effects' is environmental assessment language and the VFPA is required to use it. **30-May-2017, Meeting:** Responded that the EIS includes the conclusions of the VFPA or its consultants, but the panel process is an independent review of the assessment. Suggested that Malahat could submit concerns to the Review Panel for consideration. Responded it is up to the Review Panel to conclude on the effects of the Project. Outstanding concerns will be addressed through continued communications with Malahat, and discussions regarding the follow-up program and mitigation measures.	**Addressed in AIEIS Appendix 2-B, Table 5 (#32):** As required in the *EIS Guidelines* (part 2, section 13), the EIS presents a detailed analysis of the significance of the residual environmental effects on VCs, which is consistent with the approach described in the CEA Agency's *Reference Guide Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects*. The threshold of significance is defined for each VC, taking into consideration any relevant applicable quantifiable thresholds that may be established by regulation or policy (e.g., an air or water quality limit), as well as the resilience of the VC and other factors that influence the long-term sustainability of the VC (e.g., factors affecting its population). In this regard, the key 'barometer' of significance determination is usually the long-term integrity or sustainability of the VC. The EIS describes a range of residual effects of the Project, including some that are predicted to be negligible and reversible and some that are predicted to be not reversible, not significant, or (in the case of cumulative effects on marine mammals) significant. **Additional information provided by the VFPA:** The VFPA does not make the final determination of significance of potential environmental effects of the Project. The Minister of Environment and Climate Change will determine whether the Project is likely to cause significant adverse environmental effects, taking into account mitigation measures and, if significant adverse environmental effects are likely, the federal Cabinet decides whether these effects are justified in the circumstances. A decision statement is issued that sets out the decision and, as necessary, associated conditions with which the VFPA must comply should the Project be allowed to proceed.	**EIS** 8.0 Environmental Assessment Methods **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 5 Effects Assessment Methods
MN-5.2	Requested the definitions of "minor" and "temporary" in the EIS. Asked how the use of the term "minor" compares to the term "very low" in the assessment.	27-Nov-2015, EIS Results Workshop #2 - *W̱SÁNEĆ* Nation 05-Jan-2017, Letter	**27-Nov-2015, Workshop:** Stated that for birds or other species, the terminology used to describe potential effects is negligible, minor, moderate, or high. Negligible means not measurable (e.g., the predicted effect is within the margin of error for the model). Minor means that the effect is measurable. The term 'very low' refers to a relative proportion of a bird population that are expected to die as a result of vehicle collision-related mortalities. Significance is determined as either 'significant' or 'not significant'; a level is not attributed.	**Addressed in AIEIS Appendix 2-B, Table 5 (#37):** In each VC assessment section, a table titled 'Identification of Potential Project Interactions' provides a potential effect rating for each interaction identified, as well as a description of the nature of the effect. Potential effects (before mitigation) are characterised as 'minor', 'moderate', or 'high' in VC assessments in order to provide context to the descriptions of potential effects. These terms are not based on quantitative thresholds, and the rationale for the ratings is provided in the same table where the rating is provided. **Addressed in response to AIR-12.04.15-30:**	**EIS** Sections 11.0 through 28.0 30.0 Potential Accidents or Malfunctions Table 30-2 Probability Categories and Return Periods for Potential Project-related Accidents or Malfunctions **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 5 Effects Assessment Methods

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			05-Jan-2017: Recorded comment for consideration by the Project team.	Residual effects (after mitigation) are characterised using a set of residual effect criteria ratings. 'Low' is one of the ratings used to characterise the 'magnitude' criteria in the residual effects assessment (i.e., 'Low', 'Moderate', or 'High'). Each rating is defined on VC-specific basis to account for the natural variability for each species. The term 'very low' is used in the EIS to characterise levels of habitat use or presence of biophysical species in assessment areas (see AIR-12.04.15-09). It is also used to describe the probability (associated with a range of quantitative return periods) of accident and malfunction scenarios (EIS Section 30.0).	**Information Requests** Response to Additional Information Request #9 (AIR-12.04.15-9 of CEAR Document #388) Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388)
MN-5.3	Asked if the study area for marine shipping stops at the Canada-US border. Asked if there are effects that extend beyond the border.	27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation	**27-Nov-2015:** Responded that the study area stops at the border. It is possible that effects extend further, but the majority are contained in the Roberts Bank study area. Underwater noise is an exception. Stated that total suspended material extends a bit further as well (as underwater noise). If there was no effect in the local assessment area (LAA), where the effect would be most concentrated, it was assumed that the effect would not extend past the border. The extent of effects also depends on the species.	**Addressed in EIS Section 8.1.3:** EIS Section 8.1.3 discusses how assessment boundaries were established. Spatial assessment boundaries were identified for each VC based on the spatial characteristics of the Project and the VC (e.g., location, distribution, range), and the areas within which Project-VC interactions and effects are expected to occur. When determining the spatial boundary, the Project team also considered, as applicable, available community knowledge and Indigenous Traditional Knowledge (ITK), information on current land and resource use by Indigenous groups, and other pertinent ecological, technical, social, and cultural considerations, as well as input from government, Indigenous groups, and the public. Administrative boundaries may include political, economic, fiscal, or social constraints on data collection or analysis. Where administrative boundaries constrain the identification or assessment of potential effects of the Project on a VC, the nature of those administrative boundaries and their effect(s) on the assessment for that VC are documented. EIS Appendices 29-B and 29-C summarise changes the Project may cause to the environment (for intermediate components (ICs) and VCs, respectively) on federal lands or lands outside of B.C. (including outside of Canada), as well as the mitigation measures, follow-up and related commitments, and the residual environmental effects (including cumulative environmental effects) identified in relation to this category of environmental effects. **Addressed in response to IR-7.31.15-14:** IR-7.31.15-14 summarises the nature and characteristics of transboundary changes to ICs or potential effects to VCs related to the Project.	**EIS** 8.1.3 Establishment of Assessment Boundaries Appendix 29-B Changes to the Environment that would occur on Federal or Transboundary Lands (Intermediate Components) Appendix 29-C Changes to the Environment that would occur on Federal or Transboundary Lands (Valued Components) **Information Requests** Response to Information Request #14 (IR-7.31.15-14 of CEAR Document #314)
MN-5.4	Requested more information on cumulative impacts and shipping.	15-Jul-2015, Meeting 08-Sep-2015, Letter	**15-Jul-2015, Meeting:** Recorded comment for follow-up.	**Additional information provided by the VFPA:** The Project is a proposed container terminal; therefore, only container vessels will call. Tanker	**MSA** Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Concerned with the cumulative effects of tanker traffic and the number of different companies proposing projects that will increase traffic. Concerned about the cumulative nature of impacts from marine shipping on air quality, vessel strikes to marine mammals, and coastal geomorphology. Concerned with the cumulative impacts to tides and fish. Concerned with the conclusion of negligible wave effects and comparison to a storm event, because shipping occurs every day leaving no calm days for safe travel. Concerned that cumulative effects to the marine environment and species arising from increased shipping will result in reduction in levels of Aboriginal harvesting. Acknowledged that not all this is in the Port's jurisdiction.	09-Feb-2016, Meeting 12-Sep-2016, Malahat Traditional Use Study 30-May-2017, Meeting with Administrative Staff	Shared figures for total vessel movements in 2012 and predicted for 2030. **11-Sep-2015, Letter from the VFPA:** *"Thank you for articulating your preliminary concerns with the Roberts Bank Terminal 2 Project. These concerns will be considered in the Marine Shipping [Addendum] for RBT2, to be submitted by [the VFPA] to the Canadian Environmental Assessment Agency ("CEAA") this fall."* **09-Nov-2015, Letter from the VFPA:** Enclosed a copy of the MSA, which was submitted to the CEA Agency on October 26, 2015. The MSA included MSA Appendix 5-B Aboriginal Issues and Interests. **09-Feb-2016, Meeting:** Committed to arrange a presentation. **06-Jul-2016, Meeting:** The VFPA met with Malahat on marine shipping. Cumulative effects were discussed as part of the presentation. Explained that no adverse cumulative effects are anticipated with the exception of potential effects to southern resident killer whales (SRKW), already significantly affected by past projects and activities. Therefore, cumulative effects expected to remain significant. **30-May-2017, Meeting:** Acknowledged Malahat's broader concerns of cumulative effects in the region.	ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each IC and VC assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. **Further information provided by the VFPA:** The VFPA understands that marine shipping associated with the Project outside of the VFPA's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction.	6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment Sections 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights
MN-5.5	Requested clarification on whether the VFPA has considered conducting a lifecycle approach to an environmental assessment.	26-Nov-2015, EIS Results Workshop #1 - W̲SÁNEĆ Nation	**26-Nov-2015, Workshop:** Stated that the VFPA is unsure how a life cycle analysis of containerised goods would work.	**Addressed in AIEIS Appendix 2-B, Table 2 (#10):** As stated in EIS Section 8.0, the methods for the RBT2 environmental assessment were developed to meet the requirements specified in the *EIS Guidelines* and are consistent with existing guidance documents and the *Canadian Environmental Assessment Act, 2012 (CEAA, 2012)*. A lifecycle approach to environmental assessment is not required. As stated in the EIS, the guidance documents relied upon include the *Operational Policy Statement Assessing Cumulative Environmental Effects Under the Canadian Environmental Assessment Act, 2012* (CEA Agency 2013) and *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects* (CEA Agency 1994), the *Cumulative Effects Assessment Practitioners' Guide* (Hegmann et al. 1999), and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects* (EAO 2013), among others.	**EIS** 8.0 Effects Assessment Methods **AIEIS** Appendix 2-B Aboriginal Issues and Interests - W̲SÁNEĆ Nation, Table 2 Project Planning, Development, and Implementation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-5.6	Commented that traditional knowledge inputs are visibly absent from the evidence slide, and should be considered a key information source for the models. Stated that the absence of traditional knowledge from the slide gives the impression that it is not as important as the science. Requested information in relation to how traditional knowledge was used to inform the models.	27-Nov-2015, EIS Results Workshop #2 - *W̱SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Responded that traditional knowledge fed into numerous lines of evidence but acknowledged that traditional knowledge was visibly absent from the slide. Stated that traditional knowledge feeds into the VCs, and this is demonstrated on the slides for each VC. Technical specialists sat with elders, fishers, and other community members to gather information to feed into the VCs. Working groups were held in early 2014 to present the approach for the effects assessment and the individual studies and feedback was received. Added that Tsawwassen First Nation members worked on field crews, boats, etc. in preparation of the EIS.	**Addressed in AIEIS Appendix 2-B, Table 15 (#61):** As described in IR-7.31.15-08, the overall approach taken for collection and integration of ITK is described in EIS Section 7.0. All relevant ITK that was available was incorporated into the EIS. When ITK is used in the assessment of an IC or VC, (most often informing existing conditions), the source of ITK is cited directly. Table IR8-1 lists each IC and VC assessment section and indicates where and how ITK was used in the assessment. The Roberts Bank ecosystem model inputs consisted of quantitative data from literature values, previously conducted ecosystem models in the area, and RBT2-specific field studies. As a qualitative source of information, ITK was not incorporated into the ecosystem model. **Addressed in response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides tables similar to those presented in CEAR Document #572 and CEAR Document #930 to summarise how all available ITK was incorporated into the EIS and MSA.	**EIS** 7.0 Engagement and Consultation 7.2.1.7 Collection of Aboriginal Traditional Knowledge 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 15 Roberts Bank Ecosystem **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Sufficiency Information Request #02 (IR10-02)
MN-5.7	Requested to know why Traditional Use and access and Aboriginal treaty rights were not selected as a valued component (VC).	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** The VFPA has reviewed this letter and refers to EIS Section 8.0, which describes the environmental assessment methods developed to meet the requirements specified in the *EIS Guidelines* and are consistent with existing guidance documents and *CEAA, 2012*.	
MN-5.8	Requested to know how Aboriginal traditional knowledge (ATK) was used as rationale in the selection of each of the five sub-components and representative species of marine birds.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Canadian Environmental Assessment Agency (the Agency) requested additional information on how Aboriginal Traditional Knowledge was used in the marine shipping addendum in Additional Information Request (AIR) #4 Aboriginal Traditional Knowledge."*	**Addressed in response to MSA IR-02.24.16-4:** MSA IR-02.24.16-4 provides a further discussion of how and where ITK was utilised in the MSA. Table MSA IR4-1 lists each assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the assessment, a rationale is provided (right column).	**Information Requests** Response to Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
MN-5.9	Stated that Sections 9.3 (Outdoor Recreation), 9.4 (Archaeological and Heritage Resources), 9.5 (Current Use) and 10.5 (Accidents and Malfunctions) do not mention how Aboriginal traditional knowledge (ATK) was incorporated into mitigation or avoidance of environmental effects or adverse impacts to Aboriginal and Treaty rights.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Canadian Environmental Assessment Agency (the Agency) requested additional information on how Aboriginal Traditional Knowledge was used in the marine shipping addendum in Additional Information Request (AIR) #4 Aboriginal Traditional Knowledge."*	**Addressed in response to MSA IR-02.24.16-4:** MSA IR-02.24.16-4 provides a further discussion of how and where ITK was utilised in the MSA. Table MSA IR4-1lists each assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the assessment, a rationale is provided (right column).	**Information Requests** Response to Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
MN-5.10	Requested that the VFPA define the threshold employed to determine "negligible" vs. "measurable" impacts to Traditional Use. How did	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency has requested additional information on Port Metro Vancouver's assessment methodology and*	**Addressed in Response to MSA IR-02.24.16-4:** MSA IR-02.24.16-4 provides a further discussion of how and where ITK was utilised in the MSA. Table MSA IR4-1 lists each assessment section (left	**Information Requests** Response to Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Aboriginal traditional knowledge (ATK) inform the scale of impacts?		*how Aboriginal Traditional Knowledge was used in the marine shipping addendum in AIR #2 Rationale for Effects Characterization and AIR #4 Aboriginal Traditional Knowledge."*	column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the assessment, a rationale is provided (right column). **Addressed in response to MSA IR-02.24.16-2:** MSA IR-02.24.16-2 identifies the receptors of potential effects to Current Use and impacts to rights, and provides an explanation of how potential effects and impacts were determined to be negligible or measurable in the MSA.	Response to Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)
MN-5.11	Stated that the EIS finds "*Project-associated shipping is not expected to measurably affect the existing quality of Current Use experience within the [marine shipping area] through changes to light, noise, or air emissions, increased statistical risk to safety on water, or further erosion to sites of importance that help to define cultural landscapes."* Asked about the cumulative effects of these factors combined with anticipated increasing vessel traffic due to other planned projects.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in EIS Section 32.2.9:** In relation to the EIS assessment presented in EIS Section 32.0, as no measurable residual adverse Project-related effects on Current Use are predicted in this assessment, the Project is not expected to contribute to cumulative effects. **Addressed in MSA Section 9.5.8:** An assessment of future cumulative effects on Current Use was not conducted as routine marine shipping associated with the Project is not expected to result in any measurable residual effect on Current Use that is likely to interact cumulatively with changes caused by other projects or activities that will be carried out.	**EIS** 32.2.9 Cumulative Effects Assessment **MSA** 9.5.8 Cumulative Effects Assessment
MN-5.12	Stated that the proponent should provide a cumulative effects assessment of shipping related impacts to Traditional Use and access over the lifetime of the project in conjunction with anticipated impacts of other known projects, regardless of the determined level of RBT2 project-specific impacts.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in AIEIS Section 7.2.9:** As the Project is not expected to result in measurable residual effects on the Current Use of Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation, there are no residual effects that may interact cumulatively with changes caused by other project or activities that have been or will be carried out. An assessment of cumulative effects on the Current Use of Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation in the vicinity of the Project area was therefore not conducted. **Addressed in AIEIS Appendix 2-B, Table 2 (#10):** As stated in EIS Section 8.0, the methods for the RBT2 environmental assessment were developed to meet the requirements specified in the *EIS Guidelines* and are consistent with existing guidance documents and *CEAA, 2012*. A lifecycle approach to environmental assessment is not required. As stated in the EIS, the guidance documents relied upon include the *Operational Policy Statement Assessing Cumulative Environmental Effects Under the Canadian Environmental Assessment Act, 2012* (CEA Agency 2013) and *Determining Whether a Project is Likely to Cause Significant Adverse Environmental Effects* (CEA Agency 1994), the *Cumulative Effects Assessment*	**AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation 7.2 Current Use of Lands and Resources for Traditional Purposes 7.2.9 Cumulative Effects Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Practitioners' Guide (Hegmann et al. 1999), and the *Guideline for the Selection of Valued Components and Assessment of Potential Effects* (EAO 2013), among others.	
MN-5.13	Stated that the EIS addendum is missing a table outlining the relationship of selected valued components (VCs) to Aboriginal and Treaty rights.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on this topic in AIR #13 Aboriginal and Treaty Rights and Related Interests."*	**Addressed in response to MSA IR-02.24.16-13:** Table MSA IR13-2 identifies the relationship between each VC assessed in the MSA and Indigenous groups' potential or established Aboriginal and Treaty rights and related interests.	**Information Requests** Response to Information Request #13 (MSA IR-02.24.16-13 of CEAR Document #386) Table MSA IR13-2 Relationship of VCs to Aboriginal Groups' Potential or Established Aboriginal and Treaty Rights and Related Interests
MN-5.14	Stated that EIS addendum is missing the section outlining project benefits	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on socio-economic conditions AIR #9 Socio- Economic Conditions Assessment."*	**Addressed in response to MSA IR-02.24.16-9:** The effects of any changes to the environment caused by marine shipping associated with the Project on socio-economic conditions were considered in MSA Sections 9.2 and 9.3. Changes to the environment from marine shipping associated with the Project are not predicted to interact with, nor potentially affect, any other social and economic conditions (i.e., such as those assessed within the EIS as relevant to the Project: labour market, economic development, local government finances, and services and infrastructure). Therefore, these other socio-economic conditions were not assessed further within the MSA. As noted in EIS Section 34.0, the VFPA is working with other Indigenous groups to facilitate access to Project benefits, including training, employment opportunities, and Project contracting opportunities.	**EIS** 34.0 Benefits to Canadians **Information Requests** Response to Information Request #9 (MSA IR-02.24.16-9 of CEAR Document #386)
MN-5.15	Asked why seasonality is not included in the list of indicators to inform and evaluate the potential effects on Traditional Use and access as a result of marine shipping activities. Stated that seasonality represents a critical component of Traditional Use as it determines the timing of subsistence activities including fishing, seafood harvesting, marine mammal hunting, marine vegetation harvesting, and other terrestrial resource procurement activities. Requested an explanation as to why seasonality was excluded as an intermediate component.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378) 27-Oct-2016, Letter to Panel (CEAR Document #621)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on [the VFPA's] assessment methodology in AIR #2 Rationale for Effects Characterization. In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in response to MSA IR-02.24.16-2:** MSA IR-02.24.16-2 identifies the receptors of potential effects to Current Use and impacts to rights, and provides an explanation of how potential effects and impacts were determined to be negligible or measurable in the MSA. **Addressed in response to IR10-13:** The VFPA's response to IR10-13, as requested by the Review Panel, provides additional information concerning the rationale for the effects assessment conclusions. **Addressed in EIS Section 8.1.3.2:** As noted in EIS Section 8.1.3.2, the Project team also considered temporal characteristics specific to each VC relevant to understanding when and for how long each VC may interact with and potentially be affected by the Project. For example, the assessment took into consideration the cycles of activity for biophysical VCs (e.g., critical or sensitive life cycle stages such as breeding, nesting, rearing, overwintering) and the	**EIS** 8.1.3.2 Temporal Boundaries **Information Requests** Response to Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) Response to Sufficiency Information Request #13 (IR10-13)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				temporal aspects of economic and social attributes (e.g., fisheries openings, seasonal recreational activities). Important temporal characteristics are described in the existing conditions section for each VC. Where relevant, community knowledge and ITK factored into the descriptions of these temporal boundaries.	
MN-5.16	Stated that the table showing connections between Intermediate Components (ICs) and Valued Components (VCs) is incomplete. Stated that the ICs (coastal geomorphology, surficial geology and marine sediment, marine water quality and underwater noise) all impact Current Use and Aboriginal Rights and Title by way of the following VCs: marine vegetation, marine invertebrates, marine fish, marine mammals and coastal birds. Population, identified as an IC, is connected to or impacts outdoor recreation and land and water use (identified VCs), which, in turn, impacts Current Use. Population increases resulting from Project-related labour opportunities may adversely impact Aboriginal rights and the integrity of traditional use places by way of increasing competition for land and marine-based resources.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 8.0:** The cause-effect linkage between a project and a VC is referred to as an effect pathway, which typically comprises one or more physical media, such as water or air, through which an effect is transmitted to a receptor, such as wildlife or people. An effect pathway may also include different components of natural or socio-economic systems upon which receptors, such as people or a wildlife species of concern, depend. For example, an effect pathway may extend from a project to water quality to fish that depend on water quality, to larger marine mammals that prey on fish, or to humans that harvest fish for commercial, recreational, or Aboriginal purposes. In another example, an effect pathway may extend from a project to a regional population (including the project work force), to the labour market or community services. The components along the pathway through which the effect is transmitted are referred to as ICs for the purposes of this assessment. The components at the end of an effect pathway are referred to as receptor components, as they receive the effect that is transmitted along the pathway. While a project may result in changes to each IC along an effect pathway, the significance of potential project effects is typically assessed in relation to those components that are most valued by society, which are usually the receptor components. Thus, the receptor components are typically selected as VCs for the purposes of assessment. Figure 8-2, presented in EIS Section 8.1.2 provides an example of a pathway of effects. **Addressed in EIS Section 32.0:** The Current Use effects assessment presented in EIS Section 32.0 considered the results of effects assessments of potential Project and cumulative effects on marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds, marine commercial use, outdoor recreation, visual resources, land and water use, human health, archaeological and heritage resources, ongoing productivity of commercial, recreational, and Aboriginal fisheries, as well the assessment of potential changes to air quality, noise and vibration, light and the assessment of potential accidents or malfunctions.	**EIS** 8.0 Effects Assessment Methods 8.1.2 Selection of Valued Components **Information Requests** Response to Sufficiency Information Request #07 (IR10-07)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in response to IR10-07: The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	
MN-5.17	Asked why the VFPA neglected to provide an assessment of cumulative effects for marine invertebrates, marine vegetation, and marine fish. Stated that each of these VCs have been described to have Project-related residual effects; any residual effects should warrant an assessment of cumulative effects.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. **Addressed in responses to IR-7.31.15-13 and AIR-12.04.15-13:** In addition to the cumulative effects summaries presented in the EIS and MSA, IR-7.31.15-13 and AIR-12.04.15-13 provide further consideration of how VCs (that may be affected by residual adverse effects of the Project) have been affected by past, present, and future projects and activities.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)
MN-5.18	Added that the biological state of the estuary, prior to industry, should be valued for the baseline data. Suggested a holistic approach rather than a project by project based approach for the future plans of the area and suggested that the onus is on the proponents.	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, Malahat Nation	**29-Aug-2017, Workshop:** Committed to providing information from the EIS and information requests related to cumulative effects studies for RBT2. **19-Feb-2018, Email from the VFPA:** Provided draft notes from the 29-Aug-2017 Follow-up Program Workshop, which included a post meeting note to address this question. *"Section 8.1.9 of the RBT2 EIS describes the cumulative effects assessment methodology for the RBT2 environmental impact assessment. An assessment of future cumulative effects was conducted when an adverse residual effect was predicted to occur to a valued component (VC) due to a Project-related interaction. For intermediate components (IC), an assessment of future cumulative change was conducted to assess when Project-induced changes to an IC may combine cumulatively with changes caused by other projects and activities that will be carried out. Assessment of future cumulative effects for VCs and future cumulative change for ICs can be found in the following sections of the RBT2 EIS:* *Intermediate Components:* • *Air Quality: Section 9.2.9* • *Noise and Vibration: Section 9.3.10* • *Light: Section 9.4.9* • *Coastal Geomorphology: Section 9.5.9* • *Surficial Geology and Marine Sediment: Section 9.6.9* • *Marine Water Quality: Section 9.7.9* • *Underwater Noise: Section 9.8.8*	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. **Addressed in responses to IR-7.31.15-13 and AIR-12.04.15-13:** In addition to the cumulative effects summaries presented in the EIS and MSA, IR-7.31.15-13 and AIR-12.04.15-13 provide further consideration of how VCs (that may be affected by residual adverse effects of the Project) have been affected by past, present, and future projects and activities.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 8.0 Effects Assessment Methods **Information Requests** Response to Information Request #13 (IR-7.31.15-13 of CEAR Document #314) Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Biophysical Valued Components: • *Marine Vegetation: Section 11.10* • *Marine Invertebrates: Section 12.10* • *Marine Fish: Section 13.10* • *Marine Mammals: Section 14.10* • *Coastal Birds: Section 15.11* *Socio-Economic Valued Components:* • *Marine Commercial Use: Section 21.11* • *Visual Resources: Section 25.10* • *Land and Water Use: Section 26.10* • *Human Health: Section 27.10* • *Cumulative Effects Assessment: Section 28.10* *IRs related to cumulative effects for RBT2 include:* • *IR #13 – Cumulative Effects Assessment* • *AIR #13 – Cumulative Effects Assessment."*		

Table 6: Effects of the Environment on the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-6.1	Asked whether the effects of global warming have been considered in the assessment, and what the effect of global warming will be in 50 years. Concerned that shipping may increase the temperature of the sea water, which is already rising from the effects of global warming.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation 12-Sep-2016, Malahat Traditional Use Study	**26-Nov-2015, Workshop:** Explained that the VFPA engaged a UBC academic to look at sea level rise and that this is the very first port design that accommodated sea level rise in the design. Explained that the consideration of a 1 m increase in sea level rise has been incorporated into the design. **26-Apr-2016, Email from the VFPA:** Post-meeting note - Please refer to EIS Section 31.2.6.	**Addressed in AIEIS Appendix 2-B, Table 7 (#43):** Climate change was considered in EIS Section 9.1 and in EIS Section 9.5. EIS Section 9.1.2.2 provides the estimated extreme high and low water levels for the 50-year and 100-year return periods at the Project area. EIS Section 9.1.2.5 describes anticipated sea level rise. EIS Section 9.5.7 describes the future expected conditions and predicted changes to coastal geomorphology that are expected to occur by the time of Project construction and operation. A more detailed analysis of climate change is provided in EIS Appendix 9.5-A. Project-related changes in greenhouse gases and climate-forcing particulate matter are assessed in the air quality assessment. The carbon footprint for the Project will be reduced through the use of electrically-powered equipment at the terminal and shore power for berthed vessels. The VFPA's overall Air Action Program includes projects that minimise emissions of trucks, cargo handling equipment, and trains, and also includes shore power. Shore power connections enable suitably equipped ships to be plugged into electrical power sources at the wharf so that their diesel engines and associated electrical generators can be turned off, thus reducing air and noise emissions. The VFPA has already provided shore power connections for cruise ships at Canada Place and is actively working on increasing the use of shore power to include container ships. The Project has been designed to include connections for vessel shore power. Electrical services for tug shore power connections will be extended, or added from the existing tug basin services. Mitigation measures related to air quality are included in EIS Sections 27.0 and 35.0. *The Air Action program was renamed to Air, Energy and Climate Action. **Additional information provided by the VFPA:** The VFPA leads a suite of initiatives that reduce air emissions associated with key port activities: ships, trucks, cargo-handling equipment, and terminal activities. The VFPA's approach is to collaboratively work with industry and stakeholders in each sector to develop programs that respond to their unique operating context and meet industry leading environmental objectives. Key initiatives include the EcoAction Program, the Northwest Ports Clean Air Strategy, Air Emissions Inventories, Energy Action Initiative, and environmental requirements through the Truck Licensing Program. Information regarding the VFPA's Air, Energy and Climate Action initiatives can be found at: https://www.portvancouver.com/environment/air-energy-climate-action/.	**EIS** 4.0 Project Description 4.2.1 Project Component Details, Marine Terminal 4.4.2 Project Activities, Operation-phase Activities 9.1 Climate, Coastal Conditions, and Geotechnical Considerations 9.5 Coastal Geomorphology Appendix 9.5-A Main Report Section 27.0 Human Health (revised June 2016) 31.0 Effects of the Environment on the Project 31.2.6 Climate Change 35.0 Effects Assessment Summaries **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 7 Physical Setting 5.0 Human Health

Table 7: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-7.1	Concerned that Malahat was not involved in RBT2 prior to consultation beginning related to marine shipping. Stated that Malahat is of the view that they should have been involved in the scoping of impacts. Requested a detailed explanation for the exclusion of Malahat First Nation in the RBT2 project engagement and consultation process. Stated that Malahat First Nation was excluded from the process of information gathering through additional studies funded by VFPA. Requested the rationale for excluding Malahat First Nation from this opportunity. Requested the criteria used to inform VFPA and CEAA's RBT2 EIS Guidelines in identifying the fourteen Nations included in the RBT2 project engagement and consultation process.	15-Jul-2015, Meeting 09-Feb-2016, Meeting 27-Oct-2016, Letter to Panel (CEAR Document #621)	**15-Jul-2015, Meeting:** Stated that the VFPA will share questions or comments from Malahat about the scope of the study with the CEA Agency and Transport Canada. Listed the Indigenous groups consulted for RBT2, at Malahat's request. **20-Jul-2015, Email to the CEA Agency from the VFPA:** Connected Malahat with the CEA Agency regarding their question as to why Malahat Nation was not included as an Indigenous group to be consulted for the Project. **22-Jul-2015, Email to Malahat from the VFPA:** The CEA Agency will follow up with you regarding the Crown's perspective on consultation with Malahat Nation. The VFPA contacted Malahat by letter, email, and phone in February and March of 2014 to provide information on the Project, invite Malahat to participate in the Technical Working Group, and offer an opportunity to meet and discuss the Project. Since 2014, the VFPA has updated Malahat Nation as to the status of the Project, including sharing an electronic copy of the EIS and a copy of the EIS Executive Summary in April 2015. This information was addressed to Chief and Council, but I would be able to provide a copy of the initial package if this is helpful. **20-Aug-2015, Email from the VFPA:** Provided an outline of what consultation could look like with Malahat going forward, including confirmation of Malahat's participation in the review of the RBT2, kick-off meeting, review of EIS, Project benefits discussion, potential impacts from RBT2 to Malahat, MSA, etc. **09-Feb-2016, Meeting:** Stated that input from Indigenous groups was received on the VCs – for those consulted earlier but unfortunately Malahat was not participating in the Project at that time. **18-Aug-2016, Email from the VFPA:** Provided a draft Consultation Plan for Malahat's review and input. **20-Mar-2017, Email from the VFPA:** Resent the draft Consultation Plan for Malahat's review and input. **04-Aug-2017, Email from the VFPA:** Requested input on draft Consultation Plan in particular areas of the document.	**Addressed in AIEIS Appendix 2-B, Table 3 (#17):** The VFPA advised the CEA Agency of this concern through AIEIS Appendix 2-B (#17). The details of the CEA Agency's direction to the VFPA with regard to engagement and consultation, including *W̲SÁNEĆ* Nation groups, in the assessment is provided in the introduction to the AIEIS. **Additional information provided by the VFPA:** The CEA Agency provided additional instructions to the VFPA to consult with Malahat Nation regarding the Project on January 13, 2016. The VFPA has been in touch with Malahat Nation regarding the Project since February 2014 and associated marine shipping since May 26, 2015. **Addressed in AIEIS Appendix 2-A:** February 2014: Letter and email to Malahat Nation with a package of introductory materials regarding the Project, including an invitation to participate in planned technical working groups. Package included: • Technical Working Group invitation • Technical Working Group Summary Reports • Draft Archaeological Overview Assessment • Project Description • Field Studies Information Sheet (January 2014) • *EIS Guidelines*. February – March 2014: Phone calls to Malahat Nation in follow-up to the introductory package that was sent in February 2014. At the request of Malahat Nation, the package was resent, but the VFPA did not receive a response to the package or invitation to participate in planned technical working groups.	**AIEIS** 1.0 Introduction 1.1 Purpose of the Additional Information to the EIS Appendix 2-A Consultation Activities by Aboriginal Group Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 3 Engagement and Consultation
MN-7.2	Concerned that the amount of funding offered by the VFPA is insufficient to prepare a comprehensive and robust Project-specific Traditional Use Study. Noted willingness to consider less funding if other benefits could be provided. Noted that traditional use studies are project-specific; existing information can only be	26-Oct-2015, Meeting 09-Feb-2016, Meeting 05-Jan-2017, Letter 30-May-2017, Meeting with Administrative Staff 29-Aug-2017, Follow Up Program Workshop	**26-Oct-2015, Meeting:** Stated that the VFPA is able to provide traditional use study (TUS) funding. Explained that the VFPA can discuss the terms of the funding and the scope of the study. **12-Nov-2015, Letter from the VFPA:** Offered funding to support Malahat's engagement with the VFPA and the Project as well as funding for a Project-specific study to support Malahat Nation in gathering information on current use and rights in the Project area. **09-Feb-2016, Meeting:** The VFPA and Malahat met again on 09-Feb-2016 and the VFPA agreed to offer additional funding for participation and a study. Malahat agreed to this offer, and an agreement was signed on 22-Mar-2016.	**Addressed in AIEIS Section 2.1:** In support of Project planning and for information-gathering purposes, the VFPA has provided or offered funding support to ensure the ongoing participation of *W̲SÁNEĆ* Nation in the Project's consultation processes. Additional agreements were also initiated to support the development of studies regarding Current Use and ITK. As a result of these engagement and consultation activities, each of the *W̲SÁNEĆ* bands has provided traditional use information relating to the Project area (see AIEIS Section 7.0). **Addressed in AIEIS Section 2.2.1.1:** In December 2015, the VFPA offered funding to each of the *W̲SÁNEĆ* bands to facilitate the collection of	**AIEIS** 2.1 Engagement and Consultation Overview 2.2.1.1 Sponsorship of Additional Studies Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	leveraged in a limited way. Expressed a need for a traditional use study to cover the past, present and future, which is necessarily project-linked. Stated that Malahat is of the view that the breadth and depth of potential impacts to the Malahat First Nation are far reaching. Stated that the feedback provided through Malahat's review of the draft AIEIS is of high quality and should be incorporated into the AIEIS final version. Concerned about availability of ongoing funding to support participation in consultation activities. Stated that funding would be needed to participate in the Follow Up Program.	with Cowichan Nation Alliance, Lyackson First Nation, Malahat Nation	**12-Sep-2016:** Malahat Nation provided "Malahat Effects related to and Mitigation for the Roberts Bank Terminal 2 Project." **10-Feb-2017, Letter from the VFPA:** The VFPA outlined changes made to the AIEIS based on feedback received from Malahat in their letter of 05-Jan-2017, including those made to AIEIS Sections 3.1.1.2, 3.1.2, 3.1.3, and 3.2. **30-May-2017, Meeting:** Undertook to make edits to most recent revision of amended TUS funding agreement and send back to Malahat. Noted ongoing participation funding can be explored further. **26-Jul-2017, Letter:** Malahat signed the Amending Agreement that covers participation funding and traditional use study funding. **24-Oct-2017, Letter:** The VFPA provided further funding to support Malahat Nation's ongoing involvement in the consultation activities for the Project. **07-Nov-2017, Letter:** Accepted funding.	information on Current Use and ITK. With this offer and subsequent agreements, the VFPA requested input regarding each band's preferred approach for gathering and providing information to the VFPA regarding Current Use and ITK. Current Use reports sponsored by the VFPA and provided by Indigenous groups for the purpose of further informing the Project include the following: • *W̲SÁNEĆ Traditional Use Study of the Roberts Bank Terminal 2 Project: DRAFT Preliminary Data Summary* (Tsawout, Tseycum, Tsartlip, and Pauquachin), referred to herein as 'the *W̲SÁNEĆ* Study', received October 2016; and • *Malahat Traditional Use Study – Potential Effects and Mitigation*, two sections of the report received September 2016 (see AIEIS Section 7.2.4.5 for details on this study). The VFPA additionally collected Current Use information and ITK through the methods presented below. **Addressed in AIEIS Appendix 2-B, Table 28 (#149):** The AIEIS incorporates all traditional use and ITK information provided to the VFPA by Malahat Nation in relation to the assessment of potential effects of the Project on Malahat Nation. A description of the information provided by Malahat Nation to the date of submission of the AIEIS is included in AIEIS Sections 2.0 and 7.0. As described in the AIEIS, existing information regarding Malahat Nation's use of lands and resources for traditional purposes was not included in MSA Section 9.5.4.5 at the specific request of Malahat Nation, given its origin in material prepared in the context of a different project. Recognising this concern of Malahat Nation, the VFPA supplied funding to Malahat Nation to undertake a Project-specific study to identify Malahat Nation use and knowledge in relation to the Project area (e.g., information described by Malahat Nation in the comment, "cultural significance, quantity and/or quality of Traditional Use sites within the Project LAA, [regional assessment area (RAA)] and greater territory"). The content presented in AIEIS Section 7.2.4.5 relating to Malahat Nation use and knowledge reflects the information received by the VFPA from Malahat Nation during consultation regarding the Project, as explained in AIEIS Section 7.2.4.5.	Lands and Resources for Traditional Purposes 7.2.4.5 Malahat Nation
MN-7.3	Commented on the use of "aboriginal" in Project-related documents given that the newer term is "indigenous".	27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Explained that the use of terminology comes from the Fisheries and Oceans Canada (DFO) language in the *Fisheries Act*.		

Table 8: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-8.1	Requested confirmation that the Panel engages individually with First Nations, and additional information regarding Panel composition and process.	26-Nov-2015, EIS Results Workshop #1 - *W̱SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Noted that the final Terms of Reference for the Panel are posted on the registry, and then the Panel determines the process for carrying out the hearings and making decisions. Explained that the Trans Mountain Expansion review is different as it is undergoing the National Energy Board process. **26-Apr-2016, Email from the VFPA:** Post meeting note: Please refer to the Panel Terms of Reference: http://www.ceaa-acee.gc.ca/050/documents/p80054/101301E.pdf or contact the CEA Agency for more information related to process. Questions regarding the environmental assessment process can be directed to Crown Consultation Coordinator, CEA Agency (contact information provided).		

Table 9: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-9.1	Noted that First Nations want to be involved in mitigation and monitoring and that they find themselves excluded after a project is built. Requested that the VFPA invite First Nations to the table for these discussions. Noted monitoring of the dredging contractor would be a good opportunity for First Nations involvement.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, Malahat Nation	**26-Nov-2015, Workshop:** Explained how the VFPA will be consulting on the development of mitigation and monitoring programs and it is a commitment made in the EIS. **26-Apr-2016, Email from the VFPA:** Provided a copy of the 26-Nov-2015 draft meeting notes, which included a post-meeting note: The independent monitoring program, called the Adaptive Management Strategy, was developed by the VFPA in consultation with Environment Canada. It included a scientific advisory committee comprised of three scientists appointed to provide independent scientific and technical advice and recommendations to prevent or mitigate any significant negative ecosystem trends attributable to the Deltaport Third Berth Project (DP3). **02-Aug-2017, Email from the VFPA:** Invited Malahat Nation to attend a Follow-up Workshop on 29-Aug-2017. **23-Aug-2017, Email from the VFPA:** Provided the draft agenda and presentation for the Follow-up Workshop scheduled for 29-Aug-2017. **29-Aug-2017, Workshop:** Presented information on RBT2 Follow-up Program and sought feedback from Malahat on what they would like to see included and how they would like to be involved going forward.	**Addressed in AIEIS Appendix 2-B, Table 30 (#162):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA has committed to undertaking the development of the Follow-up Program following the submission of the EIS. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives. Drawing on the elements described in EIS Appendix 33-A and ongoing post-EIS submission regulator consultation, the VFPA will lead the development of the RBT2 Follow-up Program document, which will include details on the duration and frequency of field data collection, based on an evaluation of the length of time needed to detect effects given observed environmental variability, likely magnitude of environmental effect, and desired level of statistical confidence in the results. Participation by Indigenous groups in follow-up monitoring is discussed in EIS Section 32.0, and in AIEIS Section 7.0. The measures related to participation in environmental monitoring and follow-up programs are specifically extended to the *W̲SÁNEĆ* Nation. AIEIS Section 7.3 also includes the suggestion of *W̲SÁNEĆ* participation in monitoring in the list of mitigation measures suggested by Indigenous groups. **Addressed in response to IR10-11:** The VFPA's response to IR10-11 describes how Indigenous groups would be involved in the development, implementation, and management of the follow-up program for the proposed Project.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2.7 Mitigation Measures 32.2.7.1 Mitigation Measure #1: Changes in Access to Preferred Current Use Locations 32.2.7.2 Mitigation Measure #2: Changes in Availability of Preferred Current Use Resources 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 30 Environmental Management Program 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.3 Mitigation Measures **Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
MN-9.2	Noted much is unknown about eulachon and suggested an extended period of follow-up monitoring. Suggested that eulachon presents an excellent opportunity for more First Nation involvement.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Responded that is a good point. Noted recent resurgence of Fraser River eulachon, which had crashed in the early 1990s. Stated that in a lot of ways traditional knowledge is ahead of science when it comes to eulachon. Traditional knowledge is a resource the VFPA made use of in the EIS and remains interested in going forward. Asked for names of potential people who could get involved in the design of monitoring programs.	**Addressed in EIS Section 13.0:** Potential Project-related effects on eulachon have been assessed through the use of representative forage fish species (see EIS Sections 13.6.2.1 and 13.6.3.3). **Addressed in response to IR5-15**: In its response to IR5-15, the VFPA specifically discusses biology, migration behaviour, habitat utilisation, the status, and management practices associated with eulachon. As noted in the response, assessment conclusions and mitigation measures for representative species also apply to eulachon and remain unchanged.	**EIS** 13.0 Marine Fish **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078) Response to Sufficiency Information Request #11 (IR10-11)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			29-Aug-2017, Workshop: Presented information on RBT2 Follow-up Program and sought feedback from Malahat on what they would like to see included and how they would like to be involved going forward.	**Addressed in response to IR10-11:** The VFPA's response to IR10-11 describes how Indigenous groups would be involved in the development, implementation, and management of the follow-up program for the proposed Project.	
MN-9.3	Suggested a salmon follow-up monitoring period of a couple of life cycle lengths beyond Project completion, with Aboriginal input to determine whether the study/monitoring is complete. Stated that the proponent should fund community-based monitoring program with two Malahat environmental and cultural monitors to be stewards of the shorelines of islands with important traditional use values (focused on Canadian side of the border in coordination with US-based Aboriginal groups). Stated that monitoring would entail seasonal observations of marine mammal responses to tanker traffic. Stated that the proponent should establish and fund a Shipping Advisory Committee with representation from all the nations along the shipping route. Requested regular reporting to the Malahat Nation through distribution of ongoing marine study results and annual presentations by proponents to the community about tanker safety practices, policies, and issues. Suggested developing a set of values on which to anchor the Follow-up Program such as improved scientific understanding of the area beyond the life of the Project.	28-Jul-2016, Issues Workshop – Island Nations 12-Sep-2016, Malahat Traditional Use Study 29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, Malahat Nation	**28-Jul-2016, Workshop:** Responded that continued Indigenous participation is absolutely part of the VFPA's plan. **29-Aug-2017, Workshop:** Presented information on RBT2 Follow-up Program and sought feedback from Malahat on what they would like to see included and how they would like to be involved going forward.	**Addressed in AIEIS Appendix 2-B, Table 30 (#162):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA has committed to undertaking the development of the Follow-up Program following the submission of the EIS. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives. Drawing on the elements described in EIS Appendix 33-A and ongoing post-EIS submission regulator consultation, the VFPA will lead the development of the RBT2 Follow-up Program document, which will include details on the duration and frequency of field data collection, based on an evaluation of the length of time needed to detect effects given observed environmental variability, likely magnitude of environmental effect, and desired level of statistical confidence in the results. Participation by Indigenous groups in follow-up monitoring is discussed in EIS Section 32.0, and in AIEIS Section 7.0. The measures related to participation in environmental monitoring and follow-up programs are specifically extended to the *W̱SÁNEĆ* Nation. AIEIS Section 7.3 also includes the suggestion of *W̱SÁNEĆ* participation in monitoring in the list of mitigation measures suggested by Indigenous groups. **Additional information provided by the VFPA:** The Project is a proposed container terminal; therefore, only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels.	**EIS** 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 30 Environmental Management Program 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.3 Mitigation Measures
MN-9.4	Expressed interest in participating in the study and monitoring of crabs related to mitigation. Suggested they could monitor crabs while practicing a small FSC. Interested in reviewing the crab mitigation suggestions raised to date.	08-Nov-2017, Meeting	**08-Nov-2017, Meeting:** Committed to provide summaries of the information request packages to Malahat, specifically the marine commercial use and crab mitigation packages. Committed to provide a summary of crab mitigation suggestions under evaluation.	**Addressed in EIS Appendix 7.2-B (#119):** The EIS describes potential effects on fishing activity (EIS Sections 21.0 and 24.0) and effects in other areas (e.g., Boundary Bay) that are not otherwise directly affected by the Project but that may be affected by displacement are considered in EIS Section 32.2. Mitigation measures to reduce effects on outdoor recreation include: • Working with DFO to engage with recreational crab harvesters to identify and implement feasible mitigation measures; and	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 21.0 Marine Commercial Use Table 21-10 Summary of Determination of Significance of Residual Effects for Marine Commercial Use

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			12-Apr-2018, Letter from the VFPA: Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	• Implementation of construction environmental management plans related to construction phase communication and crab salvages. Mitigation measures to reduce effects on marine commercial use include: • Working with DFO to engage with commercial crab harvesters to identify and implement feasible mitigation measures; and • Implementation of construction and operation environmental management plans related to construction phase communication, construction monitoring and crab salvages. **Addressed in AIEIS Appendix 2-B, Table 30 (#162):** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the Program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA has committed to undertaking the development of the Follow-up Program following the submission of the EIS. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment and Climate Change Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives. Drawing on the elements described in EIS Appendix 33-A and ongoing post-EIS submission regulator consultation, the VFPA will lead the development of the RBT2 Follow-up Program document, which will include details on the duration and frequency of field data collection, based on an evaluation of the length of time needed to detect effects given observed environmental variability, likely magnitude of environmental effect, and desired level of statistical confidence in the results. Participation by Indigenous groups in follow-up monitoring is discussed in EIS Section 32.0, and in AIEIS Section 7.0. The measures related to participation in environmental monitoring and follow-up programs are specifically extended to the *W̲SÁNEĆ* Nation. AIEIS Section 7.3 also includes the suggestion of *W̲SÁNEĆ* participation in monitoring in the list of mitigation measures suggested by Indigenous groups.	24.0 Outdoor Recreation 24.6 Future Conditions with the Project – Potential Project-related Effects 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 33.0 Environmental Management Program 33.5 Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 30 Environmental Management Program 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.3 Mitigation Measures

Table 10: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-10.1	Referred to EIS excerpt: "there are no anticipated residual effects to most traditional food sources…" (Section 27.6.1.5). Requested a rationale for concluding that all Project components will have negligible effects on food security for Aboriginal peoples.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 27.6.1.5:** EIS Section 32.2, examines potential Project-related and cumulative effects that are relevant to traditional food consumption and nutritional health. These potential effects are related to access to preferred locations for harvesting preferred food resources, availability of preferred food resources, and quality of preferred food resources. Based on information considered in EIS Section 32.2, there are no anticipated residual effects to most traditional food sources, including marine vegetation, marine fish, coastal birds, marine mammals, and most marine invertebrates, including bivalve shellfish and Dungeness crab.	**EIS** 27.0 Human Health 27.6.1.5 Negligible Effects Related to Food Security 32.2 Current Use of Land and Resources for Traditional Purposes
MN-10.2	Asked why access to preferred food sources and traditional use food-harvesting sites is not included in the cumulative effects assessment.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.2.9:** As noted in EIS Section 32.2.9, no measurable residual adverse Project-related effects on Current Use are predicted in this assessment; the Project is not expected to contribute to cumulative effects. **Addressed in IR13-14:** The VFPA's forthcoming response to IR13-14 will further discuss the assessment of food security.	**EIS** 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.9 Cumulative Effects Assessment **Information Requests** Response to Sufficiency Information Request #14 (IR13-14)
MN-10.3	Asked how the VFPA plans to address concerns raised by Aboriginal groups regarding food security, specifically those marine resources traditionally harvested within the project marine invertebrates local assessment area that are now inedible due to biotoxins and other contaminants.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information and correspondence. **12-Apr-2018, Letter from the VFPA:** Stated that since Malahat Nation's concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the following documents review: • IR4-33 – Crab Hepatopancreas Additional Study Summary; and • IR4-34 – Black Crab Additional Studies Summary. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	**Addressed in EIS Section 27.0 and EIS Appendix 27-C:** Addresses potential effects of contaminant-related consumption risks of Dungeness crab, where contaminant analysis of crab tissue and the completion of a human health risk assessment was completed to support the development of the environmental assessment. The leg muscle tissue did not contain detectable polycyclic aromatic hydrocarbon (PAH) concentrations, in spite of the use of sensitive laboratory analytical methods. Only arsenic was present in concentrations of potential concern and, consequently, was carried forward in a quantitative human health risk assessment; it was concluded that arsenic-associated health risks from the consumption of Dungeness crab tissue are acceptably low. EIS Section 32.2 examines potential Project-related and cumulative effects that are relevant to traditional food consumption and nutritional health. These potential effects are related to access to preferred locations for harvesting preferred food resources, availability of preferred food resources, and quality of preferred food resources. Based on information considered in EIS Section 32.2, there are no anticipated residual effects to most traditional food sources, including marine vegetation, marine fish, coastal birds, marine mammals, and most marine invertebrates, including bivalve shellfish and Dungeness crab. **Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in its response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada.	**EIS** 27.0 Human Health 27.6 Future Conditions with the Project – Potential Project-Related Effects 27.6.1.5 Negligible Effects Related to Food Security 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6 Future Conditions with the Project – Potential Project-related Effects **Information Requests** Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #388) Response to Sufficiency Information Request #33

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crab total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of polychlorinated biphenyls (PCBs), coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and intermediate transfer pit (ITP) sites are not statistically higher than those measured in crab from the Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site. **Addressed in response to AIR-12.04.15-31:** As noted in the VFPA's response to AIR-12.04.15-31, there is small to no potential for an increase in the concentrations of contaminants in the tissues of country foods in association with Project construction or operation.	(IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)

Table 11: Labour Market – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-11.1	Interested in the process for sourcing labour for the Project. Asked whether the VFPA will be competing for workers and whether there is sufficient labour pool in the Lower Mainland. Commented that it is harder to find work on the Island. Asked whether there has been any consideration of the temporary foreign worker issue and how BC will benefit from these jobs.	15-Jul-2015, Meeting	**15-Jul-2015, Meeting:** Recorded comment for follow-up. **22-Jul-2015, Email from the VFPA:** *"If approved, the Roberts Bank Terminal 2 Project would create thousands of jobs during construction and operation. Prior to the beginning of construction, [the VFPA] will develop a labour plan with the land-based developer that is selected to build the project. The intention will be to create opportunities locally, regionally, provincially and nationally and there is no anticipated need for temporary foreign workers as part of the construction or operation of the Project. A summary of the economic benefits is available in Chapter 5 of the Roberts Bank Terminal 2 Project Rationale, and more detailed information can be found in Appendix 20-A of the RBT2 Environmental Impact Statement."*	**Addressed in AIEIS Appendix 2-B, Table 23 (#99):** EIS Section 19.0 states that the level of local labour sourcing required for the Project is feasible in part due to the relatively large size and diversity of the region's labour force of approximately 1.4 million workers (including a construction workforce in 2013 of almost 100,000 workers), and the region's extensive construction services infrastructure. In addition, labour market capacity is anticipated within the LAA (Metro Vancouver) through a combination of worker reallocation, drawing in unemployed and part-time labour resources, and enhanced labour force participation. As stated in the EIS and in the AIEIS, the VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities and construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs.	**EIS** 19.0 Labour Market 19.7 Future Conditions with the Project – Potential Project-Related Effects 19.7.1 Rationale for Negligible Effect #1 – Change in Labour Market Balance 19.7.2 Potential Effect #1 – Change in Employment Appendix 20-A Economic Impact Roberts Bank Terminal 2 Technical Report **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 23 Labour Market **Meeting Canada's Trade Demand: Project Rationale.** Available at: http://www.robertsbankterminal2.com/wp-content/uploads/RBT2-Project-Rationale-March-20151.pdf
MN-11.2	Requested additional socioeconomic and demographic information. Concerned that the EIS did not account for people coming from Vancouver Island for jobs. Asked whether there are potential benefits that could be captured on Vancouver Island.	09-Feb-2016, Meeting	**09-Feb-2016, Meeting:** Stated that socio-economic information gathering is focused on marine commercial use. **10-Feb-2017, Letter from the VFPA:** Enclosed a copy of the AIEIS and Appendix 2-B, which describes the concerns raised by Malahat and the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#111):** The LAA for labour market and economic development was defined as Metro Vancouver. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measurable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measurable or detectable. **Addressed in AIEIS Appendix 2-B, Table 23 (#104):** Detailed population and demographic information is presented in EIS Section 18.4, and detailed labour market information in EIS Section 19.0. The LAA for labour market and economic development was defined as Metro Vancouver. The LAA was structured to capture the Project's potential labour market and economic development effects that will occur locally and are measurable or detectable. While there may be members of Indigenous groups located outside of Metro Vancouver that participate in one or more aspects of Project employment, or other economic effects, the effects on the labour market and economies of these Indigenous groups were not considered to be measurable or detectable. The VFPA is working with Indigenous groups to facilitate access to Project benefits, including training, employment opportunities, and Project contracting opportunities. As stated in EIS Section 32.3.3, the VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 18.0 Social and Economic Setting 18.4 Population 19.0 Labour Market 20.0 Economic Development 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures 34.0 Benefits to Canadians 34.2 Benefits of the Project **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 23 Labour Market 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.7 Mitigation Measures

Table 12: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-12.1	Requested a rationale for the exclusion of Aboriginal Food, Social & Ceremonial (FSC) or domestic use fishery as a valued component, while commercial fishery was selected as a VC. Asked why Aboriginal FSC fisheries are grouped in with commercial and recreational fisheries. Stated that FSC fisheries should be discussed separately from commercial and recreational fisheries.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 21.0:** EIS Section 21.0 does not include an assessment of Project effects on FSC or domestic fisheries. Project effect on Indigenous FSC and domestic fisheries are not addressed with commercial fisheries in EIS Section 21.0, nor are they addressed with recreational fishing in EIS Section 24.0. Project effects on FSC or domestic fisheries are addressed in EIS Section 32.0. Note: Various sections within EIS Section 21.0 reference EIS Section 32.0 where an assessment of Project effects on FSC or domestic fishing is undertaken. EIS Section 16.0 notes that all Project-related effects to the ongoing productivity of commercial, recreational, and Aboriginal fisheries are expected to be unmeasurable compared to natural variability at the population level for species relevant to these fisheries.	**EIS** 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 24.0 Outdoor Recreation
MN-12.2	Requested that Section 3.0 Marine Commercial Use of the AIEIS be updated to reflect Malahat's interest in both Aboriginal guided sport fishing and Aboriginal marine-based tourism services.	05-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** The information provided in regard to guided sport fishing and other marine-based tourism services has been included in AIEIS Sections 3.1.2 and 3.1.3. Additionally, AIEIS Section 3.2 has been revised, based on the information provided.	**Addressed in AIEIS Section 3.1.2:** Malahat reported that they are currently taking steps to become a provider of Indigenous guided sport fishing services, and that they have acquired a commercially licensed sport fishing and passenger carrying boat in conjunction with this objective (VFPA 2017). No other guided sport fishing enterprise connected to the five bands comprising *W̱SÁNEĆ* Nation, operating in the guided sport fishing LAA or RAA (as defined in EIS Section 21.3.1) was identified. **Addressed in AIEIS Section 3.1.3:** Malahat reported that they are currently taking steps to become a provider of Indigenous marine-based tourism services, have acquired a commercially licensed sport fishing and passenger carrying boat in conjunction with this objective, and are in the early stages of planning their tourism operations and considering commercially feasible options (VFPA 2017). No other Indigenous marine-based tourism enterprise connected to the *W̱SÁNEĆ* bands, operating in the marine-based tourism LAA or RAA (as defined in EIS Section 21.3.1), was identified. **Addressed in AIEIS Section 3.2:** Malahat has reported that they are currently taking steps to become a provider of Indigenous guided sports fishing and marine-based tourism services. It is expected that the negligible effects from the Project on guided sports fishing as described in EIS Section 21.7.3 and the negligible effects from the Project on marine-based tourism as described in EIS Section 21.74 would apply to Malahat guided sports fishing and marine-based tourism operators operating within the LAA.	**AIEIS** 3.0 Marine Commercial Use 3.1.2 Existing Conditions Aboriginal Guided Sport Fishing 3.1.3 Existing Conditions Aboriginal Marine-based Tourism 3.2 Future Conditions with the Project Potential Project-related Effects
MN-12.3	Concerned with the assessment that the proposed Project will have a "Negligible effect on marine fish harvesting area, access, resource availability, and harvesting revenues" despite the statement that "…crab harvest levels have decreased by 50% over the past five years due to loss of habitat around the original	05-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** Enclosed an excerpt from the AIEIS Appendix 2-B showing your comments on the final draft AIEIS and the port authority's response to those comments.	**Addressed in AIEIS Appendix 2-B, Table 25 (#112):** EIS Section 21.0 and AIEIS Section 3.0 included four sub-components: • Seafood harvesting (commercial seafood harvested in the LAA is primarily comprised of crab harvesting); • Marine fish harvesting (including salmon); • Guided sport fishing; and • Marine-based tourism. In order to assess the potential effects to the four sub-components for the marine commercial use assessment, six indicators of potential effects were considered (shown in EIS Table 21-2). Four of these indicators related to the seafood harvesting and marine fish harvesting sub-components, as follows: • Harvest volumes and revenues; • Harvesting areas; • Access to harvesting areas; and	**EIS** 16.0 Ongoing Productivity of Commercial, Recreational and Aboriginal Fisheries 16.6.1 Negligible Effects 21.0 Marine Commercial Use 21.5.1.1 Seafood Harvesting 21.7.1 Seafood Harvesting - Rationale for Negligible Effect – Changes in Access and Resource Availability

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	terminal and the resulting impacts from ship movements." Stated that that the two statements are irreconcilable.			• Resource availability. A negligible potential effect was predicted for the sub-component of marine fish harvesting for all relevant indicators. The negligible effects related to changes in harvest volumes and revenue, harvesting areas, access to harvesting areas, and resource availability are described in EIS Section 21.7.2. As indicated in EIS Section 16.6.1, the productivity of salmon is not expected to be measurably affected by the Project. For the seafood harvesting sub-component, focusing on crab harvesting, a negligible potential effect was determined for the two indicators of access to harvesting areas and resource availability, before mitigation (EIS Section 21.7.1), and a potential moderate effect was determined for the two indicators of changes in harvest volumes and revenues, and harvesting areas, before mitigation (EIS Section 21.7.5). After proposed mitigation, described in EIS Section 21.8.1 and AIEIS Section 3.3, the Project is expected to result in a residual effect to the sub-component of commercial seafood harvesting, for the indicators of harvesting areas, and harvest volumes and revenue. The residual effect (after mitigation) is determined to be not significant based on the rationale provided in EIS Section 21.10.1. Other planned or reasonably foreseeable projects and activities would also displace commercial crab harvesting, and this effect would combine with that of the Project to result in an incremental cumulative effect on commercial crab harvesting (seafood harvesting sub-component). This adverse cumulative effect is determined to be not significant. EIS Section 21.0 also presents data from other sources, including annual commercial harvests of Dungeness crabs in the vicinity of the Roberts Bank terminals, and contains observations about the trends in these harvests. As indicated in EIS Sections 16.6.1 and 21.5.1.1 (p. 21-17), Dungeness crab population dynamics naturally fluctuate due to certain environmental conditions that occur over a broad area, and this high variability in population dynamics directly translates into high variability of annual commercial harvests. The conclusions in the assessment, in the EIS and the AIEIS, are based on all sources of information reviewed.	21.7.2 Marine Fish Harvesting – Rationale for Negligible Effect – Changes in Area, Access, Resource Availability and Harvesting Revenues 21.7.3 Guided Sport Fishing – Rationale for Negligible Effect – Changes in Area, Access, Resource Availability and Revenues 21.7.4 Marine-based Tourism – Rationale for Negligible Effect 21.7.5 Seafood Harvesting – Change in Area, Harvest and Revenue 21.8.1 Seafood Harvesting Mitigation Measure – Change in Area, Harvest and Revenue 21.10.1 Significance Determination **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 25 Marine Commercial Use 3.0 Marine Commercial Use 3.2 Future Conditions with Project –Potential Project-related Effects 3.3 Mitigation Measures 3.4 Characterisation of Residual Effects and Context
MN-12.4	While the EIS discusses Aboriginal commercial marine use (Section 9.2), it does not include information (where available) related to other commercial harvesting activities occurring in terrestrial and intertidal areas within the MSA. Requested a description of these activities occurring within the MSA.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on socio-economic conditions AIR #9 Socio- Economic Conditions Assessment."*	**Addressed in response to MSA IR-02.24.16-9:** As noted in the VFPA's response to MSA IR-02.24.16-9, changes to the environment from marine shipping associated with the Project are not predicted to interact with nor potentially affect any other social and economic conditions (i.e., such as those assessed within the EIS as relevant to the Project: labour market, economic development, local government finances, and services and infrastructure). Therefore, these other socio-economic conditions were not assessed further within the MSA.	**Information Requests** Response to Information Request #9 (MSA IR-02.24.16-9 of CEAR Document #386)

Table 13: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-13.1	Stated that herring are very important to the ecosystem and the loss of herring stocks and other species is a concern. Noted the DFO area for the Strait of Georgia is immense and question asking how the impact to localised stocks is assessed. Request for studies that look at localised herring stocks. Disagreed with the assertion that herring are migratory.	27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Stated that DFO considers the Strait of Georgia as one stock due to the migratory nature of herring.	**Addressed in AIEIS Appendix 2-B, Table 18 (#76):** Pacific herring is considered as a representative species in the forage fish sub-component of the marine fish assessment, as presented in EIS Section 13.0. The importance of Pacific herring to the ecosystem is acknowledged and described in EIS Section 13.5.3.3. Potential effects to herring, whether localised or migratory, that may be present in the vicinity of the Project are assessed in EIS Section 13.6. The EIS did not assert that herring are migratory; rather, referring to peer-reviewed literature, the EIS presents the current scientific consensus that in the Strait of Georgia, herring populations are either migratory or non-migratory (i.e., localised). Evidence suggests that localised herring populations are mainly located in Puget Sound and inlets on the eastern side of the Strait of Georgia.	**EIS** 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.5.3 Existing Conditions, Forage Fish 13.5.3.3 Pacific Herring 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity Table 13-12 Marine Fish Productivity Summary (Prior to Mitigation) Based on Weight of Evidence **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 18 Marine Fish
MN-13.2	Requested confirmation that the assumption that rockfish are not harvested is based on the fact that no licenses were issued.	27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Clarified that rockfish were not fished in the LAA, but may be fished elsewhere in the Strait of Georgia. Stated that the Fraser River estuary is not prime rockfish or lingcod territory, since the bottom is sandy and flat. Responded there was no record of harvest for this species between 2009 and 2014. Added that multiple data sources were used to inform this conclusion, such as interviews with Tsawwassen First Nation regarding their activities, and elders' workshops.	**Addressed in AIEIS Appendix 2-B, Table 25 (#108):** Available information for the commercial, recreational, and Aboriginal fisheries assessment (EIS Section 16.0) indicates that Indigenous harvest of rockfish is permitted under FSC and communal licences; however, no rockfish FSC catch data for Indigenous groups, besides Tsawwassen First Nation, could be sourced. As indicated in EIS Section 21.5.1.2, seven distinct commercial groundfish fisheries and associated DFO management areas occur in B.C.: groundfish trawl, halibut, sablefish, inside rockfish, outside rockfish, lingcod, and dogfish. As described in EIS Section 32.0, rockfish are harvested for domestic and FSC purposes, caught as by-catch, and used as bait by various Indigenous groups. At the time of writing the AIEIS, Tseycum First Nation holds a Rockfish Area Inside licence which can be fished within the LAA and RAA. In the context of consultation on the Project, commercial rockfish harvesting under this licence was not identified as occurring in the area of the proposed terminal (Tseycum First Nation Representative 2016). Salish Strait Seafoods—an equally owned partnership between Malahat, T'Sou-ke, Scia'new, Tsawout, and Snaw-naw-as First Nations—holds one Halibut and two Rockfish Area Inside licences, which can be fished in the LAA and RAA (DFO 2015).	**EIS** 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.5.3 Existing Conditions, Aboriginal Fisheries 21.0 Marine Commercial Use 21.5.1.2 Existing Conditions, Marine Fish Harvesting 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.4 Existing Conditions 32.2.4.1 Tsawwassen First Nation 32.2.4.2 Musqueam First Nation 32.2.4.4 Tsleil-Waututh Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
					32.2.4.5 Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut Tribe, Stz'uminus First Nation) **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 25 Marine Commercial Use 3.0 Marine Commercial Use
MN-13.3	Concerned with the exclusion of eulachon as representative species within the EIS and what this means for the assessed or non-assessed impacts to these species.	28-Jul-2016, Issues Workshop - Island Nations	**28-Jul-2016, Workshop:** Explained that aspects of eulachon life history are captured through the assessment of other species. For example, salmon are anadromous, herring are hearing sensitive, and Pacific sand lance have a similar diet to eulachon (they both eat zooplankton)—so the unique features of eulachon have been assessed by proxy. Explained that the assessment methodology captures those effects pathways as robustly as possible. Data is limited of Fraser River eulachon, and thus precludes the ability to do an assessment. Stated that this has prompted some recent studies. For example, the Lower Fraser Fisheries Alliance did a great report on eulachon, Traditional knowledge and the state of science, and these are on our radar and we will consider them going forward, but we do feel any potential Project effects on eulachon have been captured through this proxy approach.	**Addressed in EIS Appendix 7.2-B (#80):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. **Addressed in AIEIS Appendix 2-B, Table 18 (#77):** Potential Project-related effects on eulachon are considered in the marine fish assessment within the forage fish sub-component. Eulachon was not assessed directly as a representative species within the forage fish sub-component due to the rarity of eulachon in the Roberts Bank area. The assessment recognises eulachon as a species of high economic, societal, and cultural importance to Indigenous communities. Representative species in the forage fish sub-component include Pacific sand lance, surf smelt, Pacific herring, and shiner perch. Qualitative and empirical evidence indicates that there will be minor decreases in forage fish productive potential driven by loss of subtidal sand habitat and disturbance of Pacific herring from underwater noise. **Addressed in response to IR-7.31.15-08:** As described in the VFPA's response to IR-7.31.15-08, all relevant ITK that was available was considered and incorporated into the EIS.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 13.0 Marine Fish 13.2 Selection of Marine Fish Valued Component 13.2.1 Sub-components 13.4.1 Information Sources, Desktop and Field Studies 13.6.3 Potential Effect - Changes in Productivity 13.6.3.3 Changes in Productivity of Forage Fish **AIEIS** Appendix 2-B Aboriginal Issues and Interests – *WSÁNEĆ* Nation, Table 18 Marine Fish **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314)
MN-13.4	Concerned with the exclusion of sockeye as representative species within the EIS and what this means for the assessed or non-assessed impacts to these species.	27-Nov-2015, EIS Results Workshop #2 – *W̲SÁNEĆ* Nation 28-Jul-2016, Issues Workshop – Island Nations	**27-Nov-2015, Workshop:** Responded that chum and Chinook were chosen as representative species because they are the most estuarine dependent, use the area as juveniles, and are thus most likely to interact with the Project. Sockeyes come through the river and head straight out to sea. Stated that this is a conservative approach; it is assumed that the pathway of effects for sockeye will be similar to those for chum and Chinook, but chum and Chinook are more likely to experience potential Project effects based on their estuarine use. Another reason for choosing Chinook is that it is a preferred food source for the SRKW, which have an endangered status. **28-Jul-2016, Workshop:** Explained that sockeye salmon and all salmon species were assessed through the detailed assessment of chum and Chinook salmon. They	**Addressed in EIS Appendix 7.2-B (#78):** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. Chum and Chinook salmon are evaluated as being representative of all Pacific salmon species, as they are the most estuarine-dependent species of salmon, and therefore most likely to be affected by the Project. A field sampling program for salmon was conducted at Roberts Bank in 2012 and 2013. While it is possible that 2012 to 2013 seasonal surveying for the Project did not capture all salmon species present at Roberts Bank, historical survey data add to the weight of evidence, suggesting a realistic representation of species composition and abundance at Roberts Bank. **Addressed in EIS Appendix 7.2-B (#107):** Sockeye salmon was not selected as a representative species within the Pacific salmon sub-component, as studies indicate that juvenile sockeye salmon do not use the Roberts Bank area in high abundance, relative to chum and Chinook salmon (which have been selected as representative species in the assessment). Since chum and Chinook are the most estuarine-dependent species of salmon, the potential for Project-related interactions with these species is greatest. Results of the assessment based on these two species represent a more conservative approach, given the life histories and habitat use of chum and Chinook. Therefore, potential Project-related	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 13.0 Marine Fish 13.2.1 Sub-components 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 16.2.1 Sub-components 21.0 Marine Commercial Use 21.5.2 Existing Conditions, Aboriginal Commercial Fishing and Seafood Harvesting **Information Requests** Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			were also in the Ecopath with Ecosim and Ecospace (EwE) model, but not explicitly. The rationale behind this is that juvenile Chinook and chum are the most estuarine dependent species. Juvenile Chinook and chum spend the most time in the estuary relative to other species of salmon, and therefore are most likely to interact with the Project. Therefore, any predicted Project effects to Chinook or chum will conservatively predict effects to other species, as well as other anadromous species such as steelhead and trout. The use of representative species is a fairly common environmental assessment approach. The rationale is based on habitat use predominately, but taking a deeper dive into sockeye habitat use and history—the information includes past studies from DFO, academia, field data collected as part of the RBT2 base line studies and past environmental assessments indicate that juvenile sockeye do not use Roberts Bank in abundance. They tend to use lakes for rearing and smoltification and migrate out the river immediately. So, the spatial overlap of the Project with sockeye is considered fairly limited. The information that we have on adult sockeye habitat use indicates they do not spend much time in the Roberts Bank area either. They typically enter the Fraser River with little or no delay, so again, there is limited spatial and temporal overlap with the Project. So, to sum that up, the environmental assessment is about capturing Project interactions and pathways of effects and we definitely recognise and understand the importance of sockeye—and took the approach that we believe represents the most conservative assessment by assessing the species that spend the most time in the estuary.	effects on sockeye salmon are considered within the assessment through the assessment on the subcomponent Pacific salmon, as represented by chum and Chinook. Sockeye salmon are considered in the assessment of marine commercial use as the primary species of salmon sought in the assessment area. The economic component of sockeye fishing is addressed in EIS Section 21.0. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to sockeye and describes the status and management practices associated with the species. The response also further assesses potential effects of the project on sockeye directly.	
MN-13.5	Stated that Malahat fisheries is a key source of sustenance for community members with a reliance on Malahat waters. Concerned that increased tanker traffic, the noise and wake may disturb or temporarily/permanently displace fish resources out of Malahat waters.	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Project is a proposed container terminal therefore only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 8.1:** Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within	**MSA** 8.1 Marine Fish and Fish Habitat

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	
MN-13.6	Stated that the introduction of invasive species is not indicated as having a potential effect on marine fish. Stated that the EIS does not address impacts to the marine environment due to invasive species transported via vessels. Requested a rationale for the exclusion of invasive species as a Project-related impact to the marine environment. Asked if the VFPA has a strategy for reducing negative impacts to the marine environment due to the introduction of invasive species.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice that became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters.	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project

Table 14: Marine Invertebrates – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-14.1	Concerned with potential effects to Malahat Nation crabbing activities in the Project area. Concerned that the Project will cause a significant effect to their food, social, and ceremonial harvesting. Concerned that the VFPA will try to mitigate effects to the crab fishery by proposing that license holders move to other areas; Malahat views this as inappropriate for their FSC fisheries. Concerned that increase traffic in and around the Project area will lead to more loss of traps (gear damage) and potential for loss of market share. Stated that compensation will be required if habitat is lost and does not believe other mitigation measures (e.g. proposing that license holders move to another Crab Management Area) are appropriate. Stated that other Crab Management Areas do not have the capacity to absorb the Area I license holders. Concerned that the Project will result in further concentration of use within a smaller area, with less habitat, less crab, and the same number of harvesters. Noted that there is extreme pressure on the urban areas of the coast and therefore not a lot of space to migrate the fishery. Concerned with potential effects to Malahat Nation crabbing activities in the Project area. Concerned that the Project will cause a significant effect to their commercial crab harvesting. Predicted that the new terminal will put an end to their Economic Opportunity and commercial use due to the reduction of available space to harvest in their territory. Requested compensation for the full value of the licence if Malahat's ability to harvest is affected. Expressed concern with the Project's impact on their crab license as it is the only active license in the	15-Aug-2016, Interview with Malahat Nation Fisheries Representatives 27-Oct-2016, Letter to Panel (CEAR Document #621) 05-Jan-2017, Letter 30-May-2017, Meeting with Administrative Staff 29-Jun-2017, Site Tour	**15-Aug-2016, Interview:** Recorded comment for follow-up. **10-Feb-2017, Letter from the VFPA:** Malahat Nation previously advised the VFPA that they harvest crab for FSC or community purposes at Roberts Bank, as indicated in AIEIS Section 7.2.4.5. This information has informed the assessment of potential effects on Current Use and potential impacts on the exercise of rights, including potential interactions related to access to locations (AIEIS Sections 7.2.6.1 and 7.3.2) and transmission of cultural heritage tied to this access (AIEIS Sections 7.2.6.4 and 7.3.2). For further details on the approach to the assessment of potential effects on cultural heritage, see the response to AIR-12.04.15-29 (as referenced and summarised in AIEIS Section 7.2.6.4). **30-May-2017, Meeting:** The VFPA met with Malahat to discuss crab consultation. Asked for more information about the full value of Malahat's licence, and whether Malahat has had any discussions with DFO on the topic. Noted crab is a cross-discipline issue. The VFPA is looking at what was proposed in the EIS related to effects, at suggested mitigation measures (e.g., from the registry) to inform the next round of consultation. The VFPA wants to ensure it talks to both Indigenous group and commercial harvesters to determine what mitigation would look like. Noted meetings or conversations are being planned for later in the summer and fall. Noted the VFPA is also doing research into example areas of dual use, such as Houston and the Fraser River. The VFPA committed to continuing to research to bring forward for discussion, analysis on compensation, consultation preparations related to crab. The Consultation Plan was updated to reflect these discussions. **08-Nov-2017, Meeting:** Stated that the VFPA is seeking input and opportunity to discuss crab mitigation with DFO. Summarised some of the mitigation measures the VFPA has heard to date: • Compensation or purchasing licences due to loss of harvest, revenue;	**Addressed in AIEIS Section 7.2.6:** As described in EIS Section 32.2.6.1, and reviewed in AIR-12.04.15-30, Project-related access (i.e., displacement) effects at Roberts Bank would only be expected to be measurable for Indigenous groups that are crab harvesting at levels and frequencies that are relatively high (i.e., Indigenous groups for whom Roberts Bank is a primary and year-round crab harvesting location for domestic or FSC purposes). Project-related access effects are not expected to be measurable for Indigenous groups that are crab harvesting for (non-commercial) traditional purposes at levels and frequencies that are relatively low (based on identified past, present, or desired future use that has continuity with past use), given that crab harvesting will still be able to occur at Roberts Bank throughout all phases of the Project. Project-related effects that may relate to changes in Current Use access other than crab harvesting related to Project footprint displacement effects were assessed in EIS Section 32.2.6.1 as non-measurable (i.e., negligible) for all Indigenous groups. The reasons for this prediction include a lack of anticipated Project interactions with, or anticipated measurable Project-related effects on access to upland locations; key fin-fishing locations (principally salmon) at or off of the Fraser River; or other locations associated with marine resource harvesting or marine-based activities (see the response to AIR-12.04.15-30 for further explanation of 'negligible' and 'measurable' in the AIEIS). Based on the above and information provided to the VFPA by *W̲SÁNEĆ* bands regarding their use of the area of the Project, the Project is not expected to measurably affect *W̲SÁNEĆ* access to preferred locations for traditional use, including but not limited to traditional fin-fishing locations associated with the Fraser River, which was the predominant use identified in the area by *W̲SÁNEĆ* Nation. With regard to access to crab harvesting locations, *W̲SÁNEĆ* use of the area of the Project for traditional crab harvesting has reportedly occurred infrequently and at low levels. The potential level of Project-related effects on access to preferred locations for traditional use purposes is therefore predicted to be negligible for Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation, meaning that no noticeable incremental changes to their existing levels or patterns of use in the vicinity of the Project area are expected as a result of Project placement or activities (see response to AIR-12.04.15-30 for further explanation of 'negligible' in this context). For reasons described in EIS Section 32.2.6.2, potential Project-related effects on the productivity of marine resources (i.e., marine vegetation, marine invertebrates, marine fish, marine mammals, coastal birds) are not expected to measurably affect the availability of these resources for Current Use. Incremental changes in the availability of marine resources that have been identified as currently or formerly harvested in the vicinity of the Project area by *W̲SÁNEĆ* for traditional purposes, or that are important for cultural reasons other than harvesting (i.e., orca), are therefore not expected as a result of the Project. The potential level of Project-related effects on Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation is therefore predicted to be negligible with regard to the availability of preferred resources traditionally obtained in the vicinity of the Project area. **Addressed in AIEIS Appendix 2-B, Table 25 (#107):** Information on the communal commercial Crab Management Area I Licence held by Malahat Nation is described in the AIEIS, including information obtained	**EIS** 12.0 Marine Invertebrates 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries 21.0 Marine Commercial Use 21.5.2 Aboriginal Commercial Fishing and Seafood Harvesting 21.7 Future Conditions with the Project – Potential Project-related Effects 21.7.5 Seafood Harvesting – Potential Effect #1 – Changes in Area, Harvest and Revenue 21.8 Mitigation Measures 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.6.1 Potential Effect 1: Changes in Access to Preferred Current Use Locations 32.2.6.2 Potential Effect 2: Changes in Availability of Preferred Current Use Resources **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 25 Marine Commercial Use 3.0 Marine Commercial Use 3.1.1.2 Seafood Harvesting 3.2 Future Conditions with the Project – Potential Project-Related Effects 3.3 Mitigation Measures 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.4.5 Malahat Nation 7.2.6 Future Conditions with the Project - Potential Project-related Effects

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	community to provide food, and noted the crab license cannot be moved as the other areas are overcrowded and selling the license would remove connection to cultural use and a major food impact. Noted three possible resolutions: • Moving the licence to another area (not possible due to existing constraints on other areas); • Continuing to fish in the area through co-management/co-use; noted black market fishing activity in the area. Suggested a website that would advise harvesters of vessel arrivals; and • Buying the licence outright which is undesirable because it removes Malahat's connection to the ocean, cultural use, and only food fishery source. Stated that the VFPA has rated Project-related impacts to access to commercial crab harvesting areas as having negligible effects due to the implementation of an expanded navigational closure area. Requested a rationale and mitigation strategies for the displacement of Aboriginal commercial license holders due to the expanded navigational closure. Stated that mitigation strategies proposed by the VFPA include informing Aboriginal groups of timing and Project-related navigational closure to commercial crab harvesting. What about accommodating Aboriginal groups directly impacted by the Project-related impacts on their fishery? Expressed concern about the commercial crab area and subtracting with the footprint and the central area of the infill noting it would be a serious impact and can't be replaced.		• Reselection of crab management area for commercial harvesters prior to construction and operations; • Adjustment to the size or spatial area of the proposed navigational closure area expansion, both larger and smaller; • Consider dual use where some commercial crab harvesting is allowed inside the proposed navigational closure area when safe to do so around marine shipping schedule; and • Request for monitoring. **12-Apr-2018, Meeting:** Stated that they discussed Malahat Nation's licence and talked about compensation. Stated that DFO explained that Malahat's licence could not be bought or sold under the terms of that licence—licence is provided on an annual basis by DFO. Stated that they were advised by DFO to treat Malahat Nation licence as the VFPA would any other commercial licence holder. **12-Apr-2018, Letter from the VFPA:** Stated that since your concerns were raised, the Project team has conducted further work on these topics to respond to information requests from the Review Panel, to better understand potential effects and suggested mitigation, and to gain deeper understanding of the viewpoints of Indigenous groups and stakeholders. Provided the RBT2 Crab Mitigation Summary Overview, which detailed the following: • Mitigation measures to avoid or reduce effects to crab as outlined in the EIS; and • Additional crab harvesting related mitigation measure suggestions under review. Stated that the VFPA is interested in hearing views regarding options to mitigate potential effects to crabs and crabbing in the Project area.	from Malahat on areas of commercial crab harvesting activity in relation to the Project. The EIS determines that the Project would affect commercial crab harvesters' harvest areas, harvest, and revenues. As indicated in AIEIS Section 3.2, it is expected that the potential effects on commercial crab harvesting from the Project as described in EIS Section 21.7.5 would apply to Malahat Nation commercial seafood harvesters operating within the LAA. To address Project effects on commercial crab harvesting, the VFPA will work with DFO to ensure that consultation with commercial crab harvesters and Indigenous groups is undertaken to: • Communicate timing and spatial area of proposed navigational closure expansion for commercial crab harvesting; • Communicate access restrictions and procedures for maintenance of safety for commercial crab harvesting activity; and • Provide a process for commercial crab harvesters and Indigenous groups to ask questions and submit concerns about the proposed navigational closure expansion and associated displacement of commercial crab harvesting. Where identified and agreed upon through this consultation process, the VFPA will work with DFO and commercial crab harvesters and Indigenous groups to implement additional mitigation measures to address effects from displacement of commercial crab harvesting associated with the proposed navigational closure expansion during construction and operations. It is expected that proposed mitigation measures as described in EIS Section 21.8 would apply to Malahat Nation commercial seafood harvesters operating within the LAA. AIEIS Section 3.0 reflects the comments made by Malahat Nation pertaining to mitigation of displacement effects. **Addressed in response to IR7-34:** As noted in the VFPA's response to IR7-34, mitigation measures currently undergoing consultation and evaluation include: • Crab Management Area re-selection opportunity; • Adjustment of proposed navigational closure area expansion with consideration of commercial harvesting during Project operations; • Adjustment of the proposed navigational closure area expansion with consideration of Indigenous harvesting during operations; • Navigational Limited Access Fishing Area (multi-user system during operations); and • Financial compensation. The evaluation of additional mitigation measures is being informed by consultation with commercial crab harvesters (including the Area I Crab Fisherman Association), Indigenous groups, DFO, and may include other relevant regulatory agencies regarding their specific interests and concerns. Evaluation of technical and economic feasibility of the suggested measures is currently underway to inform this consultation. Technical feasibility considers the following: • Availability, applicability, and effectiveness of the specific technology; • Fit with local site characteristics, Project design, construction schedule; • Applicable regulatory frameworks; and • Whether implementation is within the VFPA's jurisdiction. Economic feasibility considers the following: • Scope of the Project design (Project re-design not required); • Construction schedule (Project construction delay not required); and Total cost of implementation of each measure during construction and/or operation.	**Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-14.2	Stated that there is insufficient information regarding the extent of commercial and recreational Aboriginal crab harvesting that will be impacted by the proposed closure in Crab Management Area I. Requested more information about the extent of impact.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in responses to IR7-33 to IR7-35:** Beyond the assessment provided in EIS Section 21.0, the VFPA's responses to IR7-33 to IR7-35 provides additional information concerning potential reductions in commercial crab harvest levels, mitigation measures, and ongoing engagement activities related to crab harvesting, and other supporting information.	**EIS** 21.0 Marine Commercial Use **Information Requests** Response to Sufficiency Information Request #33 (IR7-33 of CEAR Document #1172) Response to Sufficiency Information Request #34 (IR7-34 of CEAR Document #1172) Response to Sufficiency Information Request #35 (IR7-35 of CEAR Document #1172)
MN-14.3	Stated that the proposed crab fishery closure area, a preferred crabbing area for Tsawwassen and Musqueam nations, will remain open to Aboriginal FSC fisheries only. Asked if the VFPA is suggesting that other nations who do not claim rights to this area will now be permitted to crab for FSC purposes. Requested clarification, along with a plan to mitigate the increase in competition amongst commercial and recreational user groups. Asked what the VFPA's plan is to mitigate the residual effect of increased competition. Asked how the VFPA plans to mitigate the Project-related displacement of existing Aboriginal commercial and recreational crabbing.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR10-07:** The VFPA's response to IR10-07, as requested by the Review Panel, further discusses potential economic implications of any permanent or temporary displacement related to the navigational closure.	**Information Requests** Response to Sufficiency Information Request #07 (IR10-07)
MN-14.4	Concerned that the Project footprint would create a divide between crab habitat to the north of the footprint (and up to shore) and south of the footprint (in deeper water).	28-Jul-2016, Issues Workshop - Island Nations	**28-Jul-2015, Workshop:** Responded that a lot of the home ranges for crabs extend 2, 3, 4 km so it was determined they are able to move around the structure, and the juvenile crabs get assistance on the ebb tides, which would pull them around the terminal. This was considered but it was concluded that crabs will be able to move around it.		
MN-14.5	Expressed their concern regarding impacts from changing the composition of the habitat, noting it is the most productive commercial crab territory and their crabber's fish in the Project footprint.	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance,	**29-Aug-2017, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#120):** In the marine commercial use assessment, a residual effect is considered significant when all of the following conditions are met: • The effect occurs to a known area of commercial marine-based activity or potential;	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Commented that two of their crab boats were in the Project footprint during their recent Deltaport Terminal tour.	Lyackson First Nation, Malahat Nation		• The effect displaces or excludes commercial marine-based activities from a known use area; • There are associated adverse harvest or revenue effects due to the displacement; and • The displaced commercial marine-based activity cannot move to known alternative activity areas due to regulatory reasons. The Project is expected to result in a residual effect of changes to seafood harvesting area, harvest, and revenue. This residual effect is determined to be not significant, however, as Dungeness crab are known to move substantial distances to baited traps, and harvest activity can be moved to another open area.	
MN-14.6	Concerned that the proposed location and use of the Intermediate Transfer Pit (ITP) has the potential to significantly impact crab habitat. Suggested to examine on-land temporary sand storage as a preferred option and alternative. Interested in the outcome of investigations undertaken to consider alternatives to using the ITP.	05-Jan-2017, Letter 30-May-2017, Meeting with Administrative Staff	**10-Feb-2017, Letter from the VFPA:** The potential Project-related effects on crab productivity are described in EIS Section 12.6. This assessment includes activities associated with use of the ITP. As indicated in EIS Section 21.7.1 and AIEIS Section 3.2, potential effects on commercial crab harvesting related to resource availability are determined to be negligible. In response to concerns raised by Indigenous groups, alternatives to minimise the use of the ITP are being explored by the VFPA in discussion with Indigenous groups. **30-May-2017, Meeting:** Responded a lot of work is still underway by the engineering team and it is anticipated there will be something to share soon by way of an update. Noted that for now disposal at sea (DAS) is on hold. **26-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Malahat and other Indigenous groups related to Dungeness crabs and DAS, and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit. **12-Jul-2017, Email from the VFPA:** Followed-up with Malahat from the 30-May-2017 meeting and provided the link to the Registry to Information Request Package 3, which contains more information on the ITP: http://www.ceaa-acee.gc.ca/050/documents/p80054/119369E.pdf	**Addressed in Project Construction Update:** As requested by the Review Panel, the VFPA submitted the Project Construction Update (PCU) on June 12, 2018 (CEAR Document #1210), providing: • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations, or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 12.0 Marine Invertebrates 12.6.3.3 Changes in Productivity of Dungeness Crab 21.0 Marine Commercial Use 21.7.1 Seafood Harvesting - Rationale for Negligible Effect – Changes in Access and Resource Availability **AIEIS** 3.0 Marine Commercial Use 3.2 Future Conditions with the Project – Potential Project-related Effects **PCU (CEAR Document #1210)** **Information Requests** Information Request Package 3 Preamble in Support of Responses to IR3-25 to IR3-40 – General and Disposal at Sea-related Project Construction Update (CEAR Document #928)

Table 15: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-15.1	Concerned with potential impacts of shipping noise to whales. Asked whether whales are present in the shipping lanes and how they are affected by shipping noise. Interested in mitigation measures for SRKW and requested examples. Concerned with potential impacts from ship noise (i.e. propellers) on whales, including SRKW. Requested for clarification regarding whether this was studied in the EIS.	27-Nov-2015, EIS Results Workshop #2 - *W*SÁNEĆ Nation 06-Jul-2016, Meeting 12-Sep-2016, Malahat Traditional Use Study	**27-Nov-2015, Workshop:** Stated that there are previous studies looking into whale behaviour around shipping traffic, and the level of noise that will result in a behavioural response in orcas (i.e., impacting their ability to feed or communicate with each other) has been determined. Stated that sometimes orcas may respond to noise by increased breathing or by moving away from the lane. Orcas are typically driven by food, and will likely remain in the area if food is present. The behavioural response from orcas to noise resulting from the Project was modelled. There will be an effect, and there are effects every day. There is some uncertainty; no one really knows exactly how marine mammals are affected, and how their ability to breed or survive is impacted. **06-Jul-2016, Meeting:** Committed to provide the information available in the EIS and information about the Enhancing Cetacean Habitat and Observation (ECHO) Program. Referenced the VFPA's response to AIR-12.04.15-12 (mitigation), which summarises the effects of all marine life within the EIS and identifies which mitigation has been applied to which component(s), as well as its anticipated effectiveness. **15-Aug-2016, Email from the VFPA:** The VFPA's response to IR-15.07.31-1-12 provides a high-level summary of mitigation proposed across VCs, and is probably the easiest place to access this information: http://www.ceaa.gc.ca/050/documents/p80054/103668E.pdf You can find mitigation related to marine mammals starting on page 227 of the PDF. More information can be found in EIS Sections 14.7.1.1, 14.7.1.2, and 14.7.2. **10-May-2017, Email from the VFPA:** Provided the ECHO Program annual report for 2016. **12-Jul-2017: Email from the VFPA:** More information on the ECHO Program can be found here, including the most recent annual report: https://www.portvancouver.com/environment/water-land-wildlife/marine-mammals/echo-program/	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to SRKW (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by SRKW for their life functions of foraging, mating, resting, or socialising. Destruction of SRKW critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of SRKW. Cumulative effects to baleen whales and seals and sea lions are expected to be not significant. However, due to their Endangered status and lack of recovery of the population, the VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on SRKW. Therefore, the Project, in combination with past projects and activities that have been carried out, and certain and reasonably foreseeable projects that will be carried out, will result in a continued significant cumulative effect to SRKW. **Addressed in AIEIS Appendix 2-B, Table 19 (#84):** EIS Section 14.0 includes the location of marine mammals in the assessment area, the methods used to study underwater noise, and the results of the assessment of potential underwater noise-related effects from marine shipping associated with the Project on marine mammals. The assessment also includes the potential cumulative effects on marine mammals of the Project in combination with other projects and activities, including noise from existing and incremental marine vessel traffic. SRKW have been studied extensively, both for the purposes of RBT2 and under the ECHO Program. The ECHO Program has been established by the VFPA, in collaboration with government agencies, Indigenous groups, marine industry users, non-government organisations, and scientific experts, to better understand and manage the potential impacts to cetaceans (whales, porpoises, and dolphins) from commercial vessel activities throughout the southern coast of B.C. Further information about ECHO can be found at http://www.portmetrovancouver.com/en/environment/initiatives/marine-mammals	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 14.0 Marine Mammals 14.5 Existing Conditions 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.4 Potential Effects of the Project on Steller Sea Lions 14.7 Mitigation Measures 14.7.1.1 Mitigating Underwater Noise during Construction Activities 14.7.1.2 Mitigation of Underwater Noise during Operation Activities 14.7.2 Mitigation of Physical Disturbance from Vessel Strikes during Operation Activities 14.10 Cumulative Effects Assessment 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W*SÁNEĆ Nation, Table 19 Marine Mammals
MN-15.2	Asked how sonar was incorporated into the model.	27-Nov-2015, EIS Results Workshop #2 - *W*SÁNEĆ Nation	**27-Nov-2015, Workshop:** Responded that ships with sonar were incorporated into the study.	**Addressed in AIEIS Appendix 2-B, Table 14 (#58):** The methods for the underwater noise modelling are included in EIS Section 9.8. Echo sounding is a type of sonar used to determine the depth of water by transmitting sound pulses into water. In estimating behavioural response noise thresholds, the noise modelling used broadband radiated vessel noise level data, which in theory includes those pulsed sounds created by vessel echo-sounders, as well as from the propellers and internal	**EIS** 9.8 Underwater Noise 9.8.5.4 Methods to Characterise the Existing Underwater Acoustic Environment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				machinery. No separate analysis was undertaken specifically for the effects of depth sounders. More information related to high frequency or high energy echo-sounders can be found in Deng et al. 2015; however, these sophisticated systems are not typically used on commercial vessels for depth sounding. http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0095315	9.8.5.5 Methods for Predicting Future Conditions of Underwater Noise with the Project **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 14 Underwater Noise
MN-15.3	Asked whether the marine mammal assessment considers the recent success of sea otter population recovery on the coast.	06-Jul-2016, Meeting	**06-Jul-2016, Meeting:** Stated that there is more fulsome information on marine mammals in the EIS, and that seals and sea lions represent sea otters. Committed to follow-up on this matter. **15-Aug-2016, Email from the VFPA:** As stated in the MSA, sea otters (*Enhydra lutris*), mostly from the Washington State population, are observed in small numbers in the western part of Juan de Fuca Strait and the Gulf Islands. They have not established permanently in the marine shipping area for RBT2-associated vessels. Year-round residents occur in central mainland coast region and northwestern Vancouver Island, and Washington sea otters occupy almost exclusively rocky habitat along the Olympic Peninsula coast and western Juan de Fuca Strait. It is not possible to predict whether the population will continue to grow and spread and, if so, at what rate or in which direction. If they do expand their distribution, they could disperse into historically occupied sandy habitat to the south (e.g., Grays Harbor and Willapa Bay), spread eastward along Juan de Fuca Strait and into Puget Sound, or move north across Juan de Fuca Strait to Vancouver Island (Lance et al. 2004). Based on a 2013 range-wide boat survey in B.C., sea otter populations have grown to 6,754 (were on the brink of extinction from commercial harvesting, and were re-introduced in B.C. in 1969 to 1972), and they have expanded their year-round range in central and northwestern Vancouver Island, as shown in the figure below (DFO 2015). As shown in the figure, re-habitation has not been observed within the marine shipping area.		
MN-15.4	Asked about the potential for a ship to hit a marine mammal, and whether vessel strikes are recorded and regulated. Concerned about marine mammal fatalities or injuries as a result of direct contact with ships.	06-Jul-2016, Meeting 12-Sep-2016, Malahat Traditional Use Study 30-May-2017, Meeting with Administrative Staff	**06-Jul-2016, Meeting:** Committed to follow-up. **15-Aug-2016, Email from the VFPA:** In the meeting, you asked about vessel strike reporting requirements. Vessel strikes are voluntarily reported by mariners to DFO. I have provided some links below: • http://www.pac.dfo-mpo.gc.ca/fm-gp/species-especes/mammals-mammiferes/report-signaler-eng.html; • http://www.dfo-mpo.gc.ca/fm-gp/mammals-mammiferes/prog-eng.htm; and	**Addressed in AIEIS Appendix 2-B, Table 19 (#87):** The assessment considers the potential effects on marine mammals of marine vessel traffic associated with Project construction and operation, including the potential for physical disturbance due to a Project-related vessel strike. As described in the EIS, occurrences of marine mammal vessel strikes are identified through observed incidents, scarring, or recovery of carcasses. There is no formal regulation by DFO requiring the reporting of marine mammal vessel strikes in Canadian waters. Vessel strike incidents can be reported to the DFO incident reporting line: 1-800-465-4336.	**EIS** 14.0 Marine Mammals 14.6 Future Conditions with the Project 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.3 Potential Effects of the Project on North Pacific Humpback Whale

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			• http://www.dfo-mpo.gc.ca/fm-gp/mammals-mammiferes/publications/8-eng.htm. More information related to vessel strikes can be found in MSA Section 8.2.		14.6.4 Potential Effects of the Project on Steller Sea Lions 14.10 Cumulative Effects Assessment **MSA** 8.2 Marine Mammals **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 19 Marine Mammals
MN-15.5	Stated that the EIS states "…current harvesting of [marine mammals] by Aboriginal groups does not appear to be occurring within the marine mammals LAA (the area within which marine mammals may potentially be affected by the Project). The Project is therefore not expected to affect access for the purposes of Current Use or marine mammals" Requested a rationale for why future use of marine mammals is not considered.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	**Information Requests** Response to Sufficiency Information Request #26 (IR10-26)
MN-15.6	Stated that the EIS does not outline a mitigative measure for impacts to marine mammals due to Project-related underwater noise during construction activities. Requested a rationale for omission.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 14.7.1.1:** As noted in EIS Section 14.7.1.1, mitigation measures that will be implemented during construction are outlined in sub-plans described in EIS Section 33.3, including EIS Sections 33.3.2, 33.3.7, and 33.3.8). These sub-plans will be implemented during Project construction to reduce or eliminate potential adverse underwater noise-related effects to marine mammals resulting from the Project.	**EIS** 14.7.1.1 Mitigating Underwater Noise during Construction Activities 33.3 Construction Environmental Management Plans 33.3.2 Environmental Training Plan 33.3.7 Underwater Noise Management Plan 33.3.8 Marine Mammal Observation Plan
MN-15.7	Requested more information on compliance monitoring. Asked what action is taken if hydrophones are placed and it is determined that noise is louder than expected.	27-Nov-2015, EIS Results Workshop #2 - *W̱SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Stated that the VFPA has made a commitment to work with the terminal developer and operator to mitigate effects from these activities, and plans for construction and operations will specifically state what is required. Stated that everything will be in place prior to construction. The developer and operator will have an environmental team on site. Stated that the response is fast, that mitigations are standard and proven to be effective. For seismic work, if	**Addressed in AIEIS Appendix 2-B, Table 30 (#163):** As described in EIS Section 33.0, the purpose of compliance monitoring is to verify compliance with the terms and conditions of Project approval and other legislation, industry standards, regulatory requirements, and with the other sub-plans of the Construction and Operation Environmental Management Plans. As such, the Construction and Operation Compliance Monitoring Plans will describe (respectively) monitoring parameters and requirements for all other plans in the Construction and Operation Environmental Management Plans. The plans will outline the approach to be taken with respect to the scope of compliance-monitoring activities to be undertaken by the construction Environmental Monitors, and the appropriate individuals for	**EIS** 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting 33.0 Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Asked whether activities will immediately be stopped.		whales are seen in the area, activities are shut down immediately. Marine mammal observers are trained to estimate distances and have absolute authority to shut down construction operations if a cetacean might be at risk.	operation monitoring. The Construction Compliance Monitoring Plans will include measures for onsite intervention in the case of non-compliance with the environmental management plans. The environmental management plan specific to underwater noise is described in EIS Section 33.3.8. Action protocols will be developed for reducing or ceasing underwater noise producing activities when marine mammals are present in safety and disturbance zones adjacent to the Project area.	33.3.1 Construction Compliance Monitoring Plan 33.3.8 Marine Mammal Observation Plan 33.5 Environmental Management Program, Roberts Bank Terminal 2 Follow-up Program Appendix 33-A Proposed Draft Follow-up Program Elements **AIEIS** Appendix 2-B Aboriginal Issues and Interests - W̱SÁNEĆ Nation, Table 30 Environmental Management Program

Table 16: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-16.1	Asked whether Project-related marine shipping was included in the assessment. Malahat does not view marine shipping and the Project as separate and is critical of the distinction between them in the process/approach to assessment. Stated that Malahat is of the view that the Project assessment should include effects from marine shipping even if they are not within port authority jurisdiction. Stated that the VFPA could exert its influence through other means and factors (not necessarily compliance), but perhaps through management contracts with shipping organizations. Concerned that because marine shipping is not within port authority jurisdiction, there will be a gap and it will not have been sufficiently considered.	09-Feb-2016, Meeting 06-Jul-2016, Meeting 05-Jan-2017, Letter	**09-Feb-2016, Meeting:** Acknowledged Malahat's concern, and noted that it is a comment for the CEA Agency. Stated that the VFPA is completing the EIS based on the guidelines presented. **06-Jul-2016, Meeting:** Stated that the VFPA does not have contracts with any shippers because the port authority does not run the terminals themselves; the port authority is removed from the operators of ships. Explained the VFPA's jurisdiction as well as the Canadian Coast Guard and Transport Canada. Stated that the VFPA is willing to be a partner in any mitigation and supports any recommendations that come forward. The VFPA is collaborative and wants to see warranted and needed changes. **05-Jan-2017:** Recorded comment for follow-up. **10-Feb-2017, Letter from the VFPA:** The definition of the Project is described in the Updated *EIS Guidelines*, issued by the CEA Agency. As stated in the *Updated EIS Guidelines*, *"Marine shipping associated with the Project that is beyond the care and control of the Port is not considered to be part of the Project for the purposes of the environmental assessment."* Malahat Nation has been consulted on RBT2, as described in AIEIS Section 2.0, and on marine shipping associated with the Project, as described in MSA Section 5.0.	**Addressed in EIS Section 1.3.2.2:** The VFPA's regulatory jurisdiction is established by the *Canada Marine Act* and does not extend beyond its navigational jurisdiction. The VFPA has advised the CEA Agency of this concern from Malahat and other Indigenous groups. **Addressed in MSA Appendix 5-B (#13):** The MSA addresses potential effects of marine shipping associated with the Project outside of the VFPA's jurisdiction, to the 12 nautical mile limit of Canada's territorial sea. **Addressed in AIEIS Appendix 2-B, Table 4 (#30):** The environmental effects of marine shipping associated with the Project that is beyond the care and control of the proponent and extending to the 12 nautical mile limit of Canada's territorial sea ("marine shipping associated with the Project"), were assessed in the MSA, in accordance with the requirements of the *EIS Guidelines*. Marine shipping in the vicinity of the Project is considered in the EIS in two ways: 1) The effects of vessel traffic related to the Project, travelling within the VFPA's jurisdiction, were assessed in the EIS as Project-related effects; and 2) The cumulative effects of Project-associated vessel traffic, travelling outside of the VFPA's jurisdiction, were further considered in the cumulative effects assessments in EIS Table 8-8. **Addressed in response to AIR-12.04.15-13:** The VFPA's response to AIR-12.04.15-13 provides the total cumulative effects assessment for each VC for which a residual effect was predicted. Information on how Project-associated marine shipping was considered in the cumulative effects assessments is included in Schedules 1 through 10.	**EIS** 1.3.2.2 Mandate and Jurisdiction 8.0 Effects Assessment Methods Table 8-8 Project and Activity Inclusion List **MSA** 5.0 Aboriginal Groups Engagement and Consultation Appendix 5-B Aboriginal Issues and Interests **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 4 Environmental Assessment Process and Regulatory Framework **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Schedules 1 – 10 (AIR-12.04.15 of CEAR Document #388)
MN-16.2	Stated that the use of the channel has changed over the years. Stated that the area is now entirely a shipping lane and is being taken away from other users.	15-Jul-2015, Meeting	**15-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. Asked whether there are specific reports of issues from Malahat users of the channel. Malahat unable to provide specific examples.	**Addressed in MSA Appendix 5-B (#22):** MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been carried out. The assessment addresses potential effects to access to preferred Current Use locations, as well as social and cultural values of Current Use.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-16.3	Stated that Malahat Nation requires more detailed information from the proponent to better understand the effects of shipping activities through Malahat waters. As such, Malahat Nation requests additional research for the following disciplines, including scientific and traditional knowledge sources: • Marine Fish and Fish Habitat • Marine Mammals • Marine Birds • Invertebrates • Human Health • Archaeological and Heritage Resources	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Addressed in the *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. Section 17 of the *Updated EIS Guidelines* notes: *"It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail.* *To the degree possible, the proponent [the VFPA] should maximise the use of existing material that is relevant to marine shipping activities associated with the Project which is beyond proponent's care and control and within the 12 nautical mile limit of the territorial sea. Existing material may be utilised from academic studies, work of government and non-government working groups, past or ongoing environmental assessments, Aboriginal traditional knowledge reports or any other source the proponent deems appropriate for its presentation of this material".*	***Updated EIS Guidelines***
MN-16.4	Noted adverse effects of shipping activities or accidents near islands with Malahat traditional use values (overlapping or within 1 km of the shipping route), especially shorelines facing the shipping route, including: • Eastern shoreline of Sydney Island (CDN) - Potential erosion of shoreline arising from tanker wake, interference with Malahat shellfish and seal harvesting, and disruption to Malahat cormorant hunting and seagull egg collecting. • Eastern shoreline of D'Arcy Island (CDN) - Potential erosion of shoreline arising from tanker wake, interference with Malahat rock cod fishing, and disruption to Malahat seagull egg collecting. • Southwestern tip of Pender Island (CDN) – Potential erosion of shoreline arising from tanker wake, interference with Malahat salmon fishing, and disruption to or reduction of Malahat murres and cormorant hunting. Extra caution used at the	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Project is a proposed container terminal therefore only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 7.2:** An assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project on wake-generated waves. The existing wind-wave climate varies greatly across the local study area in response to differences in local wind conditions, variations in fetch length, and incoming swell from Juan de Fuca Strait. The majority of wind-generated wave heights are in the range of 10 to 50 cm, but they can reach up to 200 cm. Vessel wake is a small component of the existing wave climate. Wake waves generated by a representative-size container ship travelling at typical speeds through the marine shipping area were calculated. The results showed that wake waves larger than 10 cm (wave heights smaller than this height are considered to reflect calm conditions) would reach shorelines adjacent to the shipping lanes only in Segment B of the marine shipping area in three zones—near Tumbo and Saturna Islands, at the western end of Stuart Island, and in the vicinity of Victoria, including Discovery Island. Based on the spectrum of wind-generated waves, ship wake would be indistinguishable from wind-generated waves except during calm conditions. Calm conditions are experienced 40%, 46%, and 25% of the time within these three identified zones in Segment B. Therefore, container ship wake waves are expected to be exceeded by (and indistinguishable from) natural waves 60%, 54%, and 75% of the time in these Segment B zones. Vessel wake height calculations indicate that the majority of wake-related waves approaching shorelines in the three zones would be between 10 cm and 12.5 cm in height. Project-associated traffic is expected to increase vessel traffic through Segment B by 6% compared to existing conditions; therefore, the potential for wake-generated waves to occur during calm conditions is also expected to increase by 6%. With all future vessels transiting the marine shipping a, including Project-associated traffic (a cumulative vessel traffic increase of 36%), the potential for these small wake-related waves (10 to 12.5 cm) is anticipated to cumulatively increase by 36%.	**MSA** 7.2 Wave Environment **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1049)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	southwest tip of the island where strong westward currents exist. • Southwestern tip of Saturna Island (CDN) – Potential erosion of shoreline arising from tanker wake, interference with Malahat snapper fishing, and disruption to or reduction of Malahat murres and deer hunting. • Western shoreline of San Juan Island (USA) – Potential erosion of shoreline arising from tanker wake and interference with Malahat rock cod fishing. • Northwestern part of Stuart Island (USA) – Potential erosion of shoreline with important cultural and settlement values arising from tanker wake, disruption to or reduction of Malahat cormorant and seal hunting. • Northern part of Waldron Island (USA) – Potential erosion of shoreline arising from tanker wake and interference with Malahat rock cod fishing. • Northern part of Orcas Island (USA) – Potential erosion of shoreline with important Malahat cultural and settlement values arising from tanker wake.			The length of shoreline that falls within the zone of influence of existing vessel wake is not anticipated to change with future increases in the number of vessel movements. **Addressed in response to IR7-21:** As requested by the Review Panel, the VFPA's response to IR7-21 discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area. For all segments discussed in the MSA, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators.	
MN-16.5	Noted the majority of concerns related to the Project are also concerns related to marine shipping. Asked about the involvement of other agencies in consultation.	30-May-2017, Meeting with Administrative Staff	**30-May-2017, Meeting:** Stated that if Malahat has specific requests of other agencies, the VFPA will pass them on.	**Additional information provided by the VFPA:** Marine shipping associated with the Project beyond the care and control of the proponent is within the jurisdiction of the federal government. The environmental assessment will act as a means for the federal government to collect information on the effects of increased marine shipping associated with the Project for use by programs or activities within federal jurisdiction.	
MN-16.6	Concerned with the development of super marine highways and the loss of the ability to use the waterways for social and cultural and traditional fishing purposes. Stated that boats are viewed as an important asset to reviving Malahat traditions and bringing Malahat history back to life.	08-Sep-2015, Letter 12-Sep-2016, Malahat Traditional Use Study	**11-Sep-2015, Letter from the VFPA:** Thank you for articulating your preliminary concerns with the Project. These concerns will be considered in the MSA, to be submitted by the VFPA to the CEA Agency this fall. MSA Section 9.5 describes how Current Use activities have been affected by other projects and activities that have been	**Addressed in AIEIS Appendix 2-B, Table 28 (#130):** *W̲SÁNEĆ* travel from the island to the mainland is described in AIEIS Section 7.0 and MSA Section 9.5. Potential Project-related effects on *W̲SÁNEĆ* use or the exercise of asserted or established rights and measures to address potential effects, including measures proposed by *W̲SÁNEĆ*, are also described in AIEIS Section 7.0. Although Project-related incremental impacts are not expected to be measurable on the exercise of asserted or established rights by *W̲SÁNEĆ*, the consultative measures proposed in EIS Section 32.2.7 (and reiterated above in AIEIS Section 7.2.7) to assist with confirming the conclusions of the Current Use assessment are carried forward to	**EIS** 32.2.7 Mitigation Measures 32.3.3 Mitigation Measures **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			carried out. The assessment addresses potential effects to access to preferred Current Use locations, as well as social and cultural values of Current Use.	the rights assessment, following the same methodology employed in EIS Section 32.3.3. These measures are expected to assist with monitoring circumstances following the onset of Project construction and operation, through ongoing engagement. The consultative measures carried forward are as follows: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs.	9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use **AIEIS** 7.2.7 Mitigation Measures Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes
MN-16.7	Stated that while there is currently little overlap between Malahat boat movements and tanker traffic, this may change. Noted that this current state of travel should not limit Malahat's future choices and abilities to travel in open waters during the same time that tankers are traveling, requiring increased communications and coordination with the VFPA.	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Project is a proposed container terminal therefore only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 9.5.5.1:** Interactions between existing shipping vessel traffic and the ability to access Current Use locations have been identified by Indigenous groups, including use of marine harvesting areas and travel ways within the marine shipping area. These interactions are reportedly affecting the objectives of or means by which Current Use is exercised (e.g., interfering with the acquisition of traditional foods and transmission of knowledge). As described in MSA Section 9.5.4, Indigenous groups have also said that the ability to access traditional use locations has been affected over time by, among other factors, the creation of the international border, land alienation, reserve creation, resource development, government policies and regulations (e.g., harvesting closures, restrictions on harvesting methods and gear), and increased competition from non-Indigenous harvesters. Based on the above, there are pre-existing effects on the ability to access traditional use locations in the marine shipping area as a result of other projects and activities that have already been carried out. Existing shipping traffic in established shipping lanes has been identified as a contributing factor to these effects by some groups, and in some cases, vessel transit has reportedly resulted in substantial adjustments to the way a particularly important Current Use location is accessed (i.e., Ditidaht First Nation and Pacheedaht First Nation's access to Swiftsure Bank). Project-associated vessel movements have the potential to interact with access to Current Use locations through temporary displacement and ship wake. An incremental increase of approximately 1.5 ship movements per day (or three movements every two days) to the existing shipping volume along established shipping lanes is not expected to contribute measurably to existing effects on the ability to access locations currently used by Indigenous groups for traditional purposes as a result of ship-generated wake. The effect of Project-associated vessel wake on the ability to access Current Use locations is therefore considered negligible.	**MSA** 9.5.5.1 Negligible Effects of Vessel Transit on Current Use

Table 17: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-17.1	Stated that no cumulative effects are predicted on marine vegetation, and impacts to traditional use harvesting dependent upon the health of marine vegetation. Asked how the VFPA arrived at this conclusion.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5.5.1:** While there may be an existing cumulative effect from other projects and activities that have been carried out, including existing shipping activity, on the availability of marine vegetation, marine invertebrate, and marine fish resources currently used by Indigenous groups for traditional purposes, MSA Section 8.1 does not predict measurable incremental effects on marine fish and fish habitat or productivity (understood to include marine vegetation, marine invertebrates, and marine fish) as a result of routine Project-associated vessel transit activities (ship wake and underwater noise were specifically examined for potential effects). RBT2-associated vessel transit is therefore not expected to have a measurable effect on the availability of marine vegetation, marine invertebrates, or marine fish for Current Use, and is therefore not expected to contribute incrementally to the existing cumulative effects on availability of these marine resources for Current Use.	**MSA** 9.5.5.1 Negligible Effects of Vessel Transit on Current Use

Table 18: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-18.1	Asked whether the shift in salinity predicted to result from RBT2 will affect eelgrass beds and crabs. Asked if the predicted decrease in productivity of marine fish in the EIS relates to changes in salinity.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Responded that presentations on marine vegetation, fish, and invertebrates will be provided the following day. Stated that all information presented today feeds into the biophysical assessments. **27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation:** Addressed potential impacts of the Project to marine vegetation and invertebrates, including those related to salinity.	**Addressed in EIS Appendix 7.2-B (#56):** Current levels and potential changes in marine sediment and water quality, including changes in salinity and contaminants, were evaluated as described in the IC assessment sections of the EIS (EIS Sections 9.6 and 9.7). Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. Sediments that will be re-suspended or disposed of during construction activities are not contaminated. With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation, marine invertebrates, marine fish and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience. The VFPA used an ecosystem model to predict changes to marine species productivity at Roberts Bank. The model takes into account potential future changes in the environmental factors (i.e., salinity, depth, bottom current, wave height, and hard or soft substrate). The model findings informed the assessment of Project-related effects on marine species productivity. Eelgrass beds are highly productive habitats in the Roberts Bank ecosystem, serving numerous critical functions, such as food, shelter, and rearing habitat for numerous species. Eelgrass was a sub-component of the marine vegetation assessment. The assessment concludes that changes in productivity of eelgrass are predicted to be negligible (i.e., not measurable or detectable). Increases in productivity of eelgrass are anticipated with the implementation of standard management practices and environmental management plans, and the creation of onsite habitat. Approximately three hectares of native eelgrass will be established through transplants in the inter-causeway area. **Addressed in AIEIS Appendix 2-B, Table 12 (#53):** Current levels and potential changes in marine sediment and water quality, including changes in salinity, were evaluated as described in the IC assessment sections of the EIS (EIS Sections 9.6 and 9.7). Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation (including eelgrass beds), marine invertebrates (including crabs), marine fish, and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality 9.7.6 Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3.1 Potential Effect 1 – Changes in Productivity, Eelgrass 12.0 Marine Invertebrates 12.6.3.2 Potential Effect – Changes in Productivity of Bivalve Shellfish 13.0 Marine Fish 13.6 Future Conditions with the Project Table 13-6 Desktop and Field Studies Related to Marine Fish to Support the Assessment Table 13-10 Summary of Roberts Bank Ecosystem Model Productivity Results for Marine Fish 13.6.3 Potential Effect - Changes in Productivity **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 12 Surficial Geology and Marine Sediment
MN-18.2	Asked whether the shift in salinity results in changes in the level of productivity of biofilm.	27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Responded that predicted changes in the community composition of biofilm would occur temporarily during freshet, and are fully reversible. Sandpipers typically arrive in late April to early May, just before peak freshet which typically occurs in May to June, so there is limited temporal overlap between predicted changes in biofilm community	**Addressed in EIS Appendix 7.2-B (#56):** Current levels and potential changes in marine sediment and water quality, including changes in salinity and contaminants, were evaluated as described in the IC assessment sections of the EIS (EIS Sections 9.6 and 9.7). Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. With the exception of temporary, reversible changes in the biofilm community assemblage from salinity changes during freshet, the potential effects of Project-related changes in marine water quality and sediment quality on marine vegetation, marine invertebrates, marine fish, and marine mammals are considered to be negligible due to the range of conditions that marine species naturally experience.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.6 Surficial Geology and Marine Sediment 9.6.6 Existing Conditions 9.6.8 Future Conditions with the Project 9.7 Marine Water Quality

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			composition and sandpiper migration. The effect of levels of salinity on biofilm would dissipate as freshet subsides. The species will not change, but the proportion of species during freshet would change. Responded that the overall water patterns are not predicted to change (i.e., the area will continue to experience the same salinity range), but rather the amount of time it takes to drain. Freshwater will take longer to drain off tidal flats, but will still drain. The organisms living in the area are already dealing with tides, freshwater, and saltwater, so they are already highly adapted to fluctuations in salinity levels. Referred to several meetings with Canadian Wildlife Service related to the community composition of biofilm. It is unknown whether the change in proportion will have an effect. Studies have not found birds grouping around one 'type' (same species present in each group, but in different proportion) of biofilm at the exclusion of the other, which may indicate that they like both. There is an extensive amount of biofilm present in the area. The existing knowledge will be supplemented through monitoring. Stated that birds eat both types of biofilm. There would be a temporary shift in the composition, but birds are known to eat both. Bird dropping study determined preferred areas, and birds appear to enjoy freshwater biofilm.	The VFPA used an ecosystem model to predict changes to marine species productivity at Roberts Bank. The model takes into account potential future changes in the environmental factors (i.e., salinity, depth, bottom current, wave height, and hard or soft substrate). The model findings informed the assessment of Project-related effects on marine species productivity. **Addressed in AIEIS Appendix 2-B, Table 16 (#65):** Current levels and potential changes in marine sediment and water quality, including changes in salinity, were evaluated as described in the IC assessment sections of the EIS (EIS Sections 9.6 and 9.7). Potential changes to marine water quality and sediment quality or sediment deposition due to the Project are expected to be minimal, relative to existing natural variability in the ecosystem. The shift in salinity is expected to cause temporary shifts in biofilm community composition during the freshet, but expected to return to existing conditions outside the annual freshet period. These results are spatially variable, such that biofilm in some areas is predicted to show decreased productivity (temporarily) while biofilm in other areas is expected to show increased productivity (temporarily). Overall, increases are estimated to be higher than the decreases; therefore, effects are anticipated to be negligible to positive. **Additional information provided by the VFPA:** The VFPA's response to IR8-04 presents the results of studies undertaken in 2017 related to biofilm dynamics. The studies' results complement the findings of the EIS and add to the overall understanding of biofilm science. In summary, the results align with the following conclusions in the EIS, specifically that: • Ongoing salinity monitoring continues to show that under existing conditions there is large variation in salinity across Roberts Bank due to variable Fraser River flow and tidal mixing; • Biofilm is abundant across the existing salinity gradient, found in both freshwater- and marine-influenced locations; and • The Project will not affect the availability or quality of food available to migrating western sandpiper.	9.7.6 Existing Conditions 9.7.8 Future Conditions with the Project 10.0 Biophysical Setting 10.3 Overview of Assessing Ecosystem Productivity 11.0 Marine Vegetation 11.6.3.5 Potential Effect – Changes in Productivity, Biofilm 12.0 Marine Invertebrates 12.6.3 Potential Effect – Changes in Productivity 13.0 Marine Fish 13.6.2 Negligible Effects 14.0 Marine Mammals 14.6.2 Potential Effects of the Project on Southern Resident Killer Whales 14.6.4 Potential Effects of the Project on Steller Sea Lions 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 16 Marine Vegetation **Information Requests** Response to Sufficiency Information Request #4 (IR8-04 of CEAR Document #1110)

Table 19: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-19.1	Asked why subtidal rock reef is only proposed for one area and whether this is related to vessel traffic.	27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Stated that subtidal rock reef requires a hard surface, and areas that might need to be dredged at a later date have been avoided.	**Addressed in AIEIS Appendix 2-B, Table 22 (#95):** Onsite habitat is intended to soften the perimeter of the Project's shoreline to be more ecologically representative of the existing estuary, to create similar habitat to those that will be affected by the Project, and to create habitat that generally enhances the productivity of the Roberts Bank ecosystem. The five habitat types considered for onsite offsetting include the following: • Intertidal marsh; • Sandy gravel beach; • Mudflat; • Subtidal rock reefs; and • Eelgrass. Subtidal rock reefs support rockfish populations and assist in meeting fisheries management objectives to alleviate historic declines of regional populations. The creation of approximately two hectares of reef habitat will benefit macroalgae vegetation, and provide refuge, feeding, and spawning habitat for invertebrates, fish, and birds. Subtidal rock reef has been proposed in the location identified in the EIS because this location is within the VFPA's jurisdiction, and is feasible as an extension of existing rock reefs, avoiding the destruction of natural habitat.	**EIS** 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 22 Mitigation for Marine Biophysical Valued Components
MN-19.2	Asked which mitigation measures are proposed for species that spend time in the estuary, for example salmon.	28-Jul-2015, Issues Workshop – Island Nations	**28-Jul-2015, Workshop:** Responded that the VFPA follows the mitigation hierarchy laid out in best practice: avoidance, reduction, and offsetting. Stated that avoidance is considered first, which is present in several features of the RBT2 design, the most important of which (pertaining to salmon) is situating the terminal in subtidal water to avoid interaction with sensitive intertidal habitats such as eelgrass and marsh that many species rely on as nursery habitats. Efforts were also made to minimise the causeway footprint to overlap as little as possible with marsh and sandflat habitat. The Project design also incorporates refugia into the caisson structure of the terminal face. Stated that in terms of reduction, there are numerous best practice management plans intended to minimise Project effects, for example monitoring total suspended solids and underwater noise. Those are in the EIS. Sensitive timing windows have been built into the Project construction schedule where appropriate, and will be implemented according to consultation with DFO. One mitigation measure specific to juvenile salmon on their outward migration phase and that is prohibiting construction activities from occurring above 5 m chart datum. EIS Section 17.0 details plans related to onsite	**Addressed in EIS Sections 12.7, 13.7, 14.7, and 15.7:** EIS Sections 12.7, 13.7, 14.7, and 15.7 present mitigation measures proposed for invertebrates, fish, marine mammals, and coastal birds, respectively. For example, EIS Section 13.7 notes the following mitigation related to fish: Avoidance Measures: • Optimised Project design, including terminal placement in subtidal waters, reduced footprint for causeway widening, terminal rounded corner, and incorporation of rocky shoreline in portions of the terminal and causeway perimeters. • Alignment of construction activities to avoid fisheries-sensitive windows for juvenile salmon. • Incorporation of fish refuge habitat within caisson face. Reduction Measures: • Implementation of Construction Environmental Management Plan and supporting plans: Construction Compliance Monitoring Plan; Environmental Training Plan; Dredging and Sediment Discharge Plan; Light Management Plan; Underwater Noise Management Plan; Sediment and Erosion Control Plan; Marine Species Salvage Plan (i.e., fish salvages); Hazardous Materials and Waste Management Plan; Spill Preparedness and Response Plan. • Implementation of Operation Environmental Management Plan and supporting plans: Operation Compliance Monitoring Plan; Light Management Plan; Environmental Training Plan; Hazardous Materials and Waste Management Plan; Spill Preparedness and Response Plan. Offsetting Measures: • Implementation of Offsetting Plan	**EIS** 12.0 Marine Invertebrates 12.7 Mitigation Measures 13.0 Marine Fish 13.7 Mitigation Measures 14.0 Marine Mammals 14.7 Mitigation Measures 15.0 Coastal Birds 15.7 Mitigation Measures 17.0 Mitigation for Marine Biophysical Valued Components 33.0 Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			offsetting, such as the creation and enhancement of habitat, including eelgrass and intertidal marsh.		
MN-19.3	Asked whether there are any commitments towards the Project being carbon-neutral, or of implementing greenhouse gas (GHG) remediation. Noted impact of global warming on salmon. Suggested that the VFPA consider remediation of GHG impacts as a stand-in for specific remediation of a species for which it is difficult to assess impacts.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Responded that the effects of climate change are addressed at a high level in terms of the effect of the environment on the Project. There is not an assessment of indirect effects, such as air quality translating to global warming leading to fish impacts. That pathway is not assessed. In the air quality sections, the existing conditions were monitored, so air quality in the Project area was measured, and predicted future levels of air quality emissions, across the board, are going to be lower than they are today, because of changes in requirements for fuel and type used, as well as changes in the cargo handling equipment and the ships themselves. There will be a decrease in air pollution before the Project, if it is approved, would be constructed. The air quality after the Project will not be harmful to humans. For more information, greenhouse gases are addressed in EIS Section 9.2. The link between air quality, climate change, and fish will not be found in the EIS. Noted Port-led initiatives that could apply to the Project, one of which is shore power and would be implemented in the planned terminal if it is built. Offered to send more information if it is of interest. As part of their offsetting, DFO has a hierarchy within what they accept, for example in kind, i.e. eelgrass for eelgrass. Another is complimentary measures, such as investment in research that could tie into a relevant aspect of a Project effect is something the VFPA would be willing to consider. **15-Aug-2016, Email from the VFPA:** Under the *Canada Shipping Act, 2001*, the Vessel Pollution and Dangerous Chemicals Regulations establish standards regarding pollution from vessels additional to the standards set out in the International Convention for the Prevention of Pollution from Ships (MARPOL). This applies to air emissions and greenhouse gases from vessels for (a) vessels in waters under Canadian jurisdiction; and (b) Canadian vessels everywhere (http://laws-lois.justice.gc.ca/eng/regulations/sor-2012-69/FullText.html).	**Addressed in EIS Appendix 7.2-B (#4):** Project-related changes in greenhouse gases and climate-forcing particulate matter are assessed in the air quality assessment. The carbon footprint for the Project will be reduced through the use of electrically-powered equipment at the terminal and shore power for berthed vessels. **Additional information provided by the VFPA:** The port authority leads a suite of initiatives aimed at tracking and reducing air emissions associated with key port activities: shipping, trucking, cargo-handling, and tenant operations. PORT-WIDE Port-wide Emissions inventory: Our activity-based emissions inventory enables us to estimate port-related air emissions from a variety of sources. The inventory informs our policies and programs by helping us identify trends and priority areas for action. Learn more about our emissions inventory: https://www.portvancouver.com/environment/air-energy-climate-action/port-wide/. Northwest Ports Clean Air Strategy: The strategy was developed in partnership with the ports of Seattle and Tacoma and the Northwest Seaport Alliance to reduce port-related air emissions in the Georgia Basin-Puget Sound air shed. Learn more about the Northwest Ports Clean Air Strategy: https://www.portvancouver.com/environment/air-energy-climate-action/port-wide/. Air quality monitoring: We collaborate with Metro Vancouver and other partners to monitor air quality around the port. Learn more about air quality monitoring: https://www.portvancouver.com/environment/air-energy-climate-action/port-wide/. SHIPS EcoAction Program: Ships can receive harbour dues discounts by meeting voluntary best practices that reduce emissions and other environmental impacts. Learn more about our EcoAction program for ships: https://www.portvancouver.com/environment/air-energy-climate-action/marine/. Shore power: Specialised equipment allows ships at berth to shut off their diesel-powered engines and connect to the electricity grid, significantly reducing emissions that contribute to both air pollution and climate change. Learn more about our shore power installations: https://www.portvancouver.com/environment/air-energy-climate-action/marine/. TENANT OPERATIONS Non-Road Diesel Emissions Program: We work with port tenants to accelerate upgrading of older, higher-emission diesel equipment through a combination of fees and rebates. Learn more about our Non-Road Diesel Emissions Program: https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/nrde/. Energy Action: In partnership with BC Hydro, this program helps port tenants advance energy conservation measures and access financial incentives. Learn more about Energy Action: https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/energy-action-initiative/.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #31 (IR6-31 of CEAR Document #1188) Response to Sufficiency Information Request #32 (IR6-32 of CEAR Document #1188)

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			The VFPA promotes and recognises cleaner ships through our harbour through our EcoAction program. Ships obtain up to 47% off harbour dues for implementing emissions reduction measures and other environmental practices. In 2009, the Canada Place cruise ship terminal became the first in Canada and third in the world to offer shore power for cruise ships, allowing ships to turn off their engines while in port. More information on our initiatives aimed at improving air emissions from shipping can be found on the following webpage: https://www.portvancouver.com/environment/air-energy-climate-action/marine/.	Climate Smart: We offer training to help port tenants measure and reduce greenhouse gas emissions. Learn more about Climate Smart: https://www.portvancouver.com/environment/air-energy-climate-action/terminal-energy-efficiency/. CONTAINER TRUCKS Truck Licensing System: Container trucks that access the port meet minimum environmental requirements for engine age, emission controls and idle reduction. Learn more about our Truck Licensing System: https://www.portvancouver.com/environment/air-energy-climate-action/container-trucking/ **Addressed in responses to IR6-31 and IR6-32:** The VFPA's responses to IR6-31 and IR6-32 further discuss predicted construction and operation phased greenhouse gas emissions associated with the Project, as well as Project-specific and port and industry-wide reduction initiatives.	
MN-19.4	Requested more information on mitigation measures and follow-up program proposed for: • Coastal birds • Marine fish (herring and herring spawning habitat, impacts from light on eulachon, salmon) • Marine water quality Concerned that the VFPA will not act responsibly if things go wrong. Requested having plans in writing with regard to mitigation measures and offsets. Interested in offsetting strategies and thresholds for measuring habitat and mitigation success.	30-May-2017, Meeting with Administrative Staff	**30-May-2017, Meeting:** Committed to sending more information regarding potential mitigation. Referred to upcoming presentation on the follow-up program that will demonstrate the VFPA's track record of dealing with and adapting to issues and unforeseen circumstances. Noted the differences between a newly formed private proponent and the VFPA; the VFPA has a long history and is not going anywhere. Provided a hand-out on "On-site Mitigation." **12-Jul-2017, Email from the VFPA:** • Request for more information on mitigation for marine biophysical VCs. Please see EIS Section 17.0: https://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482. We are always willing to meet and discuss with a technical person if that would be helpful, and would value any input from Malahat on this topic. • More information on offsetting: We previously provided our on-site offsetting framework (handout provided in the meeting and previously via letter or email). With respect to the effectiveness of offsetting, EIS Table 17-5 (attached) identifies the onsite habitat types proposed for offsetting, effects to representative species or groups, summarises whether residual effects are anticipated after the implementation of reduction measures and onsite offsetting, and whether further offsetting measures are proposed. The expected effectiveness of mitigation is based on the assessments provided in the	**Addressed in EIS Section 33.5:** The VFPA is committed to developing and implementing a Follow-up Program for the Project. The purpose of the Follow-up Program is to verify the accuracy of residual effect predictions made in the EIS, and determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. To ensure the program's elements adequately reflect conditions of Project approvals, final designs, and construction or operation approaches, as well as public, Indigenous group, and regulator feedback received during the review of the EIS, the VFPA will lead the development of the Follow-up Program after the submission of the EIS. The Follow-up Program will include: • An evaluation of the adequacy of existing data to provide a benchmark against which to test Project-related effects; • A monitoring design drawing on the measurable parameters identified to be field-tested; • A methodological approach for using field-collected data to measure and verify the accuracy of the effects predicted in the EIS; • A reporting framework that defines frequency of reporting, distribution, and feedback mechanisms; and • Details of the VFPA's approach to adaptive management for the Project through construction and operation. The Follow-up Program will be developed in consultation with federal agencies, including the CEA Agency, DFO, and Environment Canada. Complete drafts of the RBT2 Follow-up Program will be made available prior to the start of field measurements to ensure parties consulted on the program and approving agencies have an opportunity to evaluate and approve the program. Feedback from Indigenous groups regarding the draft program will be sought through the VFPA's ongoing engagement initiatives. Drawing on the elements described in EIS Appendix 33-A and ongoing post-EIS submission regulator consultation, the VFPA will lead the development of the RBT2 Follow-up Program document, which will include details on the duration and frequency of field data collection, based on an evaluation of the length of time needed to detect effects given observed environmental variability, likely magnitude of environmental effect, and desired level of statistical confidence in the results.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 33.5 Roberts Bank Terminal 2 Follow-up Program

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			VC sections, including professional judgement and ecosystem model results presented in EIS Appendix 17-C (also attached). We will continue to keep you in the loop as definition is added to our offsetting plans, and there will be many more opportunities for discussion or feedback on this topic. **04-Aug-2017, Email from the VFPA:** Provided Malahat Nation with an updated Consultation Plan that included "on-site mitigation, including habitat off-setting" and the "follow-up program." Below is an excerpt from the Consultation Plan. 1. The port authority to provide preliminary information related to proposed On-Site Mitigation. (Completed May 2017) 2. The port authority to provide further detail (quantitative and qualitative) regarding proposed off-setting plan for Malahat Nation review and comment. (Ongoing) 3. Meetings to review On-Site Mitigation proposal and receive feedback from Malahat Nation. (As required/requested by Malahat) 4. The port authority to consider Malahat Nation input into On-Site Mitigation design, identify and address concerns. (Ongoing) **29-Aug-2017, Workshop:** Presented information on RBT2 Follow-up Program and sought feedback from Malahat on what they would like to see included and how they would like to be involved going forward.	**Addressed in EIS Appendix 7.2-B (#201):** The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met.	
MN-19.5	Concerned about low success rate and challenging nature of eelgrass remediation. Requested short summary describing VFPA success in undertaking eelgrass transplants, and expert input. Interested in potential eelgrass remediation on eastern side of Vancouver Island.	30-May-2017, Meeting with Administrative Staff	**30-May-2017, Meeting:** Committed to send information about eelgrass transplants. Asked if Malahat had any site suggestions for potential remediation beyond the Project area. **12-Jul-2017, Email from the VFPA:** Tsawwassen Eelgrass Project: You asked about the anticipated success rates for eelgrass transplants proposed for the Tsawwassen Eelgrass Project. An eelgrass transplant method was developed in the mid-1990s in B.C. for local sites that has proven highly successful. The methodology was developed by eelgrass transplant expert Cynthia Durance. Cynthia Durance is currently working with the VFPA's Habitat Enhancement Program to design the proposed transplant work at the proposed Tsawwassen Eelgrass Project. Transplants are considered successful once	**Addressed in EIS Appendix 7.2-B (#201) and EIS Section 17.0:** Onsite eelgrass habitat creation is proposed through transplanting in an area approximating 3 ha. Based on the review of previous habitat creation programs (e.g., DP3), eelgrass transplants are considered to be an effective means of increasing productivity of marine vegetation. The VFPA will implement a Follow-up Program, which will include monitoring to confirm that all offsetting measures meet intended objectives and function as designed. Monitoring will include methods and success measures to confirm that offsetting measures have been effective. The *Fisheries Act* Authorization will require that functional objectives are met.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 17.0 Mitigation for Marine Biophysical Valued Components 17.3.2 Offsetting Potential Effects, Offsetting Framework 17.6 Mitigation for Marine Biophysical Valued Components, Monitoring and Reporting

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			their density meets or exceeds that of the donor bed, and the target area reaches ~100% coverage. This is typically achieved between two and three years following transplant. Cynthia Durance's transplant method has been employed at over 100 sites since 1994. Once the proposed transplant work is complete, post-construction monitoring will occur to assess the establishment and survival of transplanted eelgrass, in accordance with the Post-Construction Monitoring Plan for the VFPA's Habitat Enhancement Program. I have attached some general information on eelgrass transplants for your review.		
MN-19.6	Requested a more detailed plan highlighting mitigation measures and the process for addressing impacts to Traditional Use, access, and associated Aboriginal and Treaty rights. Stated that the mitigation plans provided by the proponent in sections 9.5.6 and 9.5.11.3 are vague, and do not include an outline of the process. Stated that accommodation, avoidance and compensation measures have been omitted and should be addressed in the mitigation plan. Asked about employment opportunities for Malahat First Nation to monitor environmental impacts and implement safety protocols in the MSA. Stated that consultation with affected Nations should be prioritized as the first step in the process.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on Port Metro Vancouver's assessment methodology in AIR #2 Rationale for Effects Characterization. In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in response to MSA IR-02.24.16-2:** The VFPA's response to MSA IR-02.24.16-2 identifies the receptors of potential effects to Current Use and impacts to rights, and provides an explanation of how potential effects and impacts were determined to be negligible or measurable in the MSA.	**Information Requests** Response to Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)
MN-19.7	Asked how the proponent can assess whether or not the suggested mitigation measures will be effective at addressing impacts associated with the project. Asked what is the proponent's long-term proposal (spanning several generations) for ensuring project-related	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** "The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review. The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Malahat Nation's rights from the	**Addressed in response to IR-15.07.31-12:** The VFPA's response to IR-15.07.31-12 presents a description of how each of the mitigation measures proposed in the EIS is intended to reduce the significance of the potential effect. Also, the response presents the anticipated effectiveness of each mitigation measure, as well as the risks (if any) to the environment should the mitigation not be effective.	**Information Requests** Response to Information Request #12 (IR-15.07.31-12 of CEAR Document #314)

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	impacts remain minimal and are effectively mitigated. Stated that the proponent is making an enormous assumption prior to consultation with impacted Nations [referring to Section 9.5.11.3 of the EIS].		Project and marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel."		
MN-19.8	Stated that the follow-up program requires more detail related to the implementation of mitigation measures resulting from Aboriginal engagement	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in response to IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 follow-up program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
MN-19.9	Mitigation Measure # 3 — Perceived contamination states that the VFPA is in the process of addressing perceived food source contamination at Roberts Bank. Asked what the VFPA's plan is to mitigate should the results show that contamination is a result of port-related activities.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#74):** Potential Project-related effects on Dungeness crabs are described in the EIS. An Edible Shellfish Study was undertaken to quantify bivalve shellfish and Dungeness crab soft tissue contaminant concentrations. The results of this study are provided in the EIS in the marine invertebrates and human health sections. In late 2014, samples of crab were collected by Indigenous crab harvesters concerned about contamination, and the VFPA has submitted these for tissue testing for various substances of concern, including PAHs, metals, and fungus. Preliminary observational results indicate that the cause of black colouration of crabs is consistent with shell disease, and not likely related to contamination from coal dust (EIS Appendix 27-C, Section 4.76). The detailed results of laboratory tests will be shared with Indigenous groups when available. **Addressed in responses to IR4-33 and IR4-34:** Further information concerning the VFPA's investigations into 'blackened' crabs is provided in the VFPA's response to IR4-34. In summary, black lesions were observed on four of the five crabs collected by Indigenous harvesters. The black lesions were concluded to be consistent with chitinolytic shell disease, generically referred to as 'shell disease', a condition common to crab and other crustaceans. This disease is caused by a bacterial or fungal infection of an area where the outer layer of the shell has been previously damaged. Shell disease has not been linked to contamination. The disease is not specific to the Roberts Bank area and is present across the Pacific Northwest, including Alaska and B.C. and in Atlantic Canada. In its response to IR4-33, the VFPA provided results of the study. In summary: A crab hepatopancreas study was conducted at Roberts Bank to determine the concentrations of contaminants of concern in crab hepatopancreas in the LAA. In June 2017, Dungeness crab were collected from five traps placed at each of the three study locations (15 traps total). Twelve adult male crabs were harvested from each of the three sites (36 crabs total). Samples were submitted under chain of custody to analytical laboratories accredited by the Canadian Association for Laboratory Accreditation (CALA) for the analysis requested. The analysis was completed in August 2017. Collectively, the results of a statistical comparison across sites indicate that the average concentrations of PCBs, coal indicator elements, arsenic compounds, and PAHs measured in hepatopancreas from crab collected from the RBT2 and ITP sites are not statistically higher than those measured in crab from the	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **Information Requests** Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #388) Response to Sufficiency Information Request #33 (IR4-33 of CEAR Document #1078) Response to Sufficiency Information Request #34 (IR4-34 of CEAR Document #946)

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				Canoe Passage reference site. This suggests that existing sediment and water quality in and around the existing terminal and proposed RBT2 terminal are not contributing to contaminant concentrations in crab hepatopancreas that are higher than levels found in crab hepatopancreas from the Canoe Passage reference site. **Addressed in response to AIR-12.04.15-31:** As noted in the VFPA's response to AIR-12.04.15-31, there is small to no potential for an increase in the concentrations of contaminants in the tissues of country foods in association with Project construction or operation.	

MN-19.10	Stated that the VFPA has determined its proposed mitigation measures to be effective at reducing Project-related impacts to access to traditional use sites.
	Requested a rationale for drawing these conclusions.
	Asked how the VFPA determines the effectiveness of its mitigation strategies to reducing impacts to access.
	Asked if the measures outlined have been reviewed by all Aboriginal groups.
		27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5.6:**
				To address the potentially minor incremental effect on Current Use access and associated Current Use experience as a result of a potential increases in overlap between Current Use activities and ship pass-bys due to Project-associated increases in shipping traffic, the following mitigation measures are suggested for consideration by the appropriate regulatory authorities:
				• Consultation on the development of a potential marine shipping activities communication plan that would provide affected Indigenous groups with real-time information regarding the movement of Project-associated shipping traffic through the marine shipping area, including:
				  ○ the estimated time of arrival of Project-associated container ships and their expected duration of use of the shipping lanes for inbound and outbound movements; and
				  ○ circumstances outside normal operations that might affect the expected frequency or concentration of Project-associated vessel traffic along the shipping routes (e.g., clearing backlogs in shipping traffic due to storms requiring ships to temporarily anchor before proceeding).
				• Consultation with the affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups.
				If implemented, the above measures are expected to be effective at addressing the incremental effect of Project-associated vessel transit activities on Current Use identified in MSA Section 9.5.5.2. Confidence in the effectiveness of the mitigation for the identified effect is high based on the nature of the concerns expressed by Indigenous groups to the VFPA regarding existing and Project-associated shipping traffic.
				Addressed in response to IR7-31:
				The VFPA's forthcoming response to IR7-31, as requested by the Review Panel, provides a summary of the views of Indigenous groups in relation to the proposed mitigation measures that were considered in the preparation of the EIS for each biophysical VC, including views about offsetting.
				Addressed in Response to IR10-09:
				The VFPA's response to IR10-09, as requested by the Review Panel, provides further discussion of proposed mitigation measures to reduce the potential effects of the proposed Project on the access, availability, and quality of preferred Current Use resources and the quality of the Current Use experience.
					MSA
					9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
					9.5.5.2 Potential Effects of Vessel Transit on Current Use
					9.5.6 Suggested Mitigation Measures
					Information Requests
					Response to Sufficiency Information Request #31 (IR7-31)
					Response to Sufficiency Information Request #09 (IR10-09)

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MN-19.11	Stated that the proposed mitigation measures outlined throughout the EIS are all proponent-led, and are therefore insufficient. Stated that the mitigation measures as outlined throughout various sections of the EIS do not include Aboriginal group-led measures, nor do they consider seasonality for TU activities. Asked what Aboriginal group-led mitigation measures were proposed.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR10-11:** The VFPA's response to IR10-11, as requested by the Review Panel, describes how Indigenous groups will be involved in the development, implementation, and management of the RBT2 follow-up program.	**Information Requests** Response to Sufficiency Information Request #11 (IR10-11)
MN-19.12	Stated that the VFPA has not outlined any plans to mitigate the loss of named places associated with Project construction, operation and shipping. Requested information about plans to mitigate the loss of named places.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR-7.31.15-29:** As summarised in the VFPA's response to IR-7.31.15-29, the description of potential Project-related effects on cultural heritage and other cultural considerations, described for each Indigenous group in EIS Section 32.2.4, is contained in EIS Section 32.2.6.4. This section discusses potential changes to sense of place and other changes to Current Use (i.e., risks to safety and security, sensory disturbance from light, noise, and vibration) that could lead to reduced opportunities to practice or transmit cultural values of ways of knowing (i.e., cultural attributes, such as Indigenous traditional knowledge, including but not limited to language embedded in traditional place names, beliefs relating to transformers) associated with cultural places or landscapes. EIS Section 32.2.6.4 concludes that, overall, the effect on the quality of Current Use experience with regard to cultural heritage would be expected to be negligible for Indigenous groups with no measurable effect identified for the other Current Use indicators (i.e., access to preferred Current Use locations and availability and quality of Current Use resources). However, this section also indicates that the VFPA sought guidance from Indigenous groups regarding appropriate methods to evaluate intangible cultural heritage. One Indigenous group provided feedback on this inquiry (i.e., relating to a Stl'áleqem site identified near the Project area), and acknowledged the challenges associated with such an assessment. The VFPA, in turn, acknowledged these challenges in the document, where it states: "effect pathways on intangible cultural factors are complex and layered" (p. 32-114), and would be expected to be "community-specific" (p. 32-115). **Addressed in response to IR10-08:** The VFPA's response to IR10-08, as requested by the Review Panel, further discusses potential changes in quality of the Current Use experience resulting from the proposed Project.	**EIS** 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.4 Existing Conditions 32.2.6.4 Potential Effect 4: Changes in Quality of Current Use Experience **Information Requests** Response to Information Request #29 (IR-7.31.15-29 of CEAR Document #314) Response to Sufficiency Information Request #8 (IR10-08)
MN-19.13	Stated that the VFPA has noted there will be some potential changes in productivity of marine fish due to Project-related activities, and has provided several mitigative measures to reduce any residual effects. Post-	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR10-10:** The VFPA's response to IR10-10, as requested by the Review Panel, discusses the potential effects of the proposed Project on availability of preferred traditional resources taking into account the time lag required for the establishment of functioning habitat offsets.	**Information Requests** Response to Sufficiency Information Request #10 (IR10-10)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	mitigation residual effects are predicted to be negligible, and the VFPA has therefore determined associated impacts to Current Use and access to be negligible. What is the VFPA's plan to compensate impacted Aboriginal groups during the mitigation period? For example, marine fishing and crabbing will be impacted as noted in the EIS. The VFPA has suggested implementing habitat creation as a mitigative measure for Project-related impacts to ground fish. This mitigative measure, even if effective, will require many years to establish new habitat and recover productivity of impacted species. In the meantime, access to fishing and crabbing will be limited.				
MN-19.14	Requested a rationale for excluding Aboriginal input as a mitigation measure for Project-related impacts to marine fish.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 7.2:** EIS Section 7.2 describes the engagement and consultation process undertaken with Indigenous groups. As noted in that section, the VFPA has extensively engaged with Indigenous groups on EIS topics, including proposed mitigation measures. **Addressed in AIEIS Section 2.0:** As noted in AIEIS Section 2.0, the VFPA has also consulted with WSÁNEĆ Nation regarding Project components and activities, the potential effects of the Project, proposed mitigation measures, potential changes to the environment related to the Project, and potential impacts of the Project on the individual bands' ability to exercise asserted or established Aboriginal or treaty rights and related interests. **Addressed in EIS Section 13.7:** As noted in EIS Section 13.7, selection of mitigation measures were informed by a review of previous mitigation measures and follow-up programs undertaken for past developments at Roberts Bank; regulator, public, and Indigenous group input; and internal evaluation of technical and economic feasibility and efficacy.	**EIS** 7.2 Aboriginal Groups Engagement and Consultation 13.0 Marine Fish 13.7 Mitigation Measures **AIEIS** 2.0 Aboriginal Groups Engagement and Consultation

Table 20: Noise and Vibration – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-20.1	Requested additional information about the directional impact of sound travel. Asked why the Saanich area and areas around the Gulf Islands are not included in the sound assessment. Concerned with the impact of noise and vibration ("deep earth hum") from ships experienced inland on the islands. Asked whether there has been any consideration of the effects from waterborne noise on land animals.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation 27-Nov-2015, EIS Results Workshop #2 - *W̲SÁNEĆ* Nation	**27-Nov-2015, Workshop:** Stated that based on noise modelling studies, it was concluded that the movement of noise is blocked by the islands, and does not reach the Saanich area. Clarified that the noise modelling for the EIS only included Project-related ships once they enter the VFPA's jurisdiction. Committed to follow up to arrange a presentation. Responded that the focus of the presentation is marine mammals, and the VFPA cannot speak to the noise modelling conducted for marine shipping at this time. **06-Jul-2016, Meeting:** Presented information on atmospheric noise, noting that the cumulative average daytime and nighttime noise levels, due to all future marine vessel traffic in the marine shipping area, are expected to increase by 1 dBA. Stated that this small change would not be perceptible. Presented information on underwater noise, noting cumulative changes to the mean underwater noise levels are predicted to increase, but by a relatively small contribution compared to overall underwater noise levels. This is due to the existing high levels of vessel traffic and the already dominant contribution of commercial vessel traffic noise to the acoustic environment.	**Addressed in AIEIS Appendix 2-B, Table 14 (#56):** The scope and methods of the underwater noise study are summarised in EIS Section 9.8, and detailed in the supporting appendix. The local study area (LSA) was established to encompass the area within which Project-related construction and operation underwater noise may interact with and potentially have an effect on relevant VCs, including marine fish, marine mammals, and coastal birds. The spatial boundary of the LSA includes the Strait of Georgia, incorporating existing natural boundaries that limit the propagation of noise. The LSA includes the area where predicted underwater noise levels from Project construction and operation were greater than both the ambient noise from wind and distant vessels, and the hearing ability of marine fish and marine mammals (EIS Appendix 9.8-A). Although the LSA represents the likely area that underwater noise from the Project will be audible to marine fish, marine mammals, and coastal birds, a regional study area (RSA) as shown in EIS Figure 9.8-1, extends from the Project, south through the Strait of Georgia to the western end of Juan de Fuca Strait, and includes the Canadian and U.S. SRKW critical habitat, excluding Puget Sound. The RSA provides ecological and regulatory context for underwater noise for SRKW and other marine mammals. Additionally, underwater noise from Project-associated vessel traffic was assessed in MSA Sections 7.6 and 8.2. The assessment of underwater noise considers the level of underwater sound in the marine environment. Underwater noise is not generally transmitted through land at perceptible levels; however low-frequency atmospheric noise can induce vibration in lightweight building structures. Low frequency noise was assessed in the atmospheric noise and vibration assessment (EIS Section 9.3) within the upland study area. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and terrestrial wildlife is not anticipated, and was therefore not assessed, but potential effects from atmospheric noise were considered in the effects assessment for coastal birds utilising the upland areas at Roberts Bank. **Additional information provided by the VFPA:** MSA Section 7.6 expanded on the assessment in the EIS to characterise potential changes to underwater noise levels associated with Project-associated vessel transit activities in the marine shipping area. Existing underwater noise levels at all locations in the marine shipping area are dominated by human-generated sounds, primarily from vessel traffic, including large commercial vessels, small private boats, whale-watching vessels, and depth sounders. Underwater noise levels from marine shipping associated with the Project and future cumulative marine traffic will generally be comparable, although they may at times exceed current levels, based on conservative assumptions. During future conditions with Project-associated vessel transits, and other existing and future vessel transits in the marine shipping area, cumulative changes to the mean underwater noise levels are predicted to increase, but by a relatively small contribution compared to overall underwater noise levels in the marine shipping area. This is due to the existing high levels of vessel traffic and the already dominant contribution of commercial vessel traffic noise to the acoustic environment.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 9.3 Noise and Vibration 9.8 Underwater Noise 9.8.2 Assessment Purpose and Approach 9.8.5.2 Methods, Study Areas Figure 9.8-1 Study Areas for Underwater Noise Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report 15.0 Coastal Birds 15.7.2 Future Conditions with the Project, Potential Effect – Changes in Productivity **MSA** Figure 4-1 Marine Shipping Area, Shipping Lanes, and Locations of Interest 7.6 Underwater Noise 7.6.2 Assessment Boundaries 7.6.2.1 Temporal and Spatial Boundaries 8.1 Marine Fish and Fish Habitat 8.2 Marine Mammals 8.3 Coastal Birds **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 14 Underwater Noise **Information Requests** Response to Sufficiency Information Request #6 (IR7-06 of CEAR Document #1049)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information

MN-20.2	Asked if noise levels associated with the Project are perceptible for humans or animals.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:**
			Responded that noise thresholds stated in the assessment are established and fine-tuned in a laboratory setting. Explained that an increase of 2-3 dB is not perceptible outside a laboratory setting.
			Stated that it is difficult to compare sound underwater to sound in the air. The green colour (in *W̲SÁNEĆ* Nation Workshop Day 2 slides #100 and 101) might be comparable to a hum in the distance. 140-150 rms SPL might sound like a hair dryer. 160 rms SPL is quite loud, and one would want to move away from the noise.
			Examples of dB levels associated with several common noises were presented in the slides.
				Addressed in AIEIS Appendix 2-B, Table 10 (#48):
				The noise and vibration assessment examined potential changes in noise and vibration as a result of the Project. The results of the noise and vibration assessment were used in the assessments of coastal birds, marine commercial use, outdoor recreation, human health, and Current Use.
				The assessment considered Project-related sources of noise and vibration, including construction equipment, container ships at berth, container handling activities, and movement of trains and trucks on the terminal and causeway. The assessment focused on continuous noise, low frequency noise, transient and impulsive noise, and ground-borne vibration.
				The assessment concluded the following:
				• Project-related changes in annual average noise levels in communities near the Project are expected to be minor and, for the most part, not perceptible to human receptors;
				• Some changes in noise conditions that could be perceptible include:
				  ○ Increased noise during periods of peak construction activity;
				  ○ The number of intermittent noises during operation would increase, but the noise levels would be the same or lower than from the existing Roberts Bank terminals; and
				  ○ Increased noise in marine areas is expected to be perceptible close to the terminal; and
				  ○ The construction and operation of the marine terminal and causeway is not expected to result in perceptible increases in levels of ground-borne vibration.
				The assessment of coastal birds considers potential Project effects on birds related to noise. Minor to moderate potential effects of disturbance to birds related to noise are predicted. Measures to address potential effects of atmospheric noise on birds are described in EIS Section 15.8.
					EIS
					9.3 Noise and Vibration
					9.3.4 Acoustic Fundamentals and Terminology
					9.3.5 Applicable Standards and Guidelines
					9.3.6 Methods
					9.3.7 Existing Conditions
					9.3.9 Future Conditions with the Project
					9.3.10 Future Conditions with the Project and Other Certain and Reasonably Foreseeable Projects and Activities
					15.0 Coastal Birds
					15.7 Future Conditions with the Project
					15.8.3 Mitigation #2 – Measures to address Productivity Loss Due to Changes in Habitat Quality
					27.0 Human Health (revised June 2016)
					AIEIS
					Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 10 Noise and Vibration
					5.0 Human Health

MN-20.3	Concerned that the baseline used in the assessment is already impacted by existing development such that effects to eulachon appear less significant.	28-Jul-2016, Issues Workshop – Island Nations	**28-Jul-2016, Workshop:** Stated that the way that the noise was modelled was not from that perspective. The modelling took into account ambient noise and accounted for the Project on top of that. From a noise perspective, the approach was not that 'it's just one more;' we looked at it in combination with the other noise.	**Addressed in EIS Section 13.0:** The EIS considered eulachon in EIS Section 13.0, where the species was assessed via the use of forage fish as representative species. **Addressed in response to AIR-12.04.15-13:** In the EIS, the existing conditions (baseline) reflect the conditions of the environment as modified by past development. Further discussion of how the VFPA considered the effects of past, present, and future projects is provided in completeness-phase AIR-12.04.15-13, including in that response's Schedules focused on applicable VCs. Specifically, Part 2 of each Schedule describes how past projects and activities affected the environment upon which the VC depends. Notably, in Appendix AIR13-A, coastal marine environment (i.e., coastal geomorphology, marine sediment, marine water quality, tidal flat morphology, biosedimentological zones) is discussed. **Addressed in response to IR5-15:** In its response to IR5-15, the VFPA specifically discusses existing conditions related to eulachon and describes the status and management practices associated with the species. The response also further assesses potential effects of the project on eulachon, including consideration of underwater noise. Potential effects on eulachon resulting from changes in the acoustic environment are assessed as minor, based on the low potential of eulachon to interact with the Project during terminal construction (adult eulachon presence in the LAA has not been confirmed, and eulachon larvae rear in the Strait of Georgia outside LAA boundaries). With implementation of mitigation measures (specifically underwater noise management plan), no residual effect on eulachon productivity is anticipated.	**EIS** 13.0 Marine Fish **Information Requests** Response to Additional Information Request #13 (AIR-12.04.15-13 of CEAR Document #388) Response to Sufficiency Information Request #15 (IR5-15 of CEAR Document #1078)

Table 21: Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-21.1	Asked if the VFPA has a sustainability plan, and request for clarification concerning the VFPA's responsibility for a sustainable economy and sustainable Canada. Concerned that the proposed Project is enabling a consumer market, with environmental consequences.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Referenced the VFPA's website for additional information, including energy and employment action plans. The Port 2050 long-term strategic visioning process considers how the economy may change between now and 2050, how the VFPA can be flexible to that, and considers the kind of future the VFPA would like. Responded that the VFPA cannot change Canadian demand and exists to respond to demand. The VFPA has staff focused on supporting trade, and there are a number of initiatives the Port is taking a leadership role on. Acknowledged the concern that RBT2 will enable consumption, but the VFPA's mandate is to facilitate trade. **26-Apr-2016, Email from the VFPA:** Provided the meeting notes, which included the post-meeting note: The VFPA's sustainability report for 2014 can be accessed at the following link: http://www.portvancouver.com/wp-content/uploads/2015/06/Port-Metro-Vancouver-2014-Sustainability-Report.pdf. Information related to Port 2050 can be found at the following link: http://www.portvancouver.com/about-us/sustainability/.	**Addressed in AIEIS Appendix 2-B, Table 2 (#11):** In 2014, the VFPA led the development of a definition of sustainability for the Vancouver gateway with the input of many stakeholders, including Indigenous groups. The discussion concluded that for the VFPA, a sustainable port means to "deliver economic prosperity through trade, maintain a healthy environment, and enable thriving communities through collective accountability, meaningful dialogue and shared aspirations". This sustainability definition further includes ten focus areas and 22 success statements, which together describes the attributes of a sustainable port. The vision of the VFPA is to be the most sustainable port in the world. As a corporate citizen undertaking a variety of sustainability initiatives and programs, the VFPA is a recognised industry leader in corporate social responsibility: in 2014, the VFPA received recognition for strong sustainability performance by placing fourth in Corporate Knights' first Future 40 Responsible Corporate Leaders in Canada ranking, and the VFPA's EcoAction program was recognised by Canada's Clean50 for Sustainability Achievement. The proposed Project is an important component of the VFPA's mandate to facilitate trade, and its plan to meet growing demand for container capacity in support of Canada's import and export markets. Leading the growth of Canada's largest port requires a careful balancing of national, regional, and local interests, with economic, social, and environmental performance. Through the extensive study programs undertaken during preparation of this EIS, the VFPA has advanced understanding of environmental and socio-economic aspects in the vicinity of the Project.	**EIS** 1.0 Introduction 1.3.2.1 Port Metro Vancouver Overview, Port 2050 34.0 Benefits to Canadians 34.2 Benefits of the Project **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation
MN-21.2	Asked if the VFPA has policies in place that are supportive of its vision.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Explained that the VFPA's Board of Directors fully supports the vision. Noted that the VFPA is recognised worldwide for its environmental initiatives. Pointed to the list of activities on the VFPA website that speak to these initiatives. **26-Apr-2016, Email from the VFPA:** Post-meeting note: Links to various initiatives are provided at the following link: http://www.portvancouver.com/environment/.	**Additional information provided by the VFPA:** To learn more about the VFPA's approach to sustainability, please see the most recent sustainability report (2016), which can be found at: https://www.flipsnack.com/portvancouver/sustainability-report-2016/full-view.html.	
MN-21.3	Requested more information on how the VFPA makes money on the transportation of goods.	15-July-2015, Meeting 26-Oct-2015, Meeting	**15-Jul-2015, Meeting:** Responded that there are different business arrangements with terminals, including leases and amounts varying based on the volume shipped. Offered to send the online financial summary report for 2014 to Malahat for additional information on the financial aspect of the VFPA's operations. The VFPA to provide link. **22-Jul-2015, Email from the VFPA:** Please see a copy of VFPA 2014 Financial Report: http://issuu.com/portmetrovancouver/docs/pmv_2014financialreport?e=3721702/13278565. **12-Nov-2015, Letter from the VFPA:** The most recent financial information is contained in VFPA Financial Report for 2015, which can be accessed at the following link: http://www.portmetrovancouver.com/about-us/statistics/.	**Additional information provided by the VFPA:** The VFPA earns its revenues through port fees charged to port users and rents charged to tenants who occupy the federal lands that it manages within its jurisdiction. Although the actual rents we charge are confidential, we look to the local real estate market to guide the amount of rent we charge for the use of our lands. Rent for industrial and commercial tenures is generally reviewed every three years. Canada Port Authorities pay an annual stipend to the federal government based on their gross revenue. A payment in lieu of property taxes for vacant lands and waters is also made to bordering municipalities within its jurisdiction. Canada Port Authorities do not have authority to collect taxes. As part of Project development, the VFPA is undertaking two separate procurements for the terminal operator and for the infrastructure developer. The terminal operator will provide the port authority with regular payment of rent, as well as ongoing fees and charges, the form and amount of which will be one of the key selection criteria in the procurement process. The infrastructure developer will likely be responsible for the designing, building, financing, and maintaining the terminal land and related	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				infrastructure. Once the Project is constructed, and subject to ongoing availability and function of the terminal, the port authority will make regular payments to the infrastructure developer over the upcoming decades, to compensate them for designing, building, financing, and maintaining the terminal. The terms of this type of long-term agreement with a terminal operator or an infrastructure developer are commercially confidential and therefore are not available to the public.	
MN-21.4	Asked who has authority over navigable waters in the VFPA's jurisdiction.	26-Oct-2015, Meeting	**26-Oct-2015, Meeting:** Recorded comment for follow-up. **12-Nov-2015, Letter from the VFPA:** Please see EIS Section 1.3.2.2 for a description of the VFPA's mandate and jurisdiction. For more information, please refer to the following links to VFPA's Letters Patent and the *Canada Marine Act*: http://www.portmetrovancouver.com/wp-content/uploads/2015/05/True-Copy-of-VFPA-Letters-Patent.pdf http://laws-lois.justice.gc.ca/PDF/C-6.7.pdf.	**Addressed in AIEIS Appendix 2-B, Table 1 (#1):** EIS Section 1.0 provides an overview of the VFPA's mandate and jurisdiction. The VFPA is a port authority created pursuant to the *Canada Marine Act*, accountable to the federal Minister of Transport. The *Canada Marine Act* gives port authorities the authority to take, permit, or prevent certain activities within a port, which is defined as "the navigable waters under the jurisdiction of a port authority and the real property and immovables that the port authority manages, holds or occupies as set out in the letters patent". The letters patent issued for the VFPA describe the geographic boundaries of the navigation jurisdiction of the VFPA, the federal real property that it manages, and the lands other than federal real property, namely lands that the VFPA holds in its own name. The VFPA's territorial jurisdiction therefore includes the federal lands and lands other than federal real property that it manages, together with the navigable waters over which it has navigation jurisdiction. The federal real property managed by the VFPA and its navigation jurisdiction are shown in EIS Figure 1-3. In fulfilling the mandate under the *Canada Marine Act*, the port authority carries out a variety of duties, including safety and security of all land and waters, in collaboration with other agencies, using technology and land and water patrols. For core activities related to shipping and navigation, the VFPA acts as agent to the federal Crown. In accordance with this statutory authority, the VFPA has issued a Port Information Guide for marine operations within its jurisdiction (http://www.portvancouver.com/marine-operations/port-information-guide/). The guide's purpose is to promote safe and efficient navigation within the local waters of the port and to protect the marine environment. The practices and procedures apply to all vessels in the port, including pleasure craft and recreational vessels, and to all persons responsible for the planning, operation, conduct, and safe navigation of such vessels, including tenants. Among other things, the Port Information Guide outlines practices and procedures related to arrival and departure checklists, navigation, movement of dangerous goods, waste removal, marine mammal critical habitat, speed, use of pilots, anchorage procedures, environmental requirements, vessel discharges, noise and lights, adverse weather conditions, bunkering, and cargo operations, including loading/discharging and cleaning. Appendices to the Port Information Guide provide data sheets for all terminals within the Port of Vancouver. Every vessel either in or seeking to enter the port is subject to the orders of the port authority with respect to its entry, departure, draught, berth, anchorage, location, speed, direction, and means and method of movement, whether or not such orders are issued through or by the Canadian Coast Guard's Marine Communications and Traffic Services. The VFPA asserts its authority on vessels that intend to enter, or are within the waters controlled by the port authority by monitoring and enforcing the practices and procedures described in the Port Information Guide. Additional information regarding the VFPA's jurisdiction and scope of authority, including how the VFPA asserts its jurisdictional authority on vessels that intend to enter or are within VFPA navigable waters, is provided in the VFPA's response to IR1-01. The Port Information Guide is provided as an appendix to the response to IR1-01.	**EIS** 1.0 Introduction 1.3.2 VFPA Overview 1.3.2.2 Mandate and Jurisdiction Figure 1-3 VFPA Managed Federal Lands and Navigation Jurisdiction 1.3.3 Governance and Corporate Structure 1.3.3.1 Insurance and Liability Management 1.3.3.2 Environmental Policy **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 1 Port Operations **Information Requests** Response to Sufficiency Information Request #1 (IR1-01 of CEAR Document #897)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-21.5	Asked what the requirements are for the terminal operator.	26-Oct-2015, Meeting	**26-Oct-2015, Meeting:** Recorded comment for follow-up. **12-Nov-2015, Letter from the VFPA:** The terminal operator will be selected through a competitive process from a short-list of entities that currently operate a marine container terminal with a minimum aggregate of one million TEUs throughput per year. The VFPA has shortlisted five qualified teams to participate in the competitive process to select a terminal operator for the proposed Project, and these entities are listed at the following link: http://www.robertsbankterminal2.com/business-opportunities/current-opportunities/. For more information on this see pages 40-41 on the enclosed RBT2 Project Rationale booklet.	**Additional information provided by the VFPA:** In January 2016, the VFPA issued a Request for Proposals to five shortlisted teams, with submissions due in the fall of 2016. This process, which was monitored by a fairness advisor, is ongoing and commercially confidential negotiations with the preferred proponent have begun. An announcement will be made following the conclusion of an agreement. The terminal operator will be responsible for building terminal facilities, equipment, and ongoing container handling operations.	**EIS** 2.0 Project Overview 2.3 Project Planning, Development, and Implementation 2.3.5 Market and Concession Phase **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation
MN-21.6	Asked about VFPA jurisdiction in the waterway, and how the Coast Guard is involved. Asked whether the VFPA polices its jurisdiction.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Identified the area over which the VFPA has jurisdiction. Responded that the VFPA enforces the flow of traffic within its jurisdiction. **26-Apr-2016, Email from the VFPA:** *"Post-meeting note: Please find more information related to the responsibilities of VFPA at the following link http://www.portvancouver.com/about-us/; information on VFPA's jurisdiction at the following link http://www.ceaa-acee.gc.ca/050/documents/p80054/100532E.pdf; further information on the relationship between VFPA and the Coast Guard at the following link http://www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/; and further details related to VFPA's roles related to security and emergency management at the following link http://www.portvancouver.com/about-us/security-emergency/."*		
MN-21.7	Asked who currently owns the land and substrate for the proposed terminal location, and what approvals the VFPA will require. Asked if the land created for the terminal will become land under VFPA jurisdiction.	26-Nov-2015, EIS Results Workshop #1 - *W̲SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Referred to Project area and explained that there is a map that shows land ownership and land ownership underwater. There are parcels of land that are not associated with the federal Crown that the Province owns. Confirmed that in some places in B.C. the substrate is federally owned. Noted that in some areas the federal Crown has the seabed, but in most areas the province owns the seabed. EIS Section 26.0 describes land ownership. Added that it is entirely federal land ownership at Deltaport.	**Addressed in EIS Section 26.0:** EIS Figure 26-2 depicts land ownership and jurisdiction for the project, and accompanying text is included in EIS Section 26.0. **Addressed in AIEIS Appendix 2-B, Table 2 (#4):** EIS Section 26.5.2 describes land ownership and jurisdiction in the LAA for the proposed Project, shown in EIS Figure 26-2 and summarised in EIS Table 26-3. A portion of the Project area is located on submerged provincial Crown land, outside the current boundary of federal lands managed by the VFPA. EIS Section 26.6.1 provides a description of changes to land use designation in the event of a transfer of the submerged land to the VFPA. A list of federal permits and approvals required for the Project is included in EIS Section 6.0. **Additional information provided by the VFPA:** In 2018, the VFPA concluded a land transaction with the Province of B.C. and BC Rail, which includes the VFPA's purchase of land and water needed to construct RBT2 should the project receive federal approval.	**EIS** 6.0 Environmental Assessment and Permitting Process 26.0 Land and Water Use 26.5 Existing Conditions 26.5.2 Local Assessment Area Land Ownership and Jurisdiction **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̲SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation

Table 22: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-22.1	Concerned with the eventual occurrence of a tanker accident. Concerned with traffic management around Saturna and Pender Islands (off East Point on Saturna, following the Canada-US boundary). Concerned about incidents where trucks and ships have spilled fuel and cargo onto Malahat lands and waters. Stated that Malahat members would like to be involved and informed about how the proponent plans to prevent spills and accidents along the shipping route in Malahat territory. Identified refuge areas for tankers during inclement weather, including Cowichan and Sampson Narrows. Asked the VFPA to provide Malahat Nation with a reporting of how many times these refuge areas are used annually, noting increase or decreases and emerging trend. Stated that each community should have their own oil spill response kit and team. Stated that the coast guard and the proponent should communicate and coordinate response to emergencies with Aboriginal groups along the shipping route.	15-Jul-2015, Meeting 12-Sep-2016, Malahat Traditional Use Study	**15-Jul-2015, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Project is a proposed container terminal therefore only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 10.3.2.2:** MSA Section 10.3.2.2 considers container ship collisions with tankers. As noted in the section, container ship-tanker collisions are calculated to have return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil. A collision does not necessarily lead to a spill. Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and laden crude oil tankers that result in a crude oil spill are over 800,000 years. **Addressed in MSA Appendix 5-B (#97):** The MSA includes an assessment of potential accidents or malfunctions (MSA Section 10.0), and the effects of a plausible worst-case spill scenario on the environment as well as applicable mitigation. The location of the spill scenario is in Boundary Passage at the south end of South Pender Island, in Segment B of the marine shipping area, which includes Saturna and Pender islands. The probability of an accident involving a tanker is considered in MSA Section 10.0 and MSA Appendix 10-A. **Addressed in MSA Section 10.4:** The southern B.C. coast is a mature marine vessel traffic area that is regularly used by deep-sea vessels. Risk mitigation measures currently being implemented in the marine shipping area include a vessel traffic management system (using radar surveillance and traffic separation zones), mandatory pilotage for large vessels, navigational aids, and precautionary areas. Around Roberts Bank, large ships underway have radio communication with BC Ferries and have the option to use anchorages if inclement weather makes berthing unsafe. **Addressed in response to IR5-01:** The VFPA's response to IR5-01 generally discusses aspects of anchorage outside of the VFPA's jurisdiction. Notably, it references very detailed information regarding anchorages in Transport Canada's response to Panel information request TC IR-07 (CEAR Document #982). Transport Canada's response to information request TC IR-07 tabulates detailed information regarding anchorages and minimum, mean, and maximum number of days in Appendix D (Pacific Pilotage Authority Anchorage Usage Data 2012 – 2016 for the Pacific Pilotage Authority Marine Shipping Area). As shown in these tables, a total of 124 anchorages occurred between 2012 and 2016 for container vessels destined for VFPA jurisdiction, and the mean number of anchorage days was 2.69, with a minimum of 0.05 days and a maximum of 83.64 days. **Additional information provided by the VFPA:** The role of the VFPA is to ensure goods are moved safely, efficiently, and sustainably. As such, it is not the lead agency when it comes to spill response. The VFPA supports Canada's leadership in advancing spill preparedness and response in the Salish Sea, including its recently announced ongoing research initiatives as a part of the federal Oceans Protection Plan. Other organisations such as Clear Seas are also contributing to research considering risks, mitigation measures, and best practices for marine shipping on Canada's west coast. The Canadian Coast Guard is responsible for spill response. In the Lower Mainland, the Canadian Coast Guard relies on Western Canada Marine Response Corporation for clean-up.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix 10-B Marine Fate of Shipping Spill-type Accidents **Information Requests** Response to Sufficiency Information Request #1 (IR5-01 of CEAR Document #1078)
MN-22.2	Concerned with the increased likelihood of an accident that would disperse dangerous, toxic liquids, plastics and	08-Sep-2015, Letter	**11-Sep-2015, Letter from the VFPA:** Thank you for articulating your preliminary concerns	**Addressed in MSA Section 10.3.2.2:** MSA Section 10.3.2.2 considers container ship collisions with tankers. As noted in the section, container ship-tanker collisions are calculated to have return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers	**MSA** Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	metals into some sensitive and known high risk areas in the Gulf Islands		with the Project. These concerns will be considered in the MSA for RBT2, to be submitted by the VFPA to the CEA Agency this fall.	are expected to be laden with crude oil. A collision does not necessarily lead to a spill. Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and laden crude oil tankers that result in a crude oil spill are over 800,000 years. **Addressed in MSA Section 10.3.2.1:** Containers may be lost overboard in the event of a collision or grounding and could conceivably release hazardous and noxious substances (HNS) to the environment. While removal of containers lost overboard would involve a salvage operation, the combination of low collision or grounding accident frequencies with the low percentage of HNS containers at risk of being lost overboard (approximately 0.7% for Deltaport in 2012; see EIS Appendix 30-A), and the requirement for the container being compromised to release its contents, led to the assessment that the frequency of spills of HNS substances from containers lost overboard is low enough to not require further consideration as a plausible accident or malfunction arising from marine shipping associated with the Project. **Addressed in MSA Appendix 5-B (#97):** The MSA includes an assessment of potential accidents or malfunctions (MSA Section 10.0), and the effects of a plausible worst-case spill scenario on the environment as well as applicable mitigation. The location of the spill scenario is in Boundary Passage at the south end of South Pender Island, in Segment B of the marine shipping area, which includes Saturna and Pender islands. The reversibility of residual effects resulting from a worst-case spill scenario is considered in MSA Section 10.0.	10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix 10-B Marine Fate of Shipping Spill-type Accidents
MN-22.3	Concerned about the reduced safety of and extra caution needed for Malahat boat travel.	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Addressed in MSA Section 9.5.5.1:** Section 3.5 of MSA Appendix 10-A recommends that the frequency of collision with small craft, whether fishing or recreational, be considered proportional to the increase in traffic due to RBT2 container ships. The relative contribution of RBT2-associated traffic to overall deep-sea vessel traffic within the marine shipping area is smaller than for the region near the proposed terminal itself. Incident data indicate this increase in traffic due to RBT2-associated container ships will lead to a negligible effect on collision safety risk with fishing vessels or small craft. The return rate of a collision between an RBT2-associated vessel and a fishing vessel or small craft (i.e., once every 50 years within the marine shipping area) is therefore characterised as indistinguishable from the historical rate. A detectable or measurable change in safety risk during Current Use activities as a result of Project-associated shipping, based on statistical data, is therefore not expected.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
MN-22.4	Stated that the EIS quantitative risk assessment for vessel collisions is insufficient as it is based upon current use only, and does not consider the entirety of Aboriginal groups travelling across the Strait of Georgia to access traditional use sites at the Fraser River, Roberts Bank and other areas on the Lower Mainland. Requested a rationale for failing to include past and future use.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 10.3.2.2:** Using information from DFO, EIS Appendix 30-A also provided calculations for collisions involving RBT2-associated ships with fishing and recreational vessels. For the portion of the marine shipping area that incorporates the waters between the proposed RBT2 terminal and the eastern shore of Saturna Island, the probability of a collision occurring between a commercial fishing vessel and a container ship or other large vessel, which reflects 2012 conditions, has a return period of 57 years, i.e., the potential to occur once in 57 years (EIS Appendix 30-A). In 2030 without the Project, due to the increased vessel traffic expected at that time even without the Project, the probability of a collision in this portion of the marine shipping area increases compared to the 2012 circumstance, and is estimated as having a return period of 51 years. The estimated probability of a collision would increase only slightly in 2030 when Project-associated shipping is taken into account; the estimated return period for this scenario is 50 years (EIS Appendix 30-A). Taking into consideration the conservative nature of that estimate, and the Transportation Safety Board of Canada data, the return rate for a collision in the marine shipping area is estimated to be approximately 50 years (MSA Appendix 10-A). **Addressed in MSA Section 9.5.5.1:** As noted in MSA Section 9.5.5.1, interactions between existing shipping vessel traffic and the ability to access Current Use locations have been identified by Indigenous groups, including use	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.3.2.2 Collisions In-transit Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ*

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				of marine harvesting areas and travel ways within the marine shipping area. These interactions are reportedly affecting the objectives of or means by which Current Use is exercised (e.g., interfering with the acquisition of traditional foods and transmission of knowledge). As described in MSA Section 9.5.4, Indigenous groups have also said that the ability to access traditional use locations has been affected over time by, among other factors, the creation of the international border, land alienation, reserve creation, resource development, government policies and regulations (e.g., harvesting closures, restrictions on harvesting methods and gear), and increased competition from non-Indigenous harvesters. Based on the above, there are pre-existing effects on the ability to access traditional use locations in the marine shipping area as a result of other projects and activities that have already been carried out. Existing shipping traffic in established shipping lanes has been identified as a contributing factor to these effects by some groups, and in some cases vessel transit has reportedly resulted in substantial adjustments to the way a particularly important Current Use location is accessed (i.e., Ditidaht First Nation and Pacheedaht First Nation's access to Swiftsure Bank). Project-associated vessel movements have the potential to interact with access to Current Use locations through temporary displacement and ship wake. An incremental increase of approximately 1.5 ship movements per day (or three movements every two days) to the existing shipping volume along established shipping lanes is not expected to contribute measurably to existing effects on the ability to access locations currently used by Indigenous groups for traditional purposes as a result of ship-generated wake. The effect of Project-associated vessel wake on the ability to access Current Use locations is therefore considered negligible. **Addressed in AIEIS Appendix 2-B, Table 28 (#129):** The terminology "current use of lands and resources for traditional purposes" (Current Use) is the language of subsection 5(1)(c) of *CEAA, 2012*. The assessment of potential effects on Current Use in EIS Section 32.0 and AIEIS Section 7.0 reflects the understanding of Current Use outlined in the CEA Agency's draft Technical Guidance on Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*, dated December 2015. The EIS was filed in March 2015, prior to that draft guidance being issued; however, EIS Section 32.0 and AIEIS Section 7.0 considered use for traditional purposes that may not be occurring presently or occurring at sufficient levels to meet community needs, but was reported by Indigenous groups to have occurred in the past. As part of that consideration, the EIS and AIEIS included Indigenous groups' perspectives on the effects over time (as a result of other projects and activities) that have contributed to existing conditions of use. The EIS and AIEIS also considered the desire to restore use (based on past use) or increase use (over present or recent limited levels), where this desire was expressed by Indigenous groups to the VFPA. **Addressed in IR13-20:** The VFPA's forthcoming response to IR13-20 will further discuss Project-related changes to the wave environment and their potential effects on current use activities, access, and navigation.	Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Sufficiency Information Request#20 (IR13-20)
MN-22.5	Referred to EIS excerpt: "…while container ship traffic at Roberts Bank is expected to increase, the risk of an incident is very low or negligible. Consequently, the Project is not expected to impact the ability of the Lyackson First Nation to exercise their right to the use of travelways to preferred harvesting areas". What are the increases of ship traffic in combination with other planned projects? Lyackson First Nation and CNA raise the concern of large wakes and risk to safety due to an increase in	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5.5.1:** As noted in MSA Section 9.5.5.1, as ship-related wave heights are expected to be within the spectrum of wind-generated waves (i.e., smaller than 10 cm) for a larger percentage of the time, and since Current Use activities would not be expected to always occur during calm conditions, wake from Project-associated vessel traffic is not expected to result in a measurable change in access to preferred Current Use locations, either in open water or along the shorelines within the marine shipping area. **Addressed in response to IR4-04:** The VFPA's response to IR4-04 provides updated vessel movements for all marine shipping area segments in 2012 and projected movements in 2030.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.3.2.2 Collisions In-transit

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	large vessel traffic. How does the VFPA plan to mitigate? The EIS based its risk assessment only on vessel collisions.			**Addressed in response to IR7-21:** As requested by the Review Panel, the VFPA's response to IR7-21 discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area. For all segments discussed in the MSA, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators. **Addressed in MSA Appendix 10.3.2.2:** Using information from DFO, EIS Appendix 30-A also provided calculations for collisions involving RBT2-associated ships with fishing and recreational vessels. For the portion of the marine shipping area that incorporates the waters between the proposed RBT2 terminal and the eastern shore of Saturna Island, the probability of a collision occurring between a commercial fishing vessel and a container ship or other large vessel, which reflects 2012 conditions, has a return period of 57 years, i.e., the potential to occur once in 57 years (EIS Appendix 30-A). In 2030 without the Project, due to the increased vessel traffic expected at that time even without the Project, the probability of a collision in this portion of the marine shipping area increases compared to the 2012 circumstance, and is estimated as having a return period of 51 years. The estimated probability of a collision would increase only slightly in 2030 when Project-associated shipping is taken into account; the estimated return period for this scenario is 50 years (EIS Appendix 30-A). Taking into consideration the conservative nature of that estimate, and the Transportation Safety Board of Canada data, the return rate for a collision in the marine shipping area is estimated to be approximately 50 years (MSA Appendix 10-A).	Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **Information Requests** Response to Sufficiency Information Request #04 (IR4-04 of CEAR Document #1051) Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1049)
MN-22.6	Stated that Malahat would like a First Nations' marine emergency response station and asked the VFPA to send representatives to Malahat to discuss the request.	09-Feb-2016, Meeting	**09-Feb-2016, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, Environment and Climate Change Canada, DFO, and Natural Resources Canada have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204) provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management. TC IR-10 specifically discusses training, resources, and equipment available for community response, including the possibility of establishing spill response bases on reserve lands in the southern portion of the west coast region of B.C.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**
MN-22.7	Stated that the proponent should fund an annual boat safety course at the beginning of each summer to support interested Malahat boaters on how to safely navigate with and around tankers in Malahat waters. Stated that the proponent should fund training of interested Malahat members to access employment on or related to tankers, including ship pilots through Malahat waters.	12-Sep-2016, Malahat Traditional Use Study	Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The Project is a proposed container terminal therefore only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Further information provided by the VFPA:** Transport Canada is the federal lead in regulating marine shipping in Canada, and other federal departments such as the Canadian Coast Guard, Environment and Climate Change Canada, DFO, and Natural Resources Canada have key roles that enhance marine safety and security, influence marine shipping activities, and help protect the marine environment. Transport Canada's Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204) provides a whole-of-government overview of activities undertaken by the Government of Canada related to spill management. TC IR-10 specifically discusses training, resources, and equipment available for community response, including the possibility of establishing spill response bases on reserve lands in the southern portion of the west coast region of B.C.	**Transport Canada Response to the Review Panel's April 4, 2018 Information Requests (CEAR Document #1204)**

Table 23: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-23.1	Commented that there was not enough emphasis on impacts to First Nation trading routes at the EIS Orientation Workshop.	09-Feb-2016, Meeting	**09-Feb-2016, Meeting:** Responded that the trading route component was not discussed because the EIS only includes that analysis for other groups, who had submitted a TUS prior to EIS submission. Stated that the VFPA plans to have a one-on-one workshop with Malahat once the study (produced by Malahat) is received. **22-Feb-2016, Letter from the VFPA:** Committed to provide Malahat Nation with a draft summary of the VFPA's understanding of existing conditions pertaining to Malahat Nation's Current Use within the Project area for your review and comment. **26-Apr-2016, Email from the VFPA:** Post-meeting note: Each nation will have an opportunity to review and comment on the VFPA's draft summary of Current Use before finalisation of the AIEIS. **04-Nov-2016, Letter from the VFPA:** The VFPA has worked with Malahat Nation to share information regarding RBT2 and the EIS, and in turn, has received input from Malahat Nation, including through Malahat Nation's submittal of the Malahat TUS to the VFPA. Information provided to the VFPA by Malahat Nation has been summarised and incorporated into the draft AIEIS. In our February 22, 2016 letter, we indicated that in the preparation and finalisation of the AIEIS, the VFPA intended to provide Malahat Nation with an opportunity to review and comment on the AIEIS before finalisation and submittal of the document to the Review Panel. Further to this commitment, please find enclosed the draft AIEIS for the RBT2 Project.	**Addressed in AIEIS:** The following is noted as contributing documents in the development of the AIEIS: Malahat Nation, Malahat Effects related to and Mitigation for the Project, and Part 2 of Malahat Internal Traditional Use and Knowledge Report, September 12, 2016.	**AIEIS** 7.2.3 Information Sources
MN-23.2	Stated that places of Traditional Use cannot be defined in a linear temporal context as places and/or practices of "current" or "past" use. Stated that utilizing the terms "current" and "past" to describe Traditional Use sites imposes a Western value system upon Aboriginal ways of knowing. Stated that Malahat First Nation views Traditional Use in the context of time immemorial, and places equal value upon past, present and future use sites and practices. Stated that Malahat is of the view that all Traditional Use sites and practices regardless of temporal context must be considered when measuring Project-related impacts. Stated that the term "current use" is utilized throughout Section 7.2 of the EIS to define areas and resources used for traditional purposes.	26-Nov-2015, EIS Results Workshop #1 - *W̱SÁNEĆ* Nation 09-Feb-2016, Meeting 27-Oct-2016, Letter to Panel (CEAR Document #621) 05-Jan-2017, Letter 30-May-2017, Meeting with Administrative Staff	**26-Nov-2015, Workshop:** Stated that current use is the language in *CEAA, 2012* and the VFPA is guided by the Act. Added the author of the Current Use portion is not present today to fully explain the requirements and methodology. There is an historic component incorporated into the section, and this is reflected in EIS Section 32.0. Committed to arrange a meeting to provide further detail if it is of interest. Requested that Malahat advise the VFPA if there is intended use as well. **09-Feb-2016, Meeting:** Responded the language reflects the CEA Agency requirements, the minimum requirements for study. **10-Feb-2017, Letter from the VFPA:** Information provided to the VFPA by Malahat Nation regarding "Traditional Use sites and practices" in the vicinity of the Project was considered in AIEIS Section 7.0 regardless of temporal context. The assessment of potential effects on the "current use of lands and resources for traditional purposes" (Current Use) is a statutory requirement under subsection 5(1)(c) of *CEAA, 2012*, which uses this language to denote traditional use. The assessment of potential impacts	**Addressed in EIS Appendix 7.2-B (#157):** The methods used to assess the potential effects of the Project, including both residual effects of the Project and cumulative effects, are described in EIS Section 8.0. These methods are consistent with existing federal guidance. The effects of other projects and activities that have been carried out are reflected in the existing (and expected) conditions of the ICs and VCs, and in EIS Section 32.0. By assessing potential Project-related effects against those conditions, the cumulative effects of the Project and other past projects and activities are inherently considered. The EIS also includes historical data, where available and applicable, to assist interested parties to understand the potential effects, including cumulative effects, of the Project. The EIS does not include an assessment of historical infringements on the ability of Indigenous groups to exercise rights or impacts to traditional use.	**EIS** Appendix 7.2-B Aboriginal Issues and Interests 8.0 Effects Assessment Methods 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.2 Current Use of Lands and Resources for Traditional Purposes 32.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests Analysis **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Requested an explanation as to why there is no discussion of 'past' and 'future' use as it relates to Traditional Use, access, and ATK. Asked how the project will impact past and future use of places, along with associated practices and resources, for traditional purposes. Requested a rationale for the exclusion of 'Current Use for Traditional Purposes' as a Valued Component (VC). "The information provided within the studies, as well as information obtained through readily available public sources or consultation, does not necessarily delimit current or existing use from past use". Why is future use not considered?		on the exercise of rights is a common law requirement of the Crown pursuant to the duty to consult and accommodate, rooted in Section 35 of the *Constitution Act*, 1982. Given these differing requirements, the *Updated EIS Guidelines* draws a distinction between the assessment of Current Use and the assessment of rights. This distinction is described in EIS Section 32.1 and has been applied to the assessments in EIS Section 32.0, MSA Section 9.5, and AIEIS Section 7.0. That distinction aside, the VFPA recognises the equal value that Malahat Nation and other Indigenous groups place on "past, present, and future use sites and practices." As described in the introduction to AIEIS Section 7.2.4 regarding existing conditions, the descriptions of existing conditions of use of lands and resources for traditional purposes for each W̱SÁNEĆ group focus on current activities and cultural heritage associated with those activities (to reflect *Updated EIS Guidelines* requirements for Current Use), "but include information on past use and changes in use over time, including W̱SÁNEĆ perspectives on historical or ongoing factors that have influenced their existing conditions of use." As AIEIS Section 7.2.4 continues: *"This information on past use helps to support an understanding of the context in which any incremental effects to Current Use may occur [as presented in AIEIS Section 7.2.6]; it also serves to provide an understanding of use that grounds, or has the potential to ground, the exercise of Aboriginal rights, including title, and treaty rights. The descriptions of existing conditions also include information regarding desired future use, where such information was provided to the VFPA by Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, or Malahat Nation."* This approach is reiterated in the rights analysis. AIEIS Section 7.3.2 states: *"Information presented…in [AIEIS] Section 7.2.4 indicates largely past or recent use in the vicinity of the Project area by Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation…. [AIEIS] Section 7.2.4 also describes, from the perspective of* W̱SÁNEĆ*, cumulative effects on* W̱SÁNEĆ *use to date…due to other projects and activities…. To the extent that* W̱SÁNEĆ *use of the area of the Project could be restored (based on past use) or increased over present or recent limited levels, and that such use is an expression of asserted or established rights, the analysis of potential Project-related incremental effects on use, as presented…in [AIEIS] Section 7.2.6…is considered applicable to the analysis of potential Project-related incremental impacts on the present or future exercise of asserted or established rights* [i.e., asserted Aboriginal rights, including title, and asserted or established Douglas Treaty rights to hunt or fish] *in the vicinity of the Project area by Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation."*	**Addressed in AIEIS Appendix 2-B, Table 28 (#129):** The terminology "current use of lands and resources for traditional purposes" (Current Use) is the language of subsection 5(1)(c) of *CEAA, 2012*. The assessment of potential effects on Current Use in EIS Section 32.0 and AIEIS Section 7.0 reflects the understanding of Current Use outlined in the CEA Agency's draft Technical Guidance on Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*, dated December 2015. The EIS was filed in March 2015, prior to that draft guidance being issued; however, EIS Section 32.0 and AIEIS Section 7.0 considered use for traditional purposes that may not be occurring presently or occurring at sufficient levels to meet community needs, but was reported by Indigenous groups to have occurred in the past. As part of that consideration, the EIS and AIEIS included Indigenous groups' perspectives on the effects over time (as a result of other projects and activities) that have contributed to existing conditions of use. The EIS and AIEIS also considered the desire to restore use (based on past use) or increase use (over present or recent limited levels), where this desire was expressed by Indigenous groups to the VFPA.	Lands and Resources for Traditional Purposes 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2 Current Use of Lands and Resources for Traditional Purposes Assessment 7.2.4 Existing Conditions 7.2.6 Future Conditions with the Project – Potential Project-related Effects 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests
MN-23.3	Stated that Malahat has Aboriginal and Douglas Treaty rights, and interests in the BC Modern Treaty Process, that may be adversely affected by the Project.	05-Jan-2017, Letter	**10-Feb-2017, Letter from the VFPA:** A description of Malahat Nation's asserted or established rights and interests in the British Columbia Treaty Commission process is provided in MSA Section 9.5, and reiterated in AIEIS Section 7.2. The spatial		**AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that they exercise their rights both within and adjacent to the traditional territorial boundaries as seen in the Statement of Intent.		relationship of Malahat Nation's Statement of Intent / Agreement-in-Principle Area to the Project area is shown in AIEIS Figure 7.2.		Use of Lands and Resources for Traditional Purposes 7.2.4.5 Malahat Nation
MN-23.4	Concerned with the CEA Agency's direction to use existing data to compile current use summaries and the VFPA approach. Stated that the Current Use Summary sent to Malahat was a misappropriation of their work. Stated that the absence of Traditional Use and Aboriginal Traditional Knowledge (ATK) information contained in the RBT2 EIS, AIEIS and MSA is not indicative of the cultural significance, quantity and/or quality of Traditional Use sites within the Project local assessment area, regional assessment area and greater territory. Stated that all Traditional Use studies and information that have been undertaken by the Nation are project-specific and proprietary for the exclusive use of Malahat First Nation. Asked why Malahat First Nation information on TUS/ATK was not sought through a Project-specific study. Stated that the EIS contains no TUS/ATK information provided by Malahat First Nation.	15-Jul-2015, Meeting 08-Sep-2015, Letter 16-Dec-2015, Letter to the CEA Agency (CEAR Document #378) 27-Oct-2016, Letter to Panel (CEAR Document #621) 05-Jan-2017, Letter	**15-Jul-2015, Meeting:** Responded that this is good feedback for the CEA Agency, which the VFPA will pass on. Stated that the VFPA is prepared to make additions and deletions to the profile as specified by Malahat Nation. The VFPA request for confirmation that Malahat Nation wants the information from Kinder Morgan removed from the profile. **11-Sep-2015, Letter from the VFPA:** *"Thank-you for articulating your point of view with respect to the draft summary of [Malahat Nation's (MN's)] current use in the marine shipping area and for sharing your concerns regarding the use of the Trans Mountain Expansion Project Application to the National Energy Board as a source of information on MN. It has been [the VFPA's] intent from the outset to ensure that we present MN's information in an accurate manner and there have been several communications to this effect.* *These efforts include the following:* • *In [the VFPA's] letter of May 25, 2015, [the VFPA] outlines the direction received from [the CEA Agency] to collect information on MN's current use of lands and resources for traditional purposes, as well as the intention to use information from the Trans Mountain Expansion Project Application to the National Energy Board specific to MN. [The] May 25 letter explains the intention to provide the draft current use profile for MN to Malahat for review and comment prior to submission of the Report to [the CEA Agency], and also asks for MN's feedback regarding sources of information for this document.* • *In [the] letter of June 19, 2015, MN was provided with a draft summary of [the VFPA's] understanding of MN's current use in the marine shipping study area based on the sources identified in our previous letter. In the letter provided with this document, [the VFPA] specifies that the profile is being provided to MN in advance of submittal to [the CEA Agency] in order to confirm with MN that the information is accurately presented and whether any revisions, additions or deletions are required.* • *In our meeting on July 15, 2015, MN expressed concern with the approach taken by [the VFPA] to produce a summary of MN's current use of lands and resources within the marine shipping area based on publicly available sources associated with the Trans Mountain Expansion Project Application to the National Energy Board. In this meeting, [the VFPA] explained the intention to make any changes to the profile requested by MN, including deletion of all information associated with MN that was obtained from the Trans Mountain Expansion Project Application to the National Energy Board, if requested by MN. MN committed to confirming whether it did want all such information deleted. Since this meeting, [the VFPA] contacted MN on several occasions to obtain confirmation of MN's direction on this matter, and have not yet been advised of MN's response.*	**Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provided drafts of Current Use existing conditions sections, and requested any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in MSA Section 9.5. The VFPA has acknowledged the challenges of participating in consultation during summer months, and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation, and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests. **Addressed in AIEIS Section 7.2.4.5:** At the request of Malahat Nation, existing information regarding Malahat Nation's use of lands and resources for traditional purposes was not included in MSA Section 9.5.4.5. Malahat Nation is currently completing a traditional use study in relation to the Project. Portions of the study pertaining to potential effects and proposed mitigation measures were provided to the VFPA in September 2016 (see AIEIS Section 7.2.3). Identified effects and mitigation measures appear to relate largely to marine shipping associated with the Project (in the marine shipping area) and not the Project itself. The portion of the study that would be expected to describe existing conditions of use of lands and resources of Malahat Nation in relation to the Project had not been received by the VFPA at the time this AIEIS was being finalised for submission to the CEA Agency and the Review Panel. The content of the following sections on existing conditions of Malahat use of resources	**AIEIS** 2.0 Aboriginal Groups Engagement and Consultation 2.2.1.1. Sponsorship of Additional Studies Appendix 2-B Aboriginal Issues and Interests - <u>W</u>SÁNEĆ Nation, Table 15 Roberts Bank Ecosystem 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.4.5 Malahat Nation **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #388)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			[The VFPA] reiterates our intention to make additions, changes and deletions to the draft current use profile as requested by MN before submission of the Report to [the CEA Agency]. Please advise whether MN requests that [the VFPA] delete all information on MN current use that was obtained from the Trans Mountain Expansion Project Application to the National Energy Board from the Report before submission to [the CEA Agency], or whether we can use the information and, if so, any changes required." **17-Sep-2015, Email from the VFPA:** Summarised that Malahat has requested that the VFPA remove all information contained in the draft Current Use summary for Malahat Nation (and in turn, the MSA) that was obtained from materials related to the Trans Mountain Pipeline Project. Stated that the VFPA looks forward to working with Malahat to collect traditional use information for Malahat related to the Project. **26-Oct-2015, Meeting:** Stated that the VFPA is able to provide TUS funding. Explained that the VFPA can discuss the terms of the funding and the scope of the study. **12-Nov-2015, Letter from the VFPA:** Offered funding to support Malahat's engagement with the VFPA and the Project as well as funding for a Project-specific study to support Malahat Nation in gathering information on Current Use and rights in the Project area. **09-Feb-2016, Meeting:** The VFPA and Malahat met again on 09-Feb-2016 and the VFPA agreed to offer additional funding for participation and a study. Malahat agreed to this offer, and an agreement was signed on 22-Mar-2016. **12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on how Aboriginal Traditional Knowledge was used in the marine shipping addendum in AIR #4 Aboriginal Traditional Knowledge."* **12-Sep-2016:** Malahat Nation provided "Malahat Effects related to and Mitigation for the Roberts Bank Terminal 2 Project." **10-Feb-2017, Letter from the VFPA:** The AIEIS incorporates all traditional use and ITK information provided to the VFPA by Malahat Nation in relation to the assessment of potential effects of the Project on Malahat Nation. A description of the information provided by Malahat Nation to the date of submission of the AIEIS is included in AIEIS Sections 2.0 and 7.0. As described in the AIEIS, existing information regarding Malahat Nation's use of lands and resources for traditional purposes was not included in MSA Section 9.5.4.5 at the specific request of Malahat Nation, given its origin in material prepared in the context of a different project. Recognising this concern of Malahat Nation, the VFPA supplied funding to Malahat Nation to undertake a Project-specific study to identify Malahat Nation use and knowledge in relation to the Project area (e.g., information described by Malahat Nation in the comment, "cultural significance, quantity and/or quality of Traditional Use sites within the Project LAA, RAA and greater territory"). The content presented in AIEIS	or locations in the vicinity of the Project area is therefore based on information otherwise received by the VFPA from Malahat Nation during consultation regarding the Project. **Addressed in response to MSA IR-02.24.16-4:** The VFPA's response to MSA IR-02.24.16-4 provides a further discussion of how and where ITK was utilised in the MSA. Table MSA IR4-1 lists each assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the assessment, a rationale is provided (right column). **Addressed in AIEIS Appendix 2-B, Table 15 (#61):** As described in the response to IR-7.31.15-08, the overall approach taken for collection and integration of ITK is described in EIS Section 7.0. All relevant ITK that was available was incorporated into the EIS. When ITK is used in the assessment of an IC or VC, (most often informing existing conditions), the source of ITK is cited directly. Table IR8-1 lists each IC and VC assessment section and indicates where and how ITK was used in the assessment. The ecosystem model inputs consisted of quantitative data from literature values, previously conducted ecosystem models in the area, and RBT2-specific field studies. As a qualitative source of information, ITK was not incorporated into the ecosystem model.	

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			Section 7.2.4.5 relating to Malahat Nation use and knowledge reflects the information received by the VFPA from Malahat Nation during consultation regarding the Project, as explained in AIEIS Section 7.2.4.5.		
MN-23.5	Stated that changes in access to Traditional Use sites resulting from project-related impacts will result in an associated change in cultural practices, in addition to any connections to additional sites and areas of use, resulting in a fragmentation of the cultural landscape and associated social networks. Took issue with language "minor change". Asked how the proponent determines the severity of an impact to Traditional Use. Stated that the language of "negligible" and "minor" minimizes the severity of cultural loss associated with Project-related impacts to Traditional Use. Stated that impacts to Traditional Use and access attributed to Project-related activities will result in interruptions to the transfer of knowledge to younger generations, connections to other Traditional Use sites and places of cultural importance, kinship ties, and social and trade networks, in turn leading to the fragmentation of the cultural landscape of Malahat First Nation. Stated that interruptions to its members' ability to access sites or practice Traditional Use activities due to any measurable increase in vessel traffic, or Project-related impacts during construction or operation phases directly infringes upon their Aboriginal and Treaty rights.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378) 05-Jan-2017, Letter	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on Port Metro Vancouver's assessment methodology in AIR #2 Rationale for Effects Characterization.* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* **10-Feb-2017, Letter from the VFPA:** Malahat Nation's views of the potential level of impact of the Project and marine shipping associated with the Project on their "Traditional Use, access and Aboriginal and Treaty rights," are recorded here for the Panel's consideration. As indicated throughout AIEIS Section 7.2.6 describing potential Project-related effects on Current Use and AIEIS Section 7.3.3 describing potential Project-related impacts on the exercise of asserted or established rights, the reader is referred to the VFPA's response to AIR-12.04.15-30, which explains the distinction between 'negligible' and 'measurable' effect ratings. The distinction between 'negligible' and 'minor' effect ratings, as employed in the MSA, is explained in the VFPA's response to MSA IR-02.24.16-2. As explained in the response, these ratings relate to potential effects on cultural heritage. As described in AIEIS Section 7.3.3.4 regarding outstanding Indigenous issues, while measurable Project-related effects or impacts are not expected by the VFPA in relation to Current Use or exercise of rights by Malahat Nation, the VFPA is of the view that the consultative measures proposed in EIS Section 32.2.7 (and reiterated in AIEIS Section 7.3.3.1), which are designed to assist with confirming the conclusions of the Current Use assessment, will also provide reasonable mechanisms to confirm the conclusions of the rights assessment.	**Addressed in EIS Section 32.2.7 and AIEIS Section 7.3.3.1:** Consultative measures proposed in EIS Section 32.2.7 (and reiterated in AIEIS Section 7.3.3.1) include the following: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs. **Addressed in response to MSA IR-02.24.16-2:** The VFPA's response to MSA IR-02.24.16-2 identifies the receptors of potential effects to Current Use and impacts to rights, and provides an explanation of how potential effects and impacts were determined to be negligible or measurable in the MSA. **Addressed in response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality**.**	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.6 Future Conditions with the Project – Potential Project-related Effects 7.3.3.1 Summary of Mitigation Measures for the Rights Assessment 7.3.3.4 Outstanding Aboriginal Issues **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Response to Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) **Response to Sufficiency Information Request #22 (IR10-22)**
MN-23.6	Stated that the EIS does not characterize Project-related impacts to Traditional Use	27-Oct-2016, Letter to Panel	The VFPA has reviewed this letter and refers to EIS Section 8.0 which describes the environmental assessment methods developed to meet		**EIS** 8.0 Effects Assessment Methods

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	site access as a change in quality of use experience. Requested that these impacts be characterized as a change in quality of use experience or provide a rationale for the failure to properly characterize impacts to Traditional Use site access.	(CEAR Document #621)	the requirements specified in the *EIS Guidelines* and are consistent with existing guidance documents and *CEAA, 2012*.		***Updated EIS Guidelines***
MN-23.7	Stated that the VFPA has indicated that Project-related effects on Current Use by several nations are expected to be negligible. How did they determine the severity of effects? Please provide a rationale for determining the effectiveness of the proposed mitigation measures.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to IR7-31:** The VFPA's forthcoming response to IR7-31, as requested by the Review Panel, provides a summary of the views of Indigenous groups in relation to the proposed mitigation measures that were considered in the preparation of the EIS for each biophysical VC, including views about offsetting. **Addressed in response to IR10-09:** The VFPA's response to IR10-09, as requested by the Review Panel, provides further discussion of proposed mitigation measures to reduce the potential effects of the proposed Project on the access, availability, and quality of preferred Current Use resources and the quality of the Current Use experience.	**Information Requests** Response to Sufficiency Information Request #31 (IR7-31) Response to Sufficiency Information Request #09 (IR10-09)
MN-23.8	The mitigation measures presented for potential Project-related impacts to Traditional Use, access, commercial use, and Aboriginal and Treaty rights outlined in the EIS, AIEIS and MSW addendum [MSA] are incomplete, and do not indicate where and how ATK and input from impacted nations was incorporated into the process. The EIS, AIEIS and MSW addendum [MSA] fail to present a comprehensive mitigation process incorporating measures to accommodate or compensate Aboriginal groups in the event of Project-related impacts to Aboriginal and Treaty rights. Malahat First Nation considers the RBT2 project EIS and MSW addendum [MSA] to be incomplete, as it contains insufficient TUS/ATK information to properly inform the CEA Agency panel's decision-making process.	05-Jan-2017, Letter 30-May-2017, Meeting with Administrative Staff	**10-Feb-2017, Letter from the VFPA:** Mitigation measures suggested by Malahat Nation and other *W̱SÁNEĆ* groups to avoid, reduce, or otherwise manage potential adverse impacts of the Project on the exercise of their asserted or established rights in the vicinity of the Project area are contained in AIEIS Table 7-2 (see AIEIS Section 7.3.3.2). A list of measures suggested by other Indigenous groups in relation to the Project are contained in EIS Section 32.3.3.2. In addition to the mitigation measures identified in AIEIS Sections 7.3.3.2 and 7.3.3.3 describes other accommodations identified by *W̱SÁNEĆ* groups in relation to the Project, including an expressed interest in realising Project benefits. As stated in AIEIS Section 7.3.3.3, *"The VFPA is prepared to assist Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these [Indigenous] groups in preparing for employment opportunities, the VFPA will provide training funding."* Mitigation measures suggested by Malahat Nation and other Indigenous groups in relation to marine shipping associated with the Project were contained in the VFPA's response to MSA IR-02.24.16-13 (see Table MSA IR13-1). AIEIS Section 9.0 explains how ITK provided by Malahat Nation and other *W̱SÁNEĆ* groups was specifically incorporated into the AIEIS. For a description of how ITK was incorporated into the EIS and MSA, see the VFPA's response to IR-7.31.15-08 and MSA IR-02.24.16-4, respectively.	**Addressed in response to IR-7.31.15-08:** As described in the VFPA's response to IR-7.31.15-08, the overall approach taken for collection and integration of ITK is described in EIS Section 7.0. All relevant ITK that was available was incorporated into the EIS. When ITK is used in the assessment of an IC or VC, (most often informing existing conditions), the source of ITK is cited directly. Table IR8-1 lists each IC and VC assessment section and indicates where and how ITK was used in the assessment. **Addressed in response to MSA IR-02.24.16-4:** The VFPA's response to MSA IR-02.24.16-4 provides further discussion of how and where ITK was utilised in the marine shipping area. Table MSA IR4-1 lists each assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the assessment, a rationale is provided (right column). **Addressed in response to MSA IR-02.24.16-13:** Table MSA IR13-1 includes a summary of mitigation measures raised by Indigenous groups related to potential adverse impacts of	**EIS** Section 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups 7.3.3.3 Other Accommodations 9.0 Aboriginal Traditional Knowledge **Information Requests** Response to Information Request #8 (IR-7.31.15-08 of CEAR Document #314) Response to Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)

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				the Project, including marine shipping associated with the Project, on potential or established Aboriginal and treaty rights and related interests. The specific measures noted in the Table MSA IR13-1 were those raised during consultation on marine shipping associated with the Project, but may relate to the Project or marine shipping.	Response to Information Request #13 (MSA IR-02.24.16-13 of CEAR Document #386)
MN-23.9	Stated that sections 9.5 and 10.5 in the EIS do not outline or summarize any mitigative measures for project related impacts to Traditional Use, access and Aboriginal and treaty rights as recommended by affected First Nations.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency requested additional information on this topic in AIR #13 Aboriginal and Treaty Rights and Related Interests."*	**Addressed in response to MSA IR-02.24.16-13:** Table MSA IR13-1 includes a summary of mitigation measures raised by Indigenous groups related to potential adverse impacts of the Project, including marine shipping associated with the Project, on potential or established Aboriginal and treaty rights and related interests.	**Information Requests** Response to Information Request #13 (MSA IR-02.24.16-13 of CEAR Document #386)
MN-23.10	Concerned with language utilized throughout document defining Traditional Use activities and sites as "current" and/or "past".	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"Thank you for your comment, I encourage Malahat to comment on the Agency's draft guidance on "Technical Guidance on Current Use of Lands and Resources for Traditional Purposes under the Canadian Environmental Assessment Act, 2012 (CEAA 2012) by sending comments to: CEAA.guidance-orientation.ACEE@ceaa-acee.gc.ca by June 16, 2016.* *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*		
MN-23.11	Stated that the EIS does not address or measure project-related impacts to all Traditional Use sites or practices, only those defined as "Current Use".	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"Thank you for your comment, I encourage Malahat to comment on the Agency's draft guidance on "Technical Guidance on Current Use of Lands and Resources for Traditional Purposes under the Canadian Environmental Assessment Act, 2012 (CEAA 2012) by sending comments to: CEAA.guidance-orientation.ACEE@ceaa-acee.gc.ca by June 16, 2016.* *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*		
MN-23.12	Stated that ship pass-by overlaps with specific terrestrial-based activities (i.e. hunting) will result in negative effects and/or interruptions to the Traditional Use activity, where species hunted are sensitive to noise. The EIS addendum does not take this into account in its analysis of noise effects to intertidal or terrestrial-based Traditional Use activities.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 9.5:** Terrestrial resource use in marine areas is considered in the assessment presented in MSA Section 9.5. The noise assessment presented in MSA Section 7.3 notes that as a result of future marine vessel activity in the marine shipping area, in combination with vessel activity associated with the Project, cumulative average daytime and nighttime atmospheric noise levels	**MSA** 7.3 Atmospheric Noise 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5 Potential Interactions and Effects on Current Use

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				due to vessel transit are expected to increase imperceptibly by approximately 1 dBA.	
MN-23.13	Stated that any overlap associated with Project-related shipping activities resulting in the interruption or displacement of a Traditional Use site or activity is considered a measurable effect and must be acknowledged and mitigated appropriately.	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in response to MSA IR-02.24.16-2:** The VFPA's response to MSA IR-02.24.16-2 identifies the receptors of potential effects to Current Use and impacts to rights, and provides an explanation of how potential effects and impacts were determined to be negligible or measurable in the MSA.	**Information Requests** Response to Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)
MN-23.14	Stated that any overlap associated with Project-related shipping activities resulting in a First Nation's ability to access any Traditional Use site, regardless of whether or not it is a place of "current" or "past" use, is an infringement upon that Nations' Aboriginal and/or Treaty rights. Asked how the proponent determines whether or not an effect on access to Traditional Use sites is minor. What is the threshold used to measure impacts to access? How was ATK and input from Aboriginal groups used to determine thresholds?	16-Dec-2015, Letter to the CEA Agency (CEAR Document #378) 27-Oct-2016, Letter to Panel (CEAR Document #621)	**12-May-2016, Letter from the CEA Agency (CEAR Document #404):** *"The Agency has requested additional information on [the VFPA's] assessment methodology and how Aboriginal Traditional Knowledge was used in the marine shipping addendum in AIR #2 Rationale for Effects Characterization and AIR #4 Aboriginal Traditional Knowledge."* In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review. The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Malahat Nation's rights from the Project and marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel."	**Addressed in response to MSA IR-02.24.16-4:** The VFPA's response to MSA IR-02.24.16-4 provides a further discussion of how and where ITK was utilised in the MSA. Table MSA IR4-1 lists each assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the assessment, a rationale is provided (right column). **Addressed in response to MSA IR-02.24.16-2:** The VFPA's response to MSA IR-02.24.16-2 identifies the receptors of potential effects to Current Use and impacts to rights, and provides an explanation of how potential effects and impacts were determined to be negligible or measurable in the MSA. **Addressed in AIEIS Appendix 2-B, Table 28 (#129):** The terminology "current use of lands and resources for traditional purposes" (Current Use) is the language of subsection 5(1)(c) of *CEAA, 2012*. The assessment of potential effects on Current Use in EIS Section 32.0 and AIEIS Section 7.0 reflects the understanding of Current Use outlined in the CEA Agency's draft Technical Guidance on Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*, dated December 2015. The EIS was filed in March 2015, prior to that draft guidance being issued; however, EIS Section 32.0 and AIEIS Section 7.0 considered use for traditional purposes that may not be occurring presently or occurring at sufficient levels to meet community needs, but was reported by Indigenous groups to have occurred in the past. As part of that consideration, the EIS and AIEIS included Indigenous groups' perspectives on the effects over time (as a result of other projects and	**AIEIS** Appendix 2-B Aboriginal Issues and Interests - W̱SÁNEĆ Nation, Table 28 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **Information Requests** Response to Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) Response to Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)

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				activities) that have contributed to existing conditions of use. The EIS and AIEIS also considered the desire to restore use (based on past use) or increase use (over present or recent limited levels), where this desire was expressed by Indigenous groups to the VFPA.	
MN-23.15	**Referred to 3 statements in the EIS:** 1. "The residual effect on access to preferred Current Use locations as a result of the Project is therefore predicted to be negligible". 2. "The residual effect on the quality of preferred Current Use resources as a result of the Project is therefore predicted to be negligible". 3. "The residual effect on the quality of Current Use experience as a result of the Project is therefore predicted to be negligible". Stated that VFPA is making a grievous assumption with these statements. Requested the rationale for these statements.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 32.0:** Rationale is provided for each of the statements noted in EIS Sections 32.2.7.1, 32.2.7.3, and 32.2.7.4, respectively. **Addressed in EIS Section 32.2.7.1:** The combination of the existing accommodation agreement with Tsawwassen First Nation, the planned accommodation agreement with Musqueam First Nation, the measures to limit potential displacement-related effects to crab harvesting (including those set out in EIS Section 21.0 and EIS Section 24.0), and the VFPA's support of Indigenous domestic and FSC crab harvesting within the planned extension navigational closure area are expected to be effective at addressing Project-related effects to Current Use access related to crab harvesting. For Project-related effects on marine access for other Current Use purposes, the measures set out in EIS Section 26.0 and the communications protocol and mechanism identified above are expected to be effective at addressing planned and unforeseen events that may interfere with that access. The residual effect on access to preferred Current Use locations as a result of the Project is therefore predicted to be negligible. **Addressed in EIS Section 32.2.7.3:** In combination with the measures to address or reduce Project-related effects on Current Use access and availability of preferred Current Use resources, the measures outlined in EIS Section 27.0 to address traditional food avoidance due to perceived contamination concerns are also expected to be effective in mitigating adverse effects on Current Use that may stem from Project-related contamination concerns. The residual effect on the quality of preferred Current Use resources as a result of the Project is therefore predicted to be negligible. **Addressed in EIS Section 32.2.7.4:** In combination with the measures to reduce Project-related effects on Current Use access and Current Use resources, the measures	**EIS** 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.7.1 Mitigation Measure #1: Changes in Access to Preferred Current Use Locations 32.2.7.3 Mitigation Measure #3: Changes in Quality of Preferred Current Use Resources 32.2.7.4 Mitigation Measure #4: Changes in the Quality of the Current Use Experience **Information Requests** Response to Sufficiency Information Request #25 (IR13-25)

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				identified in EIS Sections 25.0, 27.0, and 28.0 are also expected to be effective at addressing adverse effects on the quality of the Current Use experience that may relate to Project-related changes in sense of place, light, noise, vibration, and air emissions, and cultural heritage and transmission. The VFPA recognises that the quality of Current Use experience is community-specific, and expects the communications mechanism identified in EIS Section 32.2.7.1 to support dialogue between the VFPA and appropriate Indigenous groups on topics of concern, including safety issues, will augment the effectiveness of the other measures identified to address community-specific concerns related to the quality of the Current Use experience. The residual effect on the quality of Current Use experience as a result of the Project is therefore predicted to be negligible. **Addressed in IR13-25:** The VFPA's forthcoming response to IR13-25 will further discuss aspects of the current use experience.	
MN-23.16	Noted that the EIS Section 32.3.2.2 states that there is an information gap with regards to Tsleil-Waututh use of travelways within the Project area, and has therefore determined there will be no Project-related impacts to their ability to access travelways. This is an enormous assumption. Please revise so that information gaps are not used to justify a conclusion of no impacts.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter, and will continue to consult with appropriate Indigenous groups to address information gaps, where possible.		
MN-23.17	Asked how the VFPA determines the level of significance of a residual effect of Project-related impacts on Aboriginal rights and interests? What are the thresholds for Current Use and access?	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information. **10-Feb-2017, Letter from the VFPA:** Malahat Nation's views of the potential level of impact of the Project and marine shipping associated with the Project on their "Traditional Use, access and Aboriginal and Treaty rights," are recorded here for the Panel's consideration. As indicated throughout AIEIS Section 7.2.6 describing potential Project-related effects on Current Use and AIEIS Section 7.3.3 describing potential Project-related impacts on the exercise of asserted or established rights, the reader is referred to the VFPA's response to AIR-12.04.15-30, which explains the distinction between 'negligible' and 'measurable' effect ratings. The distinction between 'negligible' and 'minor' effect ratings, as employed in the MSA, is explained in the VFPA's response to MSA IR-02.24.16-2. As explained in the response, these ratings relate to potential effects on cultural heritage. As described in AIEIS Section 7.3.3.4 regarding outstanding Indigenous issues, while measurable Project-related effects or impacts are not	**Addressed in EIS Section 32.2.7 and AIEIS Section 7.3.3.1:** Consultative measures proposed in EIS Section 32.2.7 (and reiterated in AIEIS Section 7.3.3.1) include the following: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status,	**EIS** 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.6 Future Conditions with the Project – Potential Project-related Effects 7.3.3.1 Summary of Mitigation Measures for the Rights Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			expected by the VFPA in relation to Current Use or exercise of rights by Malahat Nation, the VFPA is of the view that the consultative measures proposed in EIS Section 32.2.7 (and reiterated in AIEIS Section 7.3.3.1), which are designed to assist with confirming the conclusions of the Current Use assessment, will also provide reasonable mechanisms to confirm the conclusions of the rights assessment.	safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs.	7.3.3.4 Outstanding Aboriginal Issues **Information Requests** Response to Additional Information Request #30 (AIR-12.04.15-30 of CEAR Document #388) Response to Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386)
MN-23.18	Asked how the VFPA incorporates ATK and other Aboriginal views into the consideration of environmental effects on potential or established Aboriginal and Treaty rights and related interests.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in response to MSA IR-02.24.16-4:** The VFPA's response to MSA IR-02.24.16-4 provides further discussion of how and where ITK was utilised in the MSA. Table MSA IR4-1 lists each assessment section (left column) and indicates where and how ITK was used in the assessment (centre column). If ITK was not used for a particular step in the assessment, a rationale is provided (right column). The overall approach taken for integration of ITK is described in MSA Section 5.1.4. All relevant ITK that was available was incorporated into the MSA. When ITK is used in the assessment of an IC or VC (most often informing existing conditions), the source of ITK is cited directly. When Current Use information is included in an assessment of an IC or VC for context purposes, a cross reference to MSA Section 9.5 is provided. When information is included in an assessment of an IC or VC about the importance of a resource to Indigenous groups, or about concerns raised by Indigenous groups about effects to the IC or VC (often as rationale for selection of the IC, VC, or sub-components), a cross reference to the consultation and engagement section (MSA Section 5.0) is provided. **Addressed in AIEIS Appendix 2-B, Table 15 (#61):** As described in the response to IR-7.31.15-08, the overall approach taken for collection and integration of ITK is described in EIS Section 7.0. All relevant ITK that was available was incorporated into the EIS. When ITK is used in the assessment of an IC or VC, (most often informing existing conditions), the source of ITK is cited directly. Table IR8-1 lists each IC and VC assessment section and indicates where and how ITK was used in the assessment.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.4 Aboriginal Groups Engagement and Consultation Methods of the Addendum **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 15 Roberts Bank Ecosystem **Information Requests** Response to Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-23.19	Asked what is the framework for mitigating impacts to established and Aboriginal and Treaty rights. Traditional Use sites, associated practices and resources, and access to sites (in relation to EIS, Section 33.0). Stated that there are no management plans outlined for the mitigation of Project-related impacts to Aboriginal and Treaty rights, title, Traditional Use and access.	27-Oct-2016, Letter to Panel (CEAR Document #621)	The VFPA has reviewed this letter and provides the following additional information.	Further to the information presented in EIS Section 32.3, AIEIS Section 7.3 considers potential adverse impacts of the Project, including marine traffic associated with the Project within the VFPA's jurisdiction, on the exercise of asserted or established Aboriginal and treaty rights by Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation. Although Project-related incremental impacts are not expected to be measurable on the exercise of asserted or established rights by *W̱SÁNEĆ*, the consultative measures proposed in EIS Section 32.2.7 (and reiterated in AIEIS Section 7.2.7) to assist with confirming the conclusions of the Current Use assessment are carried forward to the rights assessment, following the same methodology employed in EIS Section 32.3.3. These measures are expected to assist with monitoring circumstances following the onset of Project construction and operation, through ongoing engagement. The consultative measures carried forward are as follows: • Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect access for the exercise of asserted or established rights; • Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases (e.g., Project status, safety issues, effectiveness of mitigation programs); • Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to the exercise of asserted or established rights; and • Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs.	**EIS** 32.2 Current Use of Land and Resources for Traditional Purposes 32.2.7 Mitigation Measures 32.3.3 Mitigation Measures **AIEIS** 7.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 7.2.7 Mitigation Measures 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests

Table 24: Project Overview and Description

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-24.1	Asked what the square footage of the proposed terminal is.	15-Jul-2015, Meeting	**15-Jul-2015, Meeting:** Recorded comment for follow-up. **22-Jul-2015, Email from the VFPA:** Page 54 of the document linked here http://www.ceaa-acee.gc.ca/050/documents/p80054/101388E.pdf breaks out the area associated with the terminal footprint and widened causeway, and I've posted the associated table below (email included table with measurements in hectares).	**Addressed in AIEIS Appendix 2-B, Table 2 (#5):** Terminal dimensions, measured in hectares (ha), are described in EIS Section 4.0: • 1,500 m average length and 700 m width; • 1,346 m berth length (includes the wharf and mooring dolphin); and • 1,300 m wharf length. The terminal's total useable area will be approximately 108 ha. To accommodate this space requirement, the marine footprint of the terminal with the three-berth wharf on the south side, including the rip-rap protected marine slopes and seabed toes on its west, north, and east sides, will be approximately 116.1 ha. The dredged berth pocket and marine approach areas, located in front of, and adjacent to the three-berth wharf, will have a marine footprint of approximately 17.4 ha. The combined total marine footprint of the terminal and dredged berth pocket and marine approach areas will be approximately 133.5 ha. Final dimensions will be determined during the detailed design phase. **Addressed in the PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018 (CEAR Document #1210). The report updates EIS Table 4-1, presenting minor changes to the areas presented above.	**EIS** 4.0 Project Description 4.2.1 Marine Terminal Figure 4-4 Conceptual Plan View of Marine Terminal Layout Figure 4-24 Plan View of Dredge Basin and Marine Terminal Areas **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 2 Project Planning, Development, and Implementation **PCU** Table 2-1 Project Component and Sub-component Areas (Updated EIS Table 4-1)
MN-24.2	Concerned with downstream effects, such as from the sourcing of concrete/fill.	26-Nov-2015, EIS Results Workshop #1 - *W̱SÁNEĆ* Nation	**26-Nov-2015, Workshop:** Responded that fill for the Project will come from the Port's annual maintenance dredging activities on the Fraser River. An ITP will be used during construction and excess dredge material from the containment walls of the proposed terminal will be disposed of at sea. Bathymetry will be spoken to later on, as well as the approach identified to minimise environmental effects. **26-Jun-2017, Letter from the VFPA:** Stated that as a result of work undertaken over the past year to address concerns raised by Malahat and other Indigenous groups related to Dungeness crabs and DAS, and to reduce potential environmental effects from the Project, the VFPA has determined that the ITP is no longer required as a temporary storage location to support project construction. The elimination of the ITP, along with other changes will result in a Project that will not require a DAS permit. **12-Jul-2017, Email from the VFPA:** Followed-up with Malahat from the May 30 meeting and provided the link to the Registry to Information Request Package 3 (CEAR Document #984), which contains more information on the ITP: http://www.ceaa-acee.gc.ca/050/documents/p80054/119369E.pdf	**Addressed in AIEIS Appendix 2-B, Table 24 (#105):** The economic development assessment (EIS Section 20.0) considers effects to direct supplier industries and upstream supply industries such as cement manufacturers. EIS Section 20.6.1 specifically addresses change in construction aggregate availability and price and concludes that the Project would have a negligible effect on sand availability and price as the local sand supply capacity and capabilities is sufficient to address Project demand. **Addressed in PCU:** As requested by the Review Panel, the VFPA submitted the PCU on June 12, 2018 (CEAR Document #1210), providing • Detailed revised Project description, including a revised construction schedule; • Revised Project interaction matrix; • Preliminary details pertaining to the management and timing of dredging activities and the discharge of sediment-laden water; and • Revised assessment of environmental effects as required by the Project modifications. PCU Sections 1.0 and 2.0 describe the changes to the EIS, including updates to specific construction activities, the construction schedule, and relevant Project description figures and appendices. In PCU Section 3.0, changes or effects resulting from the construction updates on ICs and VCs are described. Overall, these changes to the environmental assessment resulting from construction updates can generally be summarised as follows: • Reductions in potential adverse changes or effects on ICs, biophysical VCs, social VCs, and Current Use; and • Increases in positive interactions with socio-economic VCs. These beneficial changes to ICs and VCs occur at the level of interactions or potential effects, and in most cases are slight changes, and thus do not affect the overall conclusions made in the EIS, including proposed mitigation, residual effect characterisations, significance determinations or cumulative effects, as applicable, with one exception. The only component predicted to have a change to residual effects is land and water use, with a reduction of a residual effect on access to Tsawwassen First Nation community lease lands from a measurable non-significant residual effect to a negligible residual effect, due to elimination of the ITP and associated activities.	**EIS** 20.0 Economic Development 20.6.2.1 Potential Effect #1 – Change in Materials, Goods, and Services Contracting Revenues – Construction Phase **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *W̱SÁNEĆ* Nation, Table 24 Economic Development **PCU** 1.0 Introduction 2.0 Revised Project Description and Schedule 3.0 Summary of Changes to the Environmental Impact Statement

Table 25: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-25.1	Interested in training, employment, and contracting opportunities associated with RBT2. Requested that the VFPA participate in a job fair. Noted that there should be a direct link to current opportunities. Noted they are looking for broad support such as sharing all job postings, potential preferential hiring for Malahat and support through the job application process.	15-Jul-2015, Letter 08-Sep-2015, Meeting 09-Feb-2016, Meeting 08-Nov-2017, Meeting	**08-Sep-2015, Meeting:** Stated that the VFPA can look into potentially involving current VFPA operations jobs in the job fair. Requested that Malahat provide the VFPA with information regarding upcoming Malahat job fairs. **11-Sep-2015, Letter from the VFPA:** *"Proposed Path Forward and Training and Contract Opportunities* *[The VFPA] appreciates MN's input into the marine shipping assessment for the Roberts Bank Terminal 2 Project, and looks forward to your ongoing participation in the RBT2 Environmental Assessment. I will contact you shortly to schedule meetings for the fall, which will include a discussion of training and contracting opportunities associated with the Project. "* **12-Nov-2015, Letter from the VFPA:** *"Please see Section 19.0 Labour Market and Section 20.0 Economic Development of the Environmental Impact Statement ("EIS") for more information on the employment and economic effects figures shared in the meeting. The EIS can be accessed on the Canadian Environmental Assessment Agency website at the following link: http://www.ceaa-acee.gc.ca/050/document-eng.cfm?document=101482. A specialist will be available to provide further information and answer any questions on these sections and topics at the upcoming RBT2 EIS workshop on November 26-27."* **09-Feb-2016, Meeting:** Committed to working with Malahat to arrange involvement in upcoming job fair. **08-Aug-2016, Email from the VFPA:** Shared a draft consultation plan with Malahat that included the following: "If desired by Malahat Nation, the VFPA to host job fair for Malahat Nation community members." **08-Nov-2017, Meeting:** Stated that the VFPA would put together a draft mutual benefits agreement for Malahat's review. Discussions are ongoing.	**Addressed in AIEIS Appendix 2-B, Table 3 (#23):** The VFPA is working with Indigenous groups to facilitate access to Project benefits, including training, employment opportunities, and Project contracting opportunities. As stated in EIS Section 32.3.3, the VFPA proposes to assist certain Indigenous groups in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. The VFPA proposes to extend the same opportunities to Tsawout First Nation, Pauquachin First Nation, Tseycum First Nation, Tsartlip First Nation, and Malahat Nation. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding and undertake specific job-related information sharing activities, such as job fairs.	**EIS** 20.0 Economic Development Appendix 20-A Economic Impact Roberts Bank Terminal 2 Technical Report 32.0 Potential or Established Aboriginal and Treaty Rights and Related Interests, Including Current Use of Lands and Resources for Traditional Purposes 32.3.3 Mitigation Measures Table 35-2 Proposed Mitigation Measures and Commitments **AIEIS** Appendix 2-B Aboriginal Issues and Interests - *WSÁNEĆ* Nation, Table 3 Engagement and Consultation
MN-25.2	Asked how Malahat can invest in the Project.	26-Oct-2015, Meeting	**12-Nov-2015, Letter from the VFPA:** The Project will be funded primarily through the VFPA and private funding. For more information on this process, please see pages 40-41 of the RBT2 Project Rationale booklet enclosed. After the terminal operator has been selected, an infrastructure developer will be selected through a competitive process and will be responsible for designing, building, financing, and maintaining the terminal land and related	.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			infrastructure. As an infrastructure developer has not yet been selected, we are unable to currently comment on opportunities for investment.		
MN-25.3	Suggested potential allocation of benefit funding: • Research and studies about Goldstream. • Camosun's environmental technical certification • Means to enable taking on opportunities requiring boat work (boat operator's licence, SCUBA licence, etc.) • Malahat program to respond to marine incidents and spills • Carbon sequestration • Aquaculture: crayfish (existing) and geoduck (interest) • Marine and guide fishing tourism • Workshops on the processing of seafood (smoke house, food safe, freezing, etc.)	30-May-2017, Meeting with Administrative Staff	**16-Jun-2017, Letter from the VFPA:** *"Further to discussions at our meeting on May 30, 2017, VFPA is interested in initiating discussions with Malahat Nation regarding potential legacy benefits from the Project. Legacy benefits are intended to benefit [Indigenous] groups if the Project proceeds, and would be over and above the economic benefits resulting from the Project. Examples of types of legacy benefits are: restoring fisheries, training, funding cultural initiatives, enhancing environmentally sensitive areas or revitalizing aquaculture. As we discussed with your staff, it is our intent to develop this concept into a plan that reflect the interests, objectives and priorities of [Indigenous] groups involved in the RBT2 Project.* *We welcome any further input from Malahat Nation regarding your community's priorities in relation to this funding, and will continue to provide updates to Malahat Nation as the proposal for legacy benefits is further refined. Recorded comment for follow-up.* *In addition to general legacy benefits, the VFPA is interested in entering into direct discussions with Malahat First Nation regarding a potential mutual benefits agreement ("MBA") for the Project."* **08-Nov-2017, Meeting:** The VFPA and Malahat Nation began negotiations of a mutual benefits agreement. Discussions are going.	**Additional information provided by the VFPA:** The VFPA is working on a consideration report related to RBT2 Legacy Benefits and will continue to seek input. The VFPA is also in discussions with Malahat regarding a mutual benefits agreement, which could include employment, contracting, and training opportunities for Malahat Nation members.	

Table 26: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MN-26.1	Raised concerns regarding impacts of construction from underwater noise and mitigation plans for T2.	29-Aug-2017, Follow Up Program Workshop with Cowichan Nation Alliance, Lyackson First Nation, Malahat Nation	**29-Aug-2017, Workshop:** Recorded comment for consideration by the Project team.	**Addressed in EIS Appendix 7.2-B (#61):** The scope and methods of the underwater noise study are summarised in the EIS section, and detailed in the supporting appendix. Underwater noise considers the level of underwater sound in the marine environment. An assessment was undertaken to determine potential changes in underwater noise as a result of the Project and focused on construction and operation activities that would produce underwater noise. Modelling was undertaken to predict future underwater noise as a result of construction activities, such as dredging, pile driving, vibro-densification, and operation activities, such as movements of container ships and tug boats associated with terminal approach and departure, and berthing and unberthing. The assessment concludes that: • Underwater noise levels during construction are predicted to be comparable on average to existing levels measured at Roberts Bank, with the exception of some periods when certain activities, such as dredging, pile-driving, vibro-densification, or construction support vessel movement, would occur. • Overall, average underwater noise from Project construction and operation activities is expected to be comparable to average existing levels of underwater noise due to existing high levels, but will at times exceed existing conditions. Underwater noise related to conservative levels of Project commercial vessel movements is predicted to increase over existing underwater noise levels for only approximately 3% of a year for vessel berthing and unberthing, and for approximately 2% of a year for vessel approach and departure. • Future cumulative increases in commercial vessel traffic in the region are expected to make a relatively small incremental contribution to overall underwater noise levels. This prediction reflects the existing high levels of vessel traffic within the study area and the already-dominant contribution of commercial vessel traffic noise to the acoustic environment. The results of the underwater noise assessment were considered in the assessments of marine fish, marine mammals, and coastal birds. An interaction between Project-related underwater noise and marine invertebrates is not anticipated, and therefore was not assessed. **Addressed in EIS Section 33.3.7:** The Underwater Noise Management Plan will describe measures to manage underwater noise and over-pressure waves generated during pile driving and other construction activities as necessary to avoid or reduce potential effects on marine mammals, diving coastal birds, and aquatic life. Key components of the plan will include use of underwater noise reduction and dampening methods and technologies. The plan will incorporate measures described in Best Management Practices for Pile Driving and Related Operations, prepared by the B.C. Marine and Pile Driving Contractors Association and DFO (2003). Compliance monitoring parameters for underwater noise will be addressed as part of the Construction Compliance Monitoring Plan.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table 9.8 Underwater Noise 9.8.2 Assessment of Purpose and Approach 9.8.6 Methods Appendix 9.8-A Construction and Terminal Activity Underwater Noise Modelling Study Technical Report Appendix 9.8-B Regional Commercial Vessel Traffic Underwater Noise Modelling Study Technical Report 13.0 Marine Fish 13.6 Future Conditions with the Project 14.0 Marine Mammals 14.6 Future Conditions with the Project 15.0 Coastal Birds 15.7 Future Conditions with the Project 33.3.7 Underwater Noise Management Plan

APPENDIX IR10-01-C18

BEECHER BAY FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-1.1	Concerned that the proponent's market projections may be unrealistic, and thus that there may be no need for the Project. Requested that Canada conduct a rigorous assessment of the proponent's market projections. Stated that if Canada concludes that the proponent's market projections are reasonable and that there is indeed a need for the Project, Scia'new First Nation seeks written rationale for that conclusion. Requested that Canada conduct a rigorous assessment of all potentially viable alternatives to this Project, including the PATH Project, and should consult with Scia'new First Nation both during and regarding the outcome of that assessment. Stated that they do not support the Project proceeding. Stated that the submissions in the Canadian Environmental Assessment Agency (CEA Agency) process to date suggest there is no need for the Project.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The Vancouver Fraser Port Authority (VFPA) has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** All levels of government have plans to capitalize on a growing global economy, which requires Canada to be prepared for the trade that will come to Canadian ports. At the Port of Vancouver, we handled a record 3.25 million 20-foot-equivalent unit containers (also called TEUs) in 2017. Historical trade figures and third-party forecasts have long signaled that the ability of West Coast ports to serve this growth is becoming constrained, and by the mid-2020s we won't have the capacity to handle anticipated future growth of trade in containers at the Port of Vancouver The role of the Vancouver Fraser Port Authority is to ensure the port is ready for Canada's trading future. As we plan, we must consider how to provide needed port facilities within a growing metropolitan area. To date, we have partnered with industry, governments and communities to improve road and rail networks, investing to help goods flow smoothly throughout our region. We have also consulted with local governments, Aboriginal groups and residents on the ways we can grow responsibly. Investments in increased size and improved efficiency are being, or have been, made to West Coast container terminals, including recent improvements at the Port of Vancouver's Deltaport, Canada's largest container terminal, and Fairview in Prince Rupert. However, even with these investments, we won't have enough space to accommodate the shortfall in needed capacity. The Roberts Bank Terminal 2 Project represents the best option to accommodate growth and is needed to deliver the capacity we need as demand for goods shipped in containers continue to grow. **Additional information provided by the VFPA in regards to independent container capacity forecasts:** Since 2011, the port authority has commissioned independent forecasts which consider many factors that influence container traffic demand, including: • Gross Domestic Product growth; • World demand for Canadian resources; • Increased consumer demand for trade with Asia; • Opening of the expanded Panama Canal; • Planned container terminal expansion at the Port of Prince Rupert; • Macroeconomic trends in North America; • North American container port demand and competitive developments; • Trends in container shipping; and • Vancouver's competitive position compared to other North American ports. The 2016 Ocean Shipping Consultants forecast shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of about 4%, and reinforces the need for planned increases of capacity to ship goods in containers through the existing container terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s. **Addressed in response to IR1-06:** For each marine terminal alternative location considered in EIS Section 5.3, Table IR1-06-1 in Appendix IR1-06-A summarises the criteria used to assess technical feasibility and provides the conclusion of the feasibility assessment along with supporting rationale. To be considered technically feasible, potential alternatives to	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project Description 5.7 Identification of the Preferred Means Table 5-10 Summary of Preferred Alternative Means **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) **Ocean Shipping Consultants 2016 Container Traffic Forecast Report** http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				the location of the marine terminal within B.C. needed to first meet all technical criteria (as stated in EIS Section 5.2), which included the following: • Meeting the long-term container capacity growth by the mid-2020s, through operating efficiencies and a sufficient land base to accommodate growth; • Meeting the requirement for the necessary road and rail connections to efficiently transport containers to and from the market; and • Providing the ability for larger container ships to safely navigate the waterways. Safe navigation includes a minimum berth depth requirement of approximately 18.4 m and the ability to safely turn the vessel around, even in situations of sufficient draught. In addition, consideration was given to terminals with other uses (e.g., serving bulk or break-bulk markets) and if they could retain these capabilities if conversion to container handling was undertaken. The marine terminal location alternatives evaluated (including a combination of these alternatives) were determined not to be technically feasible, and therefore, an evaluation of economic feasibility was not conducted, and an assessment of environmental effects was not required. Based on the analyses of the location alternatives (see Table IR1-06-1), RBT2 was deemed to be the only viable option to meet the anticipated long-term growth and demand of containerised trade on the west coast of Canada, and a full assessment of environmental effects on this preferred alternative was conducted and is described in the EIS. **Further information provided by the VFPA in response to alternative supply chain concepts:** Several options for how containers move through the supply chain beyond the main container terminals, such as inland ports, have been proposed as a way to increase container capacity and/or improve efficiency. Shippers will ultimately decide how best to contract supply chain options for moving cargo, and the VFPA supports any opportunity for greater efficiency. However, these options could only ever be complementary to a new container terminal, rather than replacing it, because capacity is needed to manage ship-to-shore container movements.	

Table 2: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-2.1	Asked about the financial structure of the VFPA. Stated that Beecher Bay needs to understand the project economics in order to participate in the conversation.	08-Jul-2015, Meeting	**08-Jul-2015, Meeting:** Stated that the VFPA is unable to provide profit figures to Beecher Bay First Nation today. Committed to sharing the VFPA financial report that provides greater detail. Stated that the container terminal will be operated by another company, from which the VFPA would receive lease payments. **14-Jul-2015, E-mail from the VFPA:** Request for more information on VFPA finances: Please see a copy of the VFPA's 2014 Financial Report http://issuu.com/portmetrovancouver/docs/theVFPA_2014financialreport?e=3721702/13278565.	**Addressed in MSA Appendix 5-B (#5):** The economics of the RBT2 Project are included in Section 2.0 of the RBT2 EIS. Information about the VFPA's financials, updated annually, is provided on the VFPA's website.	**EIS** 2.0 Project Overview **Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests
BBFN-2.2	Concerned that the Project may impact its economic interests, including the development potential of Beecher Bay lands and revenues that flow to Beecher Bay from its business arm.	17-Sep-2015, Letter	**17-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 9.2:** As potential adverse effects due to vessel transit from Project-associated shipping on marine area displacement, access, presence of southern resident killer whales and marine birds, and environmental conditions are considered to be negligible, potential effects on activities and revenue from marine-based tourism are also considered to be negligible. When all lines of evidence are considered, a negligible effect is expected for the marine-based tourism sub-component. **Addressed in MSA Appendix 5-B (#5):** The assessment of potential effects on marine commercial use (MSA Section 9.2) considers potential effects on relevant economic interests of Indigenous groups that have been identified through a review of existing information as well as information provided directly to the VFPA by Indigenous groups engaged in consultation. **Addressed in Response to IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**EIS** 2.0 Project Overview **MSA** Appendix 5-B Aboriginal Issues and Interests 9.2 Marine Commercial Use **Information Requests** Response to Sufficiency Information Request #27 (IR10-27)

Table 3: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-3.1	Concerned about the cumulative effect of marine shipping in general, and the various projects proposed that would utilise the international shipping lanes.	17-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** *"Beecher Bay expressed concerns that cumulative environmental effects associated with the Project are not considered in the MSA. The EIS Guidelines issued by the CEA Agency require that a cumulative effects assessment be conducted where it is determined that marine shipping associated with RBT2 will result in a residual effect. The MSA will be completed according to the specifications in the updated EIS Guidelines."*	**Addressed in MSA Section 6.0:** Each intermediate component and valued component assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. **Addressed in EIS Section 9.5:** The assessment of current use of lands and resources for traditional purposes (Current Use, Section 9.5) describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Cumulative Effects of Marine Shipping initiative*.	**MSA** 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
BBFN-3.2	Stated that they share concerns raised by other parties that the proponent's cumulative impacts assessment fails to include several projects that should have been assessed. Stated that the Panel should require the proponent to expand the projects included in its cumulative effects assessment to include projects that are reasonably foreseeable, and are either not mentioned in or are mentioned in the proponent's EIS but excluded from the cumulative effects assessment, including the following projects: • the Wespac Tilbury Marine Jetty Project (a proposed LNG marine jetty), • the Woodfibre LNG Project, and • the BURNCO Aggregate Project.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR4-09:** In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). As part of this update, Woodfibre LNG Project and Wespac Tilbury Marine Jetty Project vessel projections are updated. However, because the Burnco Aggregate project's activities fall outside the marine shipping area, it is not updated as part of the response.	**Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)
BBFN-3.3	Concerned with cumulative impacts of development on the Salish Sea, including the proposed Project, and the long-term health of the Salish Sea as a result of that development. Recommended establishing a Salish Sea Environmental Foundation to better understand the cumulative impacts of development on the	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA acknowledges concerns about cumulative effects of development on the Salish Sea. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is leading and encouraging several regional environmental initiatives that enhance the cumulative	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR**

Beecher Bay (Scia'new) First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Salish Sea and take steps to monitor its health and recommend policy changes aimed at ensuring its long-term health.			environmental performance of the shipping industry and port operations in and around the Salish Sea. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the cumulative effects of marine shipping.	**Documents #954 and #1133)**

Table 4: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-4.1	Stated concern with the exclusion of the marine shipping work from the Project as a whole. Expressed concern that it is the VFPA's only mandate to hear Indigenous concerns "and that's it". Stated concern with the exclusion of marine shipping from the Project and that it is not consistent with *Canadian Environmental Assessment Act* (*CEAA), 2012*. Requested that the Minister amend the 'designated project' to include marine shipping.	08-Jul-2015, Meeting 17-Sep-2015, Letter 28-Oct-2016, Letter to Panel (CEAR Document #637)	**08-Jul-2015, Meeting:** Stated that the letter from the CEA Agency to Beecher Bay articulates the process, and the VFPA will connect Beecher Bay with the CEA Agency to further explain and answer questions. **14-Jul-2015, Email from the VFPA:** Provided the contact information for the CEA Agency and Transport Canada, and passed on the concerns and Beecher Bay's contact information to both agencies.	**Addressed in MSA Appendix 5-B (#17):** The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#17). **Addressed in *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*) that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (the VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Additional information provided by the VFPA:** The VFPA understands that marine shipping associated with the Project outside of the VFPA's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction.	**MSA** 1.0 Introduction Appendix 5-B Aboriginal Issues and Interests ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (CEAR Document #177)**
BBFN-4.2	Concerned with allegations made by the Corporation of Delta and Roger Emsley, the Executive Director of the Against Port Expansion Community Group that federal and provincial agencies are engaging in private meetings with the proponent while the environmental assessment is underway. Stated that they seek an explanation from British Columbia and Canada regarding these allegations, and a commitment to make public any discussions with the proponent outside the CEA Agency process.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in CEAR Document #489:** The VFPA requested guidance from the Review Panel Manager with respect to continuing vital inter-departmental engagement and coordination with other federal and provincial agencies and departments concerning RBT2. The VFPA asked for confirmation from the Panel regarding the appropriateness of the proposed approach to ongoing engagement and requested the Panel to (a) advise the VFPA regarding its potential needs or preferences for documentation of such engagement and (b) advise other federal and provincial agencies and departments that they may continue to engage with the VFPA on these matters while the panel process is underway. **Addressed in CEAR Document #498:** The Review Panel indicated that interaction between participants—especially between the VFPA and bodies that may have legislative authority regarding the Project—can take place during the sufficiency review period of the environmental assessment. The Review Panel Manager stated that transparency must be maintained and emphasised that the Panel and the participants in the environmental assessment must be informed of the substance of any interactions that are relevant to the environmental assessment as the process proceeds.	**CEAR Document #489 From the Vancouver Fraser Port Authority to the Review Panel re: Inter-departmental engagement and coordination** **CEAR Document #498 From the Review Panel to the Vancouver Fraser Port Authority re: Inter-departmental engagement and coordination**

Table 5: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-5.1	Requested to talk about environmental protection, and the establishment of a base in their territory.	25-Oct-2017, Meeting	**25-Oct-2017, Meeting:** Committed to coming back with Project experts to discuss Beecher Bay concerns. **18-Jan-2018, Letter from the VFPA:** Provided an explanation of the VFPA's mandate and mitigation measures related to marine shipping associated with the Project. Explained that regarding potential impacts of marine shipping associated with the Project, which is beyond the VFPA's jurisdiction, the VFPA's approach has been to work with government departments and agencies that do have jurisdiction over marine shipping to determine feasible measures to reduce or avoid the impacts that marine shipping may have on Aboriginal and treaty rights.	**Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
BBFN-5.2	Stated that certain additional measures should be implemented to better mitigate potential impacts on the environment and Scia'new First Nation.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following correspondence and additional information. **18-Sep-2017, Letter from the VFPA:** *"VFPA would like to further our understanding of the concerns raised by Beecher Bay First Nation on Marine Shipping and work together to identify mitigations to potential impacts, where possible. We are interested in meeting with Beecher Bay First Nation this fall…* *The goal for this meeting is twofold:* *1. To develop a more fulsome understanding of the specific concerns raised by Beecher Bay First Nation related to Marine Shipping.* *2. To identify, where possible, solutions to the concerns raised. The VFPA is specifically interested in discussing what measures could be taken to address Beecher Bay First Nation's concerns."* **25-Oct-2017, Meeting:** The VFPA and Beecher Bay First Nation met to discuss the Project and associated marine shipping. Beecher Bay expressed concerns around the potential accidents and malfunctions. The VFPA committed to share a list of mitigation measures regarding spill response. **18-Jan-2018, Letter from the VFPA:** Under the environmental assessment process with which the VFPA must comply (*CEAA, 2012*), mitigation that is technically and economically feasible and that would mitigate any significant adverse environmental effects of the Project must be considered by the proponent. As the proponent of the Project, the VFPA's EIS sets out specific actions, works, minimal disturbance footprint techniques, corrective measures, and construction and operation plans to eliminate or reduce the significance of adverse environmental effects. EIS Section 35.0, specifically EIS Table 35-2 (Proposed Mitigation	**Addressed in EIS Section 35.0 and MSA Section 12.0:** EIS Section 35.0 (EIS Table 35-2) presents mitigation measures and commitments proposed as part of RBT2. MSA Section 12.0 summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects. **Addressed in Response to IR-15.07.31-12:** Response to IR-15.07.31-12 further discusses proposed mitigation related to the EIS; specifically, Appendix IR12-A presents a summary of proposed mitigation and anticipated effectiveness and Appendix IR12-B presents summary of other mitigation considered and rationale for rejection. **Additional information provided by the VFPA:** Beyond the mitigation measures suggested in the EIS and MSA, the VFPA encourages Indigenous groups participating in the RBT2 environmental assessment to suggest specific mitigation measures for consideration.	**EIS** 35.0 Effects Assessment Summaries **MSA** 12.0 Summary of Changes to the Environment and Effects of Change to the Environment: Marine Shipping Associated with RBT2 **Information Requests** Response to Information Request #12 (IR-15.07.31-12 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Measures and Commitments), sets out the mitigation measures that the VFPA will undertake. MSA Section 9.5.5 sets out possible effects of marine shipping associated with the Project outside of the VFPA's jurisdiction on Indigenous groups' Current Use. MSA Section 9.5.11 reviews the results of the Current Use analysis and places it in the context of the VFPA's understanding of asserted or established Aboriginal and treaty rights potentially impacted by marine shipping associated with the Project. The MSA assessment concludes that, taking into account proposed mitigation, marine shipping associated with the Project is not likely to impact Beecher Bay First Nation's asserted or established Aboriginal or treaty rights. **01-Feb-2018, Email from the VFPA:** Suggested mitigation measures regarding marine shipping associated with the Project are outlined in the MSA. Each assessment section, where applicable, describes suggested measures intended to mitigate potential adverse effects. A link to the MSA on the CEA Agency's registry was provided. Mitigation measures for potential accidents or malfunctions can be found in MSA Section 10.4. The email enclosed MSA Section 10.0 for convenience. Asked if Beecher Bay First Nation would like to meet to discuss further their concerns.		
BBFN-5.3	Stated that, if approved, the mitigation measures proposed by the proponent must be implemented, as well as the recommendation by the Washington State Department of Ecology and van Drop and Merrick that the speed for container ships be reduced to enhance situational awareness. In the event the Project proceeds and these measures prove to be inadequate, Scia'new First Nation reserves the right to demand that additional measures be implemented, for example altering the location of the marine shipping lanes for the Project.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#10):** Where relevant, the VFPA has proposed mitigation, which serves to address measurable potential effects of marine shipping associated with the Project, to be considered by those regulators with jurisdiction in the area. **Addressed in EIS Section 35.0 and MSA Section 12.0:** EIS Section 35.0 (EIS Table 35-2) presents mitigation measures and commitments proposed as part of RBT2. MSA Section 12.0 summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects. **Additional information provided by the VFPA:** Should the Project be approved, the VFPA will be legally bound to the conditions (including any mitigation measures) set out in the federal Environment Minister's Decision Statement. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside its jurisdiction.	**EIS** 35.0 Effects Assessment Summaries **MSA** 12.0 Summary of Changes to the Environment and Effects of Change to the Environment: Marine Shipping Associated with RBT2 Appendix 5-B Aboriginal Issues and Interests

Table 6: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-6.1	Expressed a general concern that the Project would impact fish in the Fraser River that would migrate to their fishing area. Concerned with Project effects on fish in the Fraser River that migrate into Beecher Bay First Nation's fishing area.	17-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** The MSA will include an assessment of potential impacts associated with marine shipping associated with the Project and proposed mitigation. Issues and concerns expressed during meetings or in the letter have been recorded and considered, and the VFPA will provide responses to each concern in the MSA.	**Addressed in EIS Section 13.0:** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. In addition, the potential effects of the Project with respect to the ongoing productivity of commercial, recreational, and Aboriginal (CRA) fisheries are evaluated in the EIS. All Project construction and operation activities are expected to interact at an undetectable level with the ongoing productivity of CRA fisheries. Project-related effects, therefore, are not anticipated to compromise the ongoing productivity of CRA fisheries and are expected to be negligible. Therefore, the Project is not expected to contribute to cumulative effects on these fisheries. **Addressed in MSA Sections 8.1 and 9.2:** The assessment of potential effects of marine shipping associated with the Project on salmon, including potential effects to spawning and migration, is included in MSA Section 8.1. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the local assessment area is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. MSA Section 9.2 further evaluates the potential effects of Project-associated marine shipping on commercial fish and seafood harvesting (including Indigenous marine fish and seafood harvesting), guided sport fishing, marine-based tourism, and marine transportation. Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project. **Addressed in MSA Appendix 5-B (#39):** The assessment of potential effects of marine shipping associated with the Project on salmon, including potential effects to spawning and migration, is included in MSA Section 8.1. EIS Section 13.0 includes an assessment of effects from the Project on Fraser River salmon.	**EIS** 13.0 Marine Fish 16.0 Ongoing Productivity of Commercial, Recreational, and Aboriginal Fisheries **MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 9.2 Marine Commercial Use

Table 7: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-7.1	Raised a concern about the MSA's assessment of a potential spill involving a Project container ship being limited to: 1. One location (Boundary Passage), 2. One season (spring), and 3. One type of accident or malfunction (a hard grounding). Concerned that these limitations do not adequately assess the potential impacts of accidents and malfunctions on the environment and Scia'new First Nation. Stated that the Panel should require the VFPA to revise the MSA to include the following: • A hypothetical spill at least one additional location along the marine shipping lane, 10 within or near Scia'new First Nation's traditional territory; • For each hypothetical spill, an assessment of the potential impacts of that spill in at least two seasons (for example spring and summer); • For each hypothetical spill and season, an assessment of the possibility of heavy fuel reaching Beecher Bay; • A discussion on how the spill response for and potential impacts from an allision, a collision, a soft grounding, or an explosion may differ from a spill resulting from a hard grounding, and how the spill response for and potential impacts may differ if the vessel sinks as a result of the allision, collision, grounding, or explosion, as applicable; and • An assessment of potential impacts in the event one or more containers carrying hazardous materials fall off a Project container ship at least two locations along the marine shipping route, and that Scia'new First Nation should be consulted by the proponent and Canada regarding those revisions.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#78):** The assessment is based on a plausible worst-case spill scenario that occurs in Boundary Passage at the south end of South Pender Island. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario. **Addressed in MSA Appendix 5-B (#92):** The assessment of potential accidents and malfunctions (MSA Section 10.0) considers a plausible worst-case spill scenario, located in Segment B of the marine shipping area, in Boundary Passage at the south end of South Pender Island. This location is near Turn Point. Boundary Passage is considered a higher risk area due to the relatively narrow passage, potential navigational hazards, and prevailing wind directions. The assessment also includes a description of applicable mitigation.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents and Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios ***Updated EIS Guidelines***
BBFN-7.2	Concerned that the routine operation of Project container ships may impact the exercise of their Aboriginal and Treaty Harvesting Rights, for example by • Restricting the times and locations in which those rights can be exercised; • Disrupting travelways utilised by Scia'new First Nation members to exercise those rights; and • Increasing the likelihood of a collision between a container ship and a vessel owned or operated by Scia'new First Nation or a Scia'new First Nation member.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#4):** The MSA addresses potential effects from routine (day-to-day) marine shipping associated with the Project outside of VFPA jurisdiction, as well as potential accidents or malfunctions on components of the physical, biophysical, and social environment. Potential effects on Indigenous groups are described in the assessments of human health (MSA Section 9.1), marine commercial use (MSA Section 9.2), outdoor recreation (MSA Section 9.3), archaeological and heritage resources (MSA Section 9.4), and Current Use and Aboriginal and treaty rights (MSA Section 9.5). Where relevant, the VFPA has proposed mitigation to be considered by those regulators with jurisdiction in the area. **Addressed in MSA Section 9.5:** As noted in MSA Section 9.5, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the MSA (i.e.,	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.1 Human Health 9.2 Marine Commercial Use 9.3 Outdoor Recreation 9.4 Archaeological and Heritage Resources 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Transport Canada Information Request #08 (TC IR-08 of CEAR Document #1147) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the MSA, but similar use was identified as practiced in the past in the MSA, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment presented in MSA Section 9.5, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Enhanced Maritime Situational Awareness and Proactive Vessel Management* initiative.	
BBFN-7.3	Stated that potential impacts an accident or malfunction may have on Scia'new First Nation include the following: • May restrict the times and locations in which Scia'new First Nation can exercise their Aboriginal and Treaty Harvesting Rights due to regulated or voluntary spill-related closures; • May reduce the quantity and quality of Marine Resources Scia'new First Nation have a right to harvest under their Aboriginal and Treaty Harvesting Rights, and economic benefits to Scia'new First Nation from those resources; • May damage the habitat and food sources that Marine Resources require to survive and reproduce; • May damage vessels or gear utilised to exercise Scia'new First Nation's Aboriginal and Treaty Harvesting Rights;	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.0:** MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all valued components. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	• May restrict the times and locations in which Scia'new First Nation members can engage in traditional ceremonies due to contamination of waters, shorelines, or marine resources used in those ceremonies; • May damage burial sites, archaeological remains, and other areas of cultural or spiritual significance to Scia'new First Nation; • May result in negative human health impacts to Scia'new First Nation members; • May result in a loss in property value, loss in revenues from, or loss of an opportunity to develop reserve or other lands Scia'new First Nation currently has or acquires an interest in; and • May result in a loss of revenues from businesses Scia'new First Nation currently has or acquires an interest in.			marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	
BBFN-7.4	Stated that regardless of whether or not the Project is approved, Canada should implement the following measures: • A requirement that one or more emergency response towing vessels be stationed at strategic locations along the marine shipping route; • A requirement that a resident salvor and personnel as well as salvage equipment be stationed at strategic locations along the marine shipping route; and • A requirement that, at least by 2030 and sooner if possible, only container ships with double hulled fuel tanks be allowed in Canadian waters.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside of its jurisdiction.	
BBFN-7.5	In reference to MARPOL, asked whether it is possible to implement it in Canada sooner than 2030, for example if container ship owners divert container ships that do not have double hulled fuel tanks to other countries that do not yet require all container ships to be double hulled.	28-Oct-2016, Letter to Panel	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA does not have the ability to direct container ship owners to divert ships in the suggested fashion. As is described in EIS Appendix 30-A, Section 2.2.2, it is noted that virtually all container ships calling at a fully-operational RBT2 (in 2030) would be in compliance with the IMO 2010 MARPOL convention concerning double hulled container ships.	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
BBFN-7.6	Requested that a spill response base should be established in Beecher Bay and Scia'new First Nation should continue to be consulted regarding the establishment of that base.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the	**Additional information provided by the VFPA:** The VFPA supports Canada's leadership in advancing spill preparedness and response in the Salish Sea, including its recently announced ongoing research initiatives as a part	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that there may be benefit in training one or more Scia'new First Nation members in spill response measures, including shoreline clean-up and wildlife response, so that those members may assist in responding to a spill within Scia'new First Nation's traditional territory. Stated that Canada should assess any deficiencies in the responses to the Esquimalt Harbour and English Bay spills and either implement or recommend improvements to address those deficiencies, and that Canada and/or Western Canada Marine Response Corporation (WCMRC) should consult with Scia'new First Nation regarding the possibility of training one or more Scia'new First Nation members in spill response measures. Stated that Canada and British Columbia should also consider and, where appropriate, implement the various spill response planning recommendations in the 2001 Report sponsored by the Pacific States / British Columbia Oil Spill Task Force. Concerned that they may have difficulty securing compensation for damages to its culture and Aboriginal and Treaty Harvesting Rights in the event of a spill involving a Project container ship. As such, Scia'new First Nation seeks further information from Canada on how damages to their culture and Aboriginal and Treaty Harvesting Rights would be compensated under the spill compensation regime and, if the compensation process for these matters is inadequate, a commitment from Canada to address that inadequacy.		following additional information.	of the federal OPP. Other organisations such as Clear Seas are also contributing to research considering risks, mitigation measures, and best practices for marine shipping on Canada's west coast. The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Canadian Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	
BBFN-7.7	Stated that they seek further information from the proponent and/or Canada regarding the compensation regime in the event a contaminant other than oil is released from a Project container ship, for example if a container carrying hazardous materials falls overboard.	28-Oct-2016, Letter to Panel (CEAR Document #637)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.3.2.1:** Loss Overboard of Containers from Ships In-transit in Semi-protected Waters discusses the likelihood of containers carrying hazardous materials falling overboard. The 2010 Hazardous and Noxious Substances (HNS) Convention sets out a shared liability regime to compensate claimants for damages arising from the international or domestic carriage of HNS by seagoing vessels. The HNS Convention follows the two-tier model of compensation of the international oil pollution liability and compensation regime (Civil Liability Convention (CLC) and the International Oil Pollution Compensation (IOPC) Fund), which Canada adopted in 1989. The Convention differs from the oil pollution regime mainly in that it covers many more substances and combines the shipowner liability regime and the HNS Fund into one instrument. Further information is available on Transport Canada's website.	**MSA** 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters **Transport Canada** Overview of the 2010 Hazardous and Noxious Substances Convention: https://www.tc.gc.ca/eng/policy/acf-acfi-hns-overview-2609.htm
BBFN-7.8	Stated that Canada should conduct a review of existing research regarding the fate and behavior of heavy fuel and, if	28-Oct-2016, Letter to Panel	The VFPA has reviewed this letter and provides the	**Additional information provided by the VFPA:**	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	necessary, either conduct or require the proponent to conduct additional research to fill any gaps in existing research.	(CEAR Document #637)	following additional information.	The role of the VFPA is to ensure goods are moved safely, efficiently and sustainably. As such, it is not the lead agency when it comes to spill response. The VFPA supports Canada's leadership in advancing spill preparedness and response in the Salish Sea, including its recently announced ongoing research initiatives as a part of the federal Oceans Protection Plan. Other organisations such as Clear Seas are also contributing to research considering risks, mitigation measures, and best practices for marine shipping on Canada's west coast.	

Table 8: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-8.1	Expressed concern that the VFPA collected Current Use information without Beecher Bay's input. Stated that the draft Current Use Summary does not reflect their concerns regarding potential impacts from the Project related to day-to-day operations and accidents and malfunctions, their economic interest, or their concerns around cumulative effects. Stated that there were some mischaracterisations in the summary of their community profile and provided some changes. Stated that the Trailmark Traditional Marine Use Study (TMUS) was developed for Trans Mountain Expansion Project and should not be relied upon. Stated that their Statement of Intent (SOI) is not their complete marine use area. Requested further funding to conduct a TMUS specific to this study. Requested a traditional use study specific to RBT2 like the Trailmark Study was for the Trans Mountain Expansion Project.	08-Jul-2015, Meeting 17-Sep-2015, Letter	**26-May-2015, Letter from the VFPA:** The CEA Agency has requested that the VFPA consider effects from marine shipping associated with the Project on the Current Use by Beecher Bay First Nation, including fishing, cultural practices, and sites of importance. It is expected that information required for the assessment can be gathered from existing materials, and the VFPA is compiling information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Beecher Bay First Nation. Requested Beecher Bay provide any additional Current Use and fisheries information that Beecher Bay would like the VFPA to consider in the assessment. The VFPA plans to provide a draft summary of Beecher Bay First Nation's Current Use in the marine shipping area, based on existing information, to Beecher Bay First Nation for review and comment in one to two months. The VFPA offered participation funding for engagement regarding marine shipping associated with the Project. **08-Jul-2015, Meeting:** Stated that the VFPA is committed to changing anything in the Current Use study that Beecher Bay First Nation believes is inaccurate. Stated that this is consistent with its directions from the CEA Agency and the *Updated EIS Guidelines*. **16-Jul-2015, Letter from the VFPA:** *"[The VFPA] is providing Beecher Bay (Scia'new) First Nation with an advance draft of [the VFPA]'s understanding, based on the sources reviewed, of existing conditions pertaining to your Nation's current use of lands and resources for traditional purposes, and exercise of asserted or established Aboriginal rights within the Marine Shipping Area (see accompanying map), for review and comment.* *In sharing this advanced draft with you at this time, it is [the VFPA]'s intention to confirm with Beecher Bay (Scia'new) First Nation that the information is accurately presented and whether any revisions, additions or deletions are required. We kindly request your comments on the enclosed section by August 17, 2015."* **August to September 2015:** The VFPA and legal counsel from Beecher Bay corresponded about the provision of comments on the Current Use Summary. **17-Sep-2015, Letter from Beecher Bay First Nation:** Beecher Bay First Nation provided comments on the draft Current Use Summary.	**Addressed in MSA Appendix 5-B (#12):** The VFPA has engaged with Indigenous groups with the objective of obtaining the views of Indigenous groups on potential effects of changes to the environment on Indigenous peoples, and potential adverse impacts of the Project on potential or established Aboriginal or treaty rights. The VFPA has also provided the opportunity to review the summary of Current Use existing conditions information specific to each Indigenous group prior to completing the assessment. Feedback received on these summaries has been considered and incorporated, as has additional information provided by Indigenous groups. The CEA Agency will provide Indigenous groups an opportunity to review the environmental studies following the submission of the MSA. **Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of current use of lands and resources for traditional purposes (MSA Section 9.5). The VFPA has acknowledged the challenges of participating in consultation during summer months, and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation, and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests. **Additional information provided by the VFPA:** The VFPA understands that Beecher Bay has reiterated its request that a TMUS be conducted related to marine shipping associated with the Project. It is the VFPA's view that the MSA is complete. The VFPA submitted the MSA to the CEA Agency on October 26, 2015, which included a summary of Beecher Bay First Nation's Current Use. Efforts were made to compile information regarding Current Use from existing publicly available materials where possible. Feedback from Indigenous groups was sought throughout the spring/summer of 2015. The VFPA offered participation funding to Beecher Bay First Nation to review the draft Current Use Report	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights ***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			29-Oct-2015, Letter from the VFPA: *"In your letter, you also express concern with the sources of information used by [the VFPA] to compile the draft summary, and the amount of time and budget provided to Beecher Bay to conduct a detailed review of the summary. Where specific requests were made to [the VFPA] for additional funding, these requests have been considered and responses were provided. Based on the guidance provided in the Updated EIS Guidelines, the [MSA] is to rely on information from publicly available sources where possible.* *Comments on the contents of the draft summary of Beecher Bay's Current Use of Lands and Resources for Traditional Purposes will be considered and incorporated into the [MSA]."* **25-Apr-2016, Letter from VFPA:** The VFPA provided Beecher Bay First Nation with a table including all Beecher Bay First Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections. **25-Oct-2017, Meeting:** Stated that they could share the Current Use Report with Beecher Bay again. Committed to take back Beecher Bay's request. **18-Jan-2018, Letter from the VFPA:** Thanked Beecher Bay for meeting with the VFPA on 25-Oct-2017. Provided an explanation of the VFPA's mandate and mitigation measures relating to marine shipping associated with the Project as well as provide clarification regarding economic benefits. Stated that it is the VFPA's view that the Project is not likely to impact Beecher Bay First Nation's asserted or established Aboriginal or treaty rights.	produced by the VFPA and to provide feedback. The input provided by Beecher Bay in its September 17, 2015 letter was incorporated into the draft Summary.	
BBFN-8.2	Concerned about the impacts that increased volume would have on its rights and interest: damage to Beecher Bay lands and sacred sites from vessel wake and increasing the risk of an accident or malfunction.	17-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** *"The [MSA] will include an assessment of potential impacts associated with marine shipping and proposed mitigation. Issues and concerns expressed during meetings or in your letter have been recorded and considered, and the VFPA will provide responses to each concern in the [MSA]."*	**Addressed in MSA Section 9.4:** As noted in MSA Section 9.4, all potential incremental effects on archaeological and heritage resources related to Project-associated vessel transit activities, including shoreline erosion from vessel wake, were determined to be negligible, as wake waves predicted from Project-associated marine vessel traffic are predicted to be within the range of natural conditions. **Addressed in MSA Section 10.5.13:** MSA section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted	**MSA** 9.4 Archaeological and Heritage Resources 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				for all valued components. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	
BBFN-8.3	Stated that crossing the international shipping lanes will soon become too dangerous for marine harvesting and Tribal Journeys and will place pressure on salmon fishing grounds and other harvesting activities.	17-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** Thanked Beecher Bay for their 17-Sep-2015 letter and stated that the MSA will include an assessment of potential impacts associated with marine shipping and proposed mitigation. Stated that issues and concerns expressed during meetings or Beecher Bay's letter have been recorded and considered, and the VFPA will provide responses to each concern in the MSA. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 9.5:** As noted in MSA Section 9.5.11, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the MSA (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the MSA, but similar use was identified as practised in the past in the MSA, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights **Information Requests** Transport Canada Information Request #08 (TC IR-08 of CEAR Document #1147) **From Transport Canada to the Review Panel re: Overview of**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Enhanced Maritime Situational Awareness and Proactive Vessel Management* initiative as well as information on the sharing of information of marine traffic with coastal communities.	**the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
BBFN-8.4	Concerned that the increase of freighters and tankers constitutes an infringement of their traditional territory.	15-Nov-2017, Letter to Panel (CEAR Document #1095)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** Potential impacts to the exercise of asserted or established rights are assessed for each Indigenous group identified by the *Updated EIS Guidelines* in MSA Section 9.5. As described in that section, considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the defined marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Transport Canada Information Request #08 (TC IR-08 of CEAR Document #1147) ***Updated EIS Guidelines*** **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Beecher Bay (Scia'new) First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Government of Canada's Oceans Protection Plan which includes information on the *Enhanced Maritime Situational Awareness and Proactive Vessel Management* intiative as well as information on the sharing of information of marine traffic with coastal communities.	

Table 9: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-9.1	Expressed an interest in discussing financial benefits to their community from this Project. Stated that there needs to be an economic portion of the discussion. Stated that Beecher Bay First Nation has the right to participate in increased wealth from projects in their traditional territory. Stated that they should be granted an equitable share of the economic benefits from the Project. Stated that they have not secured a commitment from the proponent or the federal or provincial governments to share in any economic benefits of the Project in the event it proceeds. Stated that Canada must not approve the Project unless and until an economic benefits package satisfactory to the Scia'new First Nation has been secured. Requested that the Port broaden its mandate and negotiate a Mutual Benefits Agreement with Beecher Bay. Concerned about the lack of commitment from the VFPA, the federal, or provincial governments to share economic benefits with Beecher Bay. Expressed their right and capacity to share in the wealth generated on or facilitated by the use of their traditional territorial sea. Expressed the fundamental connection between the sharing of wealth within their traditional territory and their constitutionally protected rights. Indicated that there is a fundamental legal right to share in the wealth that is generated in, on, and by the use of the waters within their territorial sea with regards to the Project. Expressed that without the sharing of wealth generated by the Project, there can be no true reconciliation and, without that, there can be no free, prior, and informed consent to the Project by the Scia'new First Nation.	08-Jul-2015, Meeting 17-Sep-2015, Letter 28-Oct-2016, Letter to Panel (CEAR Document #637) 15-Aug-2017, Letter 25-Oct-2017, Meeting 15-Nov-2017, Letter to Panel (CEAR Document #1095)	**08-Jul-2015, Meeting:** Stated that Transport Canada is the responsible regulator for this area. Stated that the VFPA's legal counsel, will respond to this question at a later date. **29-Oct-2015, Letter from the VFPA:** *"In your letter, you express concern that Beecher Bay's issues and concerns with proposed marine shipping activities will not be included in the [MSA], including concerns related to economic interests. The document provided by [the VFPA] to Beecher Bay for review included a summary of Beecher Bay's current use of lands and resources for traditional purposes, and not the entirety of the [MSA]. The [MSA] will include an assessment of potential impacts associated with marine shipping and proposed mitigation. Issues and concerns expressed during meetings or in your letter have been recorded and considered, and [the VFPA] will provide responses to each concern in the [MSA]."* **25-Apr-2016, Letter from the VFPA:** The comment tracking table enclosed included comments provided by Scia'new First Nation, the VFPA's response to those comments, and a description of any subsequent changes made to the MSA in response. #3: There will be an opportunity for all Indigenous groups, including Beecher Bay, to benefit from employment and contracting opportunities from the Project. Potential opportunities associated with the Project are outlined in the EIS (Section 19.0 Labour Market and 20.0 Economic Development). The VFPA will be releasing further information regarding these opportunities on the Project website (http://www.robertsbankterminal2.com/) when the information becomes available. As indicated in the VFPA's letter of October 29, 2015, information on Beecher Bay's economic interests, as set out in the Beecher Bay's evidence in the National Energy Board Hearing for the proposed Trans Mountain Expansion Project, were reviewed and incorporated into the MSA where they were identified to overlap with the study area. Specific economic interests of Indigenous groups that could be affected by marine shipping associated with RBT2 (both commercial and non-commercial) were identified in MSA Section 9.5.4 existing conditions summaries, where this information was provided by Indigenous groups, including Beecher Bay. MSA Section 9.5.4.6 has been updated to include the economic interests related to the marine environment identified by Beecher Bay in the East Sooke area of the marine shipping area (Segment D), namely a marina, an aquaculture project, and a real estate development project on Beecher Bay 1 (see "Marine Resource Use" subsection). MSA Section 9.2 specifically considers potential impacts to commercial interests, including Indigenous commercial interests identified by Indigenous groups such as the Salish Strait Seafoods Association, in which Beecher Bay has an expressed interest. **15-Aug-2017:** Recorded comment for consideration by Project team. **25-Oct-2017:** Committed to take back Beecher Bay's requests for an economic benefits agreement and a consultation framework, and respond. **18-Jan-2018, Letter from the VFPA:** Provided an explanation of the VFPA's mandate and mitigation measures related to marine shipping associated with the Project.	**Addressed in MSA Appendix 5-B (#6):** This topic is not within the scope of assessment for the MSA, as defined by the *Updated EIS Guidelines*. The EIS (EIS Sections 19.0 and 20.0) includes an assessment of potential economic effects of the Project, including employment effects.	**MSA** Appendix 5-B Aboriginal Issues and Interests

Beecher Bay (Scia'new) First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Explained that regarding potential impacts of marine shipping associated with the Project, which is beyond the VFPA's jurisdiction, the VFPA's approach has been to work with government departments and agencies that do have jurisdiction over marine shipping to determine feasible measures to reduce or avoid the impacts that marine shipping associated with the Project may have on Aboriginal and treaty rights. Stated that taking into account proposed mitigation, the Project is not likely to impact Beecher Bay First Nation's asserted or established Aboriginal or treaty rights. For this reason, as well as the fact that marine shipping associated with the Project is outside of the VFPA's care and control, the VFPA is not prepared at this time to negotiate a mutual benefits agreement. That being said, the VFPA recognises that there are many potential economic benefits arising from the Project—both direct and indirect—and the VFPA is always open to further discussions with Beecher Bay First Nation in this regard.		

Table 10: Project Overview and Description

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-10.1	Asked whether the VFPA will ship chemicals through RBT2. Concerned about what materials would be shipped through RBT2. Concerned with the goods shipped and the environmental impact should they spill into the ocean. Expressed concern regarding the unknown contents of containers and how not all goods will have had an environmental effects assessment.	08-Jul-2015, Meeting 17-Sep-2015, Letter 25-Oct-2017, Meeting	**08-Jul-2015, Meeting:** Committed to respond to Beecher Bay about the chemicals shipped through Deltaport. **14-Jul-2015, E-mail from the VFPA:** *"Question whether chemicals will be shipped through RBT2: In the EIS, Appendix 30-A, Table B-4 indicates the composition and number of HNS (Hazardous and Noxious Substances) containers at Deltaport in 2012. Of the 1.7 million TEUs handled at the Deltaport Terminal in 2012, less than 1% (0.7062%) involved goods that could be classified as Dangerous Goods under the International Maritime Dangerous Goods Code (IMDG Code). Demand for goods is assumed to be the same if the project goes ahead.* *In Canada, the transportation of dangerous goods is strictly regulated under the Transportation of Dangerous Goods Act, 1992. The Act was designed with the sole purpose of maintaining public safety in the transportation of dangerous goods. This includes advance notification requirements, an application process for transporting containerised dangerous goods, clearly marking the shipment, packaging requirements, as well as time and quantity limitations, including not permitting the on-dock storage of containerised dangerous goods– immediate loading onto vessel or removal by inland carrier only is required."* **17-Sep-2015:** Recorded comment for consideration by the Project team. **29-Oct-2015, Letter from the VFPA:** The VFPA will additionally respond to each of these concerns directly in a letter at a later date. (Response provided in MSA Appendix 5-B.) **25-Oct-2017, Meeting:** Offered to provide information on types of goods shipped in containers, but Beecher Bay explained that the concern was not what was shipped in the containers but if there was an incident, the VFPA would not have completed an effects assessment on each commodity.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the International Maritime Organization (http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx). The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). **Addressed in MSA Section 10.3.2.1:** Containers may be lost overboard in the event of a collision or grounding and could conceivably release HNS to the environment. While removal of containers lost overboard would involve a salvage operation, the combination of low collision or grounding accident frequencies with the low percentage of HNS containers at risk of being lost overboard (approximately 0.7% for Deltaport in 2012; see EIS Appendix 30-A), and the requirement for the container being compromised to release its contents, led to the assessment that the frequency of spills of HNS substances from containers lost overboard is low enough to not require further consideration as a plausible accident or malfunction arising from marine shipping associated with the Project. **Additional information provided by the VFPA:** In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; wood pulp; specialty crops; construction and materials; industrial, auto, and vehicle parts; basic metals; meat, fish, and poultry; and waste paper.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters **EIS** Appendix 30-A, Table B-4 Composition and Number of HNS Containers at Deltaport in 2012 (TSI 2013)

Table 11: Surficial Geology and Marine Sediment – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
BBFN-11.1	Asked how much of the shaded area (the VFPA's jurisdiction) is already contaminated. Concerned that if areas are already contaminated, the Panel will determine that the Project has no impact.	08-Jul-2015, Meeting	**08-Jul-2015, Meeting:** Explained that studies supporting the EIS looked at a variety of topics, including studies into sediment chemistry. Stated that the VFPA can provide information on sediment chemistry to Beecher Bay. Shared a copy of the EIS Executive Summary, which includes high level information on the studies that were undertaken and results. **14-Jul-2015, E-mail from the VFPA:** Provided a link to the EIS, which contains information on contamination in the Roberts Bank area.	**Addressed in EIS Section 9.6:** EIS Section 9.6 describes the existing conditions as well as the predicted changes in surficial geology and marine sediment resulting from the proposed Project. Existing physical and chemical characteristics of surficial marine sediment were determined for sediment deposition rate, grain size distribution, total organic carbon, metals and anions, nutrients, contaminants, and coal particulates. Current seabed sediment characteristics reflect the combined influences of sediment contribution from the Fraser River, sediment transport associated with tidal currents, waves, and seabed slope. Overall, sediment quality within the study area is within the range of levels expected in an estuarine environment and without local contamination sources. Changes to surficial geology and marine sediment during Project construction activities are expected to be minimal or undetectable relative to natural variability. Changes in sediment contaminant levels are not expected.	**EIS** 9.6 Surficial Geology and Marine Sediment

APPENDIX IR10-01-C19

ESQUIMALT NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-1.1	Concerned that the proponent's market projections may be unrealistic, and thus that there may be no need for the Project. Requested that Canada conduct a rigorous assessment of the proponent's market projections. Stated that if Canada concludes that the proponent's market projections are reasonable and that there is indeed a need for the Project, Esquimalt Nation seeks written rationale for that conclusion. Requested that Canada conduct a rigorous assessment of all potentially viable alternatives to this Project, including the PATH Project, and should consult with Esquimalt Nation both during and regarding the outcome of that assessment.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The Vancouver Fraser Port Authority (VFPA) has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** All levels of government have plans to capitalize on a growing global economy, which requires Canada to be prepared for the trade that will come to Canadian ports. At the Port of Vancouver, we handled a record 3.25 million 20-foot-equivalent unit containers (also called TEUs) in 2017. Historical trade figures and third-party forecasts have long signaled that the ability of West Coast ports to serve this growth is becoming constrained, and by the mid-2020s we won't have the capacity to handle anticipated future growth of trade in containers at the Port of Vancouver The role of the Vancouver Fraser Port Authority is to ensure the port is ready for Canada's trading future. As we plan, we must consider how to provide needed port facilities within a growing metropolitan area. To date, we have partnered with industry, governments and communities to improve road and rail networks, investing to help goods flow smoothly throughout our region. We have also consulted with local governments, Aboriginal groups and residents on the ways we can grow responsibly. Investments in increased size and improved efficiency are being, or have been, made to West Coast container terminals, including recent improvements at the Port of Vancouver's Deltaport, Canada's largest container terminal, and Fairview in Prince Rupert. However, even with these investments, we won't have enough space to accommodate the shortfall in needed capacity. The Roberts Bank Terminal 2 Project represents the best option to accommodate growth and is needed to deliver the capacity we need as demand for goods shipped in containers continue to grow. **Additional information provided by the VFPA in regards to independent container capacity forecasts:** Since 2011, the port authority has commissioned independent forecasts which consider many factors that influence container traffic demand, including: • Gross Domestic Product growth; • World demand for Canadian resources; • Increased consumer demand for trade with Asia; • Opening of the expanded Panama Canal; • Planned container terminal expansion at the Port of Prince Rupert; • Macroeconomic trends in North America; • North American container port demand and competitive developments; • Trends in container shipping; and • Vancouver's competitive position compared to other North American ports. The 2016 Ocean Shipping Consultants forecast shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of about 4%, and reinforces the need for planned increases of capacity to ship goods in containers through the existing container terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s. **Addressed in response to IR1-06:** For each marine terminal alternative location considered in EIS Section 5.3, Table IR1-06-1 in Appendix IR1-06-A summarises the criteria used to assess technical feasibility and provides the conclusion of the feasibility assessment along with supporting rationale. To be considered technically feasible, potential alternatives to the location of the marine terminal within B.C. needed to first meet all technical criteria (as stated in EIS Section 5.2), which included the following:	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project Description 5.7 Identification of the Preferred Means Table 5-10 Summary of Preferred Alternative Means **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) **Ocean Shipping Consultants 2016 Container Traffic Forecast Report** http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Meeting the long-term container capacity growth by the mid-2020s, through operating efficiencies and a sufficient land base to accommodate growth; • Meeting the requirement for the necessary road and rail connections to efficiently transport containers to and from the market; and • Providing the ability for larger container ships to safely navigate the waterways. Safe navigation includes a minimum berth depth requirement of approximately 18.4 m and the ability to safely turn the vessel around, even in situations of sufficient draught. In addition, consideration was given to terminals with other uses (e.g., serving bulk or break-bulk markets) and if they could retain these capabilities if conversion to container handling was undertaken. The marine terminal location alternatives evaluated (including a combination of these alternatives) were determined not to be technically feasible, and therefore, an evaluation of economic feasibility was not conducted, and an assessment of environmental effects was not required. Based on the analyses of the location alternatives (see Table IR1-06-1), RBT2 was deemed to be the only viable option to meet the anticipated long-term growth and demand of containerised trade on the west coast of Canada, and a full assessment of environmental effects on this preferred alternative was conducted and is described in the EIS. **Further information provided by the VFPA in response to alternative supply chain concepts:** Several options for how containers move through the supply chain beyond the main container terminals, such as inland ports, have been proposed as a way to increase container capacity and/or improve efficiency. Shippers will ultimately decide how best to contract supply chain options for moving cargo, and the VFPA supports any opportunity for greater efficiency. However, these options could only ever be complementary to a new container terminal, rather than replacing it, because capacity is needed to manage ship-to-shore container movements.	

Table 2: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-2.1	Concerned about the various off-reserve economic development interests that have the potential to be impacted by the Project, including interests in: 1. A recreational vehicle park, marina, and float-home village; and 2. A property in Rock Bay with commercial/industrial development potential.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.2:** As potential adverse effects due to vessel transit from Project-associated shipping on marine area displacement, access, presence of southern resident killer whales and marine birds, and environmental conditions are considered to be negligible, potential effects on activities and revenue from marine-based tourism are also considered to be negligible. When all lines of evidence are considered, a negligible effect is expected for the marine-based tourism sub-component. **Addressed in MSA Appendix 5-B (#5):** The assessment of potential effects on marine commercial use (MSA Section 9.2) considers potential effects on relevant economic interests of Indigenous groups that have been identified through a review of existing information as well as information provided directly to the VFPA by Indigenous groups engaged in consultation. **Addressed in Response to IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 9.2 Marine Commercial Use 9.2.4 Existing Conditions 9.2.4.1 Overview of Marine Commercial Use in the Regional Assessment Area 9.2.4.2 Strait of Georgia (Segment A of the Marine Shipping Area) 9.2.4.3 Haro Strait and Southern Gulf Islands (Segment B of the Marine Shipping Area) 9.2.4.4 Juan de Fuca Strait (Segments C and D of the Marine Shipping Area) 9.2.5 Potential Interactions and Effects **Information Requests** Response to Sufficiency Information Request #27 (IR10-27)

Table 3: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-3.1	Stated that they share concerns raised by other parties that the proponent's cumulative impacts assessment fails to include several projects that should have been assessed. Stated that the Panel should require the proponent to expand the projects included in its cumulative effects assessment to include projects that are reasonably foreseeable, and are either not mentioned in or are mentioned in the proponent's EIS but excluded from the cumulative effects assessment, including the following projects: • the Wespac Tilbury Marine Jetty Project (a proposed LNG marine jetty), • the Woodfibre LNG Project, and • the BURNCO Aggregate Project.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR4-09:** In responding to the Canadian Environmental Assessment Agency's (CEA Agency's) IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). As part of this update, Woodfibre LNG Project and Wespac Tilbury Marine Jetty Project vessel projections are updated. However, because the Burnco Aggregate project's activities fall outside the marine shipping area, it was not updated as part of the response.	**Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)
EFN-3.2	Concerned with cumulative impacts of development on the Salish Sea, including the proposed Project, and the long-term health of the Salish Sea as a result of that development. Recommended establishing a Salish Sea Environmental Foundation. To better understand the cumulative impacts of development on the Salish Sea and take steps to monitor its health and recommend policy changes aimed at ensuring its long-term health.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA acknowledges concerns about cumulative effects of development on the Salish Sea. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is leading and encouraging several regional environmental initiatives that enhance the cumulative environmental performance of the shipping industry and port operations in and around the Salish Sea. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Cumulative Effects of Marine Shipping* initiative.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 4: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-4.1	Stated that Esquimalt Nation signed the funding agreement but is dismayed at the amount of funding available. Stated that additional funding is required to participate in consultation with the VFPA. Stated that Esquimalt was not provided with enough time and resources.	18-Jun-2015, Phone Call 23-Jul-2015, Meeting 14-Sep-2015, Letter	**26-May-2015:** Offered funding for engagement regarding marine shipping associated with the Project. **18-Jun-2015:** Esquimalt Nation accepted funding. **23-Jul-2015:** Stated that the VFPA considers the amount of funding offered to be proportionate to the level of effort required by Esquimalt Nation, given the scope of work. Stated if this is not the case, the VFPA can re-evaluate. Requested that Esquimalt Nation draft an email with a requested amount and activities covered by the funding in order for request to be elevated within the VFPA. **29-Oct-2015, Response from the VFPA:** The VFPA offered funding to Esquimalt Nation in May 2015 and this funding was accepted by Esquimalt Nation. Where specific requests were made to the VFPA for additional funding, these requests have been considered and responses were provided.	**Addressed in MSA Appendix 5-B (#66):** Concern is noted. The VFPA considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** Appendix 5-B Aboriginal Issues and Interests
EFN-4.2	Asked whether the VFPA has spoken with United States First Nations.	23-Jul-2015, Meeting	**23-Jul-2015, Meeting:** Stated that the VFPA has not spoken to United States First Nations.	**Addressed in MSA Appendix 5-B (#10):** The VFPA has engaged and consulted with Indigenous groups as listed in the *Updated EIS Guidelines*. Where available, information related to Indigenous groups in the U.S.A. has been considered in the MSA.	**MSA** Appendix 5-B Aboriginal Issues and Interests ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*, CEAR Document #177)**
EFN-4.3	Asked about the process for Provincial approval of the Project, and whether the Province has jurisdiction to deny approval of the Project.	23-Jul-2015, Meeting	**23-Jul-2015, Meeting:** Stated that the Province has issued an order indicating that a British Columbia permit is required. The B.C. Environmental Assessment Office (EAO) will read the panel report and make a decision within 6 months. The EAO will also issue permits.	**Addressed in MSA Appendix 5-B (#18):** On November 5, 2014, the EAO confirmed the Project is reviewable under Part 8 of the *Reviewable Projects Regulation*, B.C. *Environmental Assessment Act*. This was confirmed by means of an order under s. 10 of the Act. On December 19, 2014, the B.C. Minister of Environment issued an order under s.14 of the Act establishing the Province's procedures and methods for conducting the environmental assessment for the Project. The Minister ordered that the scope of the Project is as defined by the CEA Agency in the *EIS Guidelines*; the scope of the assessment must include factors established by the federal Minister and potential adverse environmental, economic, social, heritage, and health effects, including cumulative effects, and practicable means to mitigate such potential adverse environmental effects, and potential adverse effects on Indigenous groups; the EAO will principally rely on the environmental assessment to be conducted by the federal review panel and on consultation conducted by the CEA Agency with Indigenous groups, whose interests are potentially affected by the Project; and, the EAO must make a recommendation to the Minister within 30 days of receiving notice of the decision from the federal Minister.	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.2 Establishment of Assessment Boundaries

Esquimalt Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The information presented in the EIS is intended to satisfy both federal and provincial environmental assessment requirements (Section 6.2). More information regarding the provincial environmental assessment for the Project can be found on the EAO's Project Information Centre (e-PIC) website at https://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_project_home_410.html.	

Table 5: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-5.1	Stated concern with the exclusion of marine shipping from the Project and that it is not consistent with the *Canadian Environmental Assessment Act (CEAA), 2012*. Requested that the Minister amend the 'designated project' to include marine shipping.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#17):** The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#17). **Addressed in the *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Additional information provided by the VFPA:** The VFPA understands that marine shipping associated with the Project outside of Port of Vancouver's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction.	**MSA** 1.0 Introduction Appendix 5-B Aboriginal Issues and Interests ***Updated EIS Guidelines***
EFN-5.2	Concerned with allegations made by the Corporation of Delta and Roger Emsley, the Executive Director of the Against Port Expansion Community Group, that federal and provincial agencies are engaging in private meetings with the proponent while the environmental assessment is underway. Stated that they seek an explanation from British Columbia and Canada regarding these allegations, and a commitment to make public any discussions with the proponent outside the CEA Agency process.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in CEAR Document #489:** The VFPA requested guidance from the Review Panel Manager with respect to continuing vital inter-departmental engagement and coordination with other federal and provincial agencies and departments concerning the proposed Project. The VFPA asked for confirmation from the Panel regarding the appropriateness of the proposed approach to ongoing engagement and requested the Panel to (a) advise the VFPA regarding its potential needs or preferences for documentation of such engagement and (b) advise other federal and provincial agencies and departments that they may continue to engage with the VFPA on these matters while the panel process is underway. **Addressed in CEAR Document #498:** The Review Panel indicated that interaction between participants—especially between the VFPA and bodies that may have legislative authority regarding the project—can take place during the sufficiency review period of the environmental assessment. The Review Panel Manager stated that transparency must be maintained and emphasised that the Panel and the participants in the environmental assessment must be informed of the substance of any interactions that are relevant to the environmental assessment as the process proceeds.	**CEAR Document #489 From the Vancouver Fraser Port Authority to the Review Panel re: Inter-departmental engagement and coordination** **CEAR Document #498 From the Review Panel to the Vancouver Fraser Port Authority re: Inter-departmental engagement and coordination**
EFN-5.3	Stated that Esquimalt Nation do not support the Project proceeding. Stated that the submissions into the CEA Agency process to date suggest there is no need for the Project.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 4.0:** Since 2011, the port authority has commissioned independent forecasts which consider many factors that influence container traffic demand, including: • Gross Domestic Product growth; • World demand for Canadian resources; • Increased consumer demand for trade with Asia; • Opening of the expanded Panama Canal; • Planned container terminal expansion at the Port of Prince Rupert; • Macroeconomic trends in North America; • North American container port demand and competitive developments; • Trends in container shipping; and • Vancouver's competitive position compared to other North American ports. The 2016 Ocean Shipping Consultants forecast shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of about 4%, and reinforces the need for planned increases of capacity to ship goods in containers through the existing container terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s. Should the proposed Project receive environmental approval, the port authority will make a final investment decision prior to proceeding.	**EIS** 4.0 Project Description

Table 6: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-6.1	Stated the importance of the VFPA committing to protection and regeneration of the environment, and being part of the Salish Sea environmental foundation like Kinder Morgan. Stated that this was important for the VFPA's credibility and future negotiations between Esquimalt and the VFPA.	09-Jul-2015, Meeting	**09-Jul-2015, Meeting:** Recorded comment for consideration by the Project team.	**Additional information provided by the VFPA:** The VFPA acknowledges concerns about cumulative effects of development on the Salish Sea. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is leading and encouraging several regional environmental initiatives that enhance the cumulative environmental performance of the shipping industry and port operations in and around the Salish Sea.	
EFN-6.2	Stated that certain additional measures should be implemented to better mitigate potential impacts on the environment and Esquimalt Nation.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information. **18-Sep-2017, Letter from the VFPA:** *"The VFPA would like to further our understanding of the concerns raised by [Esquimalt Nation] on Marine Shipping and work together to identify mitigations to potential impacts, where possible. We are interested in meeting with [Esquimalt Nation] this fall…* *The goal for this meeting is twofold:* *1. To develop a more fulsome understanding of the specific concerns raised by [Esquimalt Nation] related to Marine Shipping.* *2. To identify, where possible, solutions to the concerns raised. The VFPA is specifically interested in discussing what measures could be taken to address [Esquimalt Nation's] concerns."* **18-Jan-2018, Letter from the VFPA:** Under the environmental assessment process with which the VFPA must comply (*CEAA*, *2012*), mitigation that is technically and economically feasible and that would mitigate any significant adverse environmental effects of the Project must be considered by the proponent. As the proponent of the Project, the VFPA's EIS sets out specific actions, works, minimal disturbance footprint techniques, corrective measures and construction and operation plans to eliminate or reduce the significance of adverse environmental effects. EIS Section 35.0, specifically EIS Table 35-2 (Proposed Mitigation Measures and Commitments), sets out the mitigation measures which the VFPA will undertake. MSA Section 9.5.5 of the MSA sets out possible effects of marine shipping associated with the Project outside of the VFPA's jurisdiction on Indigenous groups' current use of lands and resources for traditional purposes (Current Use). MSA Section 9.5.11 reviews the results of the Current Use analysis and places it in the context of the VFPA's understanding of asserted or established Aboriginal and treaty rights potentially impacted by marine shipping associated with the Project. The MSA assessment concludes that, taking into account proposed mitigation, marine shipping associated with	**Addressed in EIS Section 35.0 and MSA Section 12.0:** EIS Section 35.0 (EIS Table 35-2) presents mitigation measures and commitments proposed as part of RBT2. MSA Section 12.0 summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects. **Addressed in Response to IR-15.07.31-12:** Response to IR-15.07.31-12 further discusses proposed mitigation related to the EIS; specifically, Appendix IR12-A presents a summary of proposed mitigation and anticipated effectiveness; and Appendix IR12-B presents summary of other mitigation considered and rationale for rejection. **Additional information provided by the VFPA:** Beyond the mitigation measures suggested in the EIS and MSA, the VFPA encourages Indigenous groups participating in the RBT2 environmental assessment to suggest specific mitigation measures for consideration.	**EIS** 35.0 Effects Assessment Summaries **MSA** 12.0 Summary of Changes to the Environment and Effects of Change to the Environment: Marine Shipping Associated with RBT2 **Information Requests** Response to Information Request #12 (IR-15.07.31-12 of CEAR Document #314)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			the Project is not likely to impact Esquimalt Nation's asserted or established Aboriginal or treaty rights.		
EFN-6.3	Stated that, if approved, the mitigation measures proposed by the proponent must be implemented, as well the recommendation by the Washington State Department of Ecology and van Dorp and Merrick that the speed for container ships be reduced to enhance situational awareness. In the event the Project proceeds and these measures prove to be inadequate, Esquimalt Nation reserves the right to demand that additional measures be implemented, for example altering the location of the marine shipping lanes for the Project.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#10):** Where relevant, the VFPA has proposed mitigation, which serves to address measurable potential effects of marine shipping associated with the Project, to be considered by those regulators with jurisdiction in the area. **Addressed in EIS Section 35.0 and MSA Section 12.0:** EIS Section 35.0 (EIS Table 35-2) presents mitigation measures and commitments proposed as part of RBT2. MSA Section 12.0 summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects. **Additional information provided by the VFPA:** Should the Project be approved, the VFPA will be legally bound to the conditions (including any mitigation measures) set out in the federal Environment Minister's Decision Statement. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside its jurisdiction. **Further information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Enhanced Maritime Situational Awareness and Proactive Vessel Management* initiative.	**EIS** 35.0 Effects Assessment Summaries **MSA** Appendix 5-B Aboriginal Issues and Interests 12.0 Summary of Changes to the Environment and Effects of Change to the Environment: Marine Shipping Associated with RBT2 **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 7: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-7.1	Stated that ocean resources are currently polluted, which is resulting in increased prevalence of diseases among Esquimalt members, due to consumption of store bought foods.	23-Jul-2015, Meeting	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, letter from the VFPA:** Provided Esquimalt Nation with a copy of the MSA.	**Addressed in MSA Sections 8.1, 9.2, 9.1, and 9.5:** MSA Section 9.2 presents an assessment of potential effects of marine shipping associated with the Project on marine commercial use, and draws on conclusions of the marine fish and fish habitat effects assessment presented in MSA Section 8.1. An assessment of marine commercial use was conducted to evaluate the potential effects of Project-associated marine shipping on commercial fish and seafood harvesting (including Indigenous marine fish and seafood harvesting), guided sport fishing, marine based tourism, and marine transportation. Existing marine commercial use within the marine shipping area includes fishing and seafood harvesting of crab, shrimp, salmon, rockfish, red sea urchin, and a variety of other marine resources. Guided sport fishing activities focus on various salmon species, and whale-watching activities focus on southern resident killer whales, humpback whales, and Steller sea lions. Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project The assessment of human health (MSA Section 9.1) includes consideration of consumption of marine resources. All potential incremental health effects related to routine Project-associated vessel transit activities that increase air and noise emissions were determined to be negligible because predicted changes are below thresholds for human health effects. Cumulative changes in air quality and noise due to Project-associated marine shipping, in combination with other existing and future marine shipping, are also not expected to result in any measurable human health effects. This finding applies to both Indigenous and non-Indigenous groups. The assessment of Current Use (MSA Section 9.5) also addresses the potential effects on availability of, and ability to harvest, marine resources. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups.	**MSA** 8.1 Marine Fish and Fish Habitat 9.1 Human Health 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

Table 8: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-8.1	Asked what the VFPA's connection is to Western Canada Marine Response Corporation (WCMRC).	09-Jul-2015, Meeting	**09-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, letter from the VFPA:** Provided Esquimalt Nation with a copy of the MSA, which included Appendix 5-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#102):** Details on spill response, including responsibilities of various parties, response timelines, and equipment requirements, are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0). Detailed Oil Spill Response Plans are prepared and executed by the WCMRC and submitted to Transport Canada. Additional information is available here: http://wcmrc.com/ **Additional information provided by the VFPA:** The role of the VFPA is to ensure goods are moved safely, efficiently, and sustainably. As such, it is not the lead agency when it comes to spill response. The VFPA supports Canada's leadership in advancing spill preparedness and response in the Salish Sea, including its recently announced ongoing research initiatives as a part of the federal Oceans Protection Plan. Other organisations such as Clear Seas are also contributing to research considering risks, mitigation measures, and best practices for marine shipping on Canada's west coast. The Canadian Coast Guard is responsible for spill response. In the Lower Mainland, the Canadian Coast Guard relies on WCMRC for clean-up. **Further information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), letter to the Review Panel dated December 20, 2017 (CEAR Document #1133), and Transport Canada's response to TC IRs 10-15 and supporting documents, provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response coordination.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures https://www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/ **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
EFN-8.2	Asked whether the existing insurance fund to cover disasters is adequate for the projects currently proposed, or whether the CEA Agency has the authority to raise the amount of the fund.	09-Jul-2015, Meeting	**09-Jul-2015, Meeting:** Stated that the VFPA is unable to speak to the insurance fund at this time, but can provide more information on this topic. **09-Nov-2015, letter from the VFPA:** Provided Esquimalt Nation with a copy of the MSA, which included Appendix 5-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#1):** The regulatory framework for spill response is described in MSA Section 3.0. The regulatory requirement for maritime insurance is established under the *Marine Liability Act*, S.C. 2001, c. 6 and administered by Transport Canada. Additional information about the roles of various parties in spill response is provided in MSA Section 10.0. Information about the amount available in the insurance fund, and whether the CEA Agency has the authority to raise the amount, is not included in the MSA. The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#1).	**MSA** 3.0 Regulatory Framework and Role of Government 3.4 Marine Emergency Response Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents
EFN-8.3	Concerned that in the event of an oil spill, the tides in Haro Strait will spread the spill all over the Salish Sea.	09-Jul-2015, Meeting	**09-Jul-2015, Meeting:** Clarified that no oil or coal will be shipped through RBT2, but that fuel would be used to power the ship.	**Addressed in MSA Appendix 5-B (#99):** The effects of tides and currents in the dispersion of spilled material are considered within the assessment of potential accidents and malfunctions (MSA Section 10.0), and in particular within the technical analysis of the marine fate of shipping spill-type accidents (MSA Appendix 10-B).	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				A description of spill response protocols is included in MSA Section 10.0.	10.4 Mitigation Measures Appendix 10-B Marine Shipping Supplemental Report: Marine Fate of Shipping Spill-type Accidents
EFN-8.4	Concerned with the potential for an accident, as the ocean is their table, culture, and what makes them who they are. Stated that the risk of an incident is ultimately borne by First Nations. Stated that even if the VFPA is not transporting oil, there is potential risk.	23-Jul-2015, Meeting	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, letter from the VFPA:** Provided Esquimalt Nation with a copy of the MSA, which included Appendix 5-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. A description of spill response protocols is also included in MSA Section 10.0. The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of potential effects of accidents or malfunctions arising from marine shipping associated with the Project on human health. As discussed in MSA Section 10.5.9, coastal Indigenous peoples generally have a greater reliance on the harvesting and consumption of seafoods than the general population in the marine shipping area. This could result in a greater potential for contaminant exposures among communities and greater magnitude of exposures for some individuals, to the extent that harvesting and consumption continues following a spill event, and in absence of specific testing and risk management measures to directly assess the safety of the marine resource(s) affected. Thus, a greater proportion of Indigenous community members might be affected, with greater contaminant exposure potential initially. However, the effects are still expected to be short-term, reversible, and geographically localised. **Addressed in EIS Appendix 30-A:** As reported in the EIS, 0.7% of containers moving through Deltaport currently contain hazardous and noxious substances (2012 data; see EIS Appendix 30-A). As containers are either stuffed or destuffed away from the terminal in the Lower Mainland, or simply loaded onto inland-bound trains, the probability of containers carrying hazardous and noxious substances affecting vegetation on shore is exceedingly low. **Additional information provided by the VFPA:**	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation **EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **VFPA Statistics Overview 2017** (https://www.portvancouver.com/wp-content/uploads/2018/03/2017-Stats-Overview-1.pdf) **Information Requests** Responses to Sufficiency Information Requests #01 to 12 (IR11-01 to IR11-12)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction and materials; industrial, auto and vehicle parts; basic metals; meat, fish and poultry; and waste paper. MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all valued components. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. **Addressed in Responses to IR11-01 to IR11-12:** The VFPA's responses to IR11-01 to IR11-12, as requested by the Review Panel, will further discuss aspects of potential accidents and malfunctions related to the project and marine shipping associated with the project.	
EFN-8.5	Concerned with Canada's ability to respond to an incident, which was highlighted by the recent *Marathassa* spill in the Burrard Inlet.	23-Jul-2015, Meeting	**23-Jul-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, letter from the VFPA:**	**Addressed in MSA Appendix 5-B (#102):** Details on spill response, including responsibilities of various parties, response timelines, and equipment requirements, are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0).	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Provided Esquimalt Nation with a copy of the MSA, which included Appendix 5-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.	Detailed Oil Spill Response Plans are prepared and executed by the WCMRC and submitted to Transport Canada. Additional information is available here: http://wcmrc.com/. **Additional information provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Further information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), letter to the Review Panel dated December 20, 2017 (CEAR Document #1133), and Transport Canada's response to TC IRs 10-15 and supporting documents, provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response coordination.	https://www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/ http://wcmrc.com/ **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
EFN-8.6	Concerned with the toxicity of bunker fuel.	23-Jul-2015, Meeting	**23-Jul-2015, Meeting:** Stated that bunker fuel is used as fuel to propel the vessel. The assessment provides information on the toxicity of a fuel spill, [inclusive of a description of bunker fuel (heavy fuel oil).] **09-Nov-2015, letter from the VFPA:** Provided Esquimalt Nation with a copy of the MSA, which included Appendix 5-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary Passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures
EFN-8.7	Raised a concern about the MSA's assessment of a potential spill involving a project container ship being limited to: 1. One location (Boundary Passage), 2. One season (Spring), and	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#78):** The assessment is based on a plausible worst-case spill scenario that occurs in Boundary Passage at the south end of South Pender Island. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents and Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	3. One type of accident or malfunction (a hard grounding). Stated that these limitations fail to adequately assess the potential impacts of accidents and malfunctions on the environment and Esquimalt Nation. Stated that the Panel should require the VFPA to revise the MSA to include: • A hypothetical spill at least one additional location along the marine shipping lane, within or near Esquimalt Nation's traditional territory; • For each hypothetical spill, an assessment of the potential impacts of that spill in at least two seasons (for example Spring and Summer); • For each hypothetical spill and season, an assessment of the possibility of heavy fuel reaching Esquimalt Harbour; • A discussion on how the spill response for and potential impacts from an allision, a collision, a soft grounding or an explosion may differ from a spill resulting from a hard grounding, and how the spill response for and potential impacts may differ if the vessel sinks as a result of the allision, collision, grounding or explosion, as applicable; and • An assessment of potential impacts in the event one or more containers carrying hazardous materials fall off a Project container ship at least two locations along the marine shipping route, and that Esquimalt Nation should be consulted by the proponent and Canada regarding those revisions.			effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario. **Addressed in MSA Appendix 5-B (#92):** The assessment of potential accidents and malfunctions (MSA Section 10.0) considers a plausible worst-case spill scenario, located in Segment B of the marine shipping area, in Boundary Passage at the south end of South Pender Island. This location is near Turn Point. Boundary Passage is considered a higher risk area due to the relatively narrow passage, potential navigational hazards, and prevailing wind directions. The assessment also includes a description of applicable mitigation. **Addressed in Responses to IR11-01 to IR11-12:** The VFPA's responses to IR11-01 to IR11-12, as requested by the Review Panel, will further discuss aspects of potential accidents and malfunctions related to the project and marine shipping associated with the project.	10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios ***Updated EIS Guidelines*** **Information Requests** Response to Sufficiency Information Requests #01 to 12 (IR11-01 to IR11-12)
EFN-8.8	Stated that potential impacts an accident or malfunction may have on Esquimalt Nation include: • May restrict the times and locations in which Esquimalt Nation can exercise their Aboriginal and Treaty Harvesting Rights due to regulated or voluntary spill-related closures; • May reduce the quantity and quality of Marine Resources Esquimalt Nation have a right to harvest under their Aboriginal and Treaty Harvesting Rights, and economic benefits to Esquimalt Nation from those resources; • May damage the habitat and food sources that Marine Resources require to survive and reproduce; • May damage vessels or gear utilised to exercise Esquimalt Nation's Aboriginal and Treaty Harvesting Rights; • May restrict the times and locations in which Esquimalt Nation members can engage in traditional ceremonies due to contamination of waters, shorelines, or marine resources used in those ceremonies; • May damage burial sites, archaeological remains, and other areas of cultural or spiritual significance to Esquimalt Nation;	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios.	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	• May result in negative human health impacts to Esquimalt Nation members; • May result in a loss in property value, loss in revenues from, or loss of an opportunity to develop reserve or other lands Esquimalt Nation currently has or acquires an interest in; and • May result in a loss of revenues from businesses Esquimalt Nation currently has or acquires an interest in.				
EFN-8.9	Stated that regardless of whether or not the Project is approved, Canada should implement the following measures: • A requirement that one or more emergency response towing vessels be stationed at strategic locations along the marine shipping route; • A requirement that a resident salvor and personnel as well as salvage equipment be stationed at strategic locations along the marine shipping route; and • A requirement that, at least by 2030 and sooner if possible, only container ships with double hulled fuel tanks be allowed in Canadian waters.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside of its jurisdiction. The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Further information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), letter to the Review Panel dated December 20, 2017 (CEAR Document #1133), and Transport Canada's response to TC IRs 10-15 and supporting documents, provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response coordination.	https://www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/ http://wcmrc.com/ **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
EFN-8.10	In reference to MARPOL, asked whether it is possible to implement it in Canada sooner than 2030, for example if container ship owners divert container ships that do not have double hulled fuel tanks to other countries that do not yet require all container ships to be double hulled.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA does not have the ability to direct container ship owners to divert ships in the suggested fashion. As is described in EIS Appendix 30-A, Section 2.2.2, it is noted that virtually all container ships calling at a fully-operational RBT2 (in 2030) would be in compliance with the IMO 2010 MARPOL convention concerning double hulled container ships.	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
EFN-8.11	Stated that Canada should conduct a review of existing research regarding the fate and behavior of heavy fuel and, if necessary, either conduct or require the proponent	28-Oct-2016, Letter to Panel (CEAR	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA supports Canada's leadership in advancing spill preparedness and response in the Salish Sea, including its recently announced ongoing research initiatives as a part of the federal Oceans	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	to conduct additional research to fill any gaps in existing research.	Document #638)		Protection Plan. Other organisations such as Clear Seas are also contributing to research considering risks, mitigation measures, and best practices for marine shipping on Canada's west coast.	
EFN-8.12	Stated that regardless of whether or not the Project proceeds, WCMRC should be required to maintain its equipment cache in Esquimalt Harbour. Stated that Canada should assess any deficiencies in the responses to the Esquimalt Harbour and English Bay spills and either implement or recommend improvements to address those deficiencies, and that Canada and/or WCMRC should consult with Esquimalt Nation regarding the possibility of training one or more Esquimalt Nation members in spill response measures. Stated that Canada and British Columbia should also consider and, where appropriate, implement the various spill response planning recommendations in the 2001 Report sponsored by the Pacific States / British Columbia Oil Spill Task Force. Concerned that they may have difficulty securing compensation for damages to its culture and Aboriginal and Treaty Harvesting Rights in the event of a spill involving a Project container ship. As such, Esquimalt Nation seeks further information from Canada on how damages to their culture and Aboriginal and Treaty Harvesting Rights would be compensated under the spill compensation regime and, if the compensation process for these matters is inadequate, a commitment from Canada to address that inadequacy.	28-Oct-2016, Letter to Panel (CEAR Document #638)l	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Further information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), letter to the Review Panel dated December 20, 2017 (CEAR Document #1133), and Transport Canada's response to TC IRs 10-15 and supporting documents, provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response coordination.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
EFN-8.13	Stated that they seek further information from the proponent and/or Canada regarding the compensation regime in the event a contaminant other than oil is released from a Project container ship, for example if a container carrying hazardous materials falls overboard.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.3.2.1:** MSA Section 10.3.2.1 discusses the likelihood of containers carrying hazardous materials falling overboard. The 2010 Hazardous and Noxious Substances (HNS) Convention sets out a shared liability regime to compensate claimants for damages arising from the international or domestic carriage of HNS by seagoing vessels. The HNS Convention follows the two-tier model of compensation of the international oil pollution liability and compensation regime (Civil Liability Convention (CLC) and the International Oil Pollution Compensation (IOPC) Fund), which Canada adopted in 1989. The Convention differs from the oil pollution regime mainly in that it covers many more substances and combines the shipowner liability regime and the HNS Fund into one instrument. Further information is available on Transport Canada's website. **Additional information provided by the VFPA:** Transport Canada's response to TC IRs 10-15 and supporting documents, provide additional information on the Government of Canada's Oceans Protection Plan which includes information on the *International Convention on Limitation of Liability for Maritime Claims* as well as information on Canada's Ship-Source Oil Pollution Fund.	**MSA** 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters **Transport Canada: Overview of the 2010 Hazardous and Noxious Substances Convention** https://www.tc.gc.ca/eng/policy/acf-acfi-hns-overview-2609.htm

Table 9: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-9.1	Concerned with VFPA's reliance on traditional use study data commissioned by Kinder Morgan, as the report was prepared by a consultant contracted to the proponent. Concerned that the Current Use Summary is based on Traditional Marine Use Study Reports prepared by TERA. Stated that these are not comprehensive. Stated various edits to the Current Use Summary. Stated that the draft Current Use Summary does not reflect their concerns regarding potential impacts from the Project related to day-to-day operations and accidents and malfunctions, their economic interest, or their concerns around cumulative effects.	09-Jul-2015, Meeting 14-Sep-2015, Letter	**09-Jul-2015, Meeting:** Stated that the VFPA will incorporate feedback from Esquimalt Nation into the Current Use summary to ensure that it properly reflects the community. **14-Sep-2015:** Recorded comment for consideration by the Project team. **29-Oct-2015, letter from the VFPA:** Based on the guidance provided in the *Updated EIS Guidelines*, the MSA is to rely on information from publicly available sources where possible. Stated that comments on the contents of the draft summary of Esquimalt Nation's Current Use of Lands and Resources for Traditional Purposes will be considered and incorporated into the MSA. The VFPA will additionally respond to each of these concerns directly in a letter at a later date. **09-Nov-2015, letter from the VFPA:** Provided Esquimalt Nation with a copy of the MSA, which included Appendix 5-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#12):** The VFPA has engaged with Indigenous groups with the objective of obtaining the views of Indigenous groups on potential effects of changes to the environment on Indigenous peoples, and potential adverse impacts of the Project on potential or established Aboriginal or treaty rights. The VFPA has also provided the opportunity to review the summary of Current Use existing conditions information specific to each Indigenous group prior to completing the assessment. Feedback received on these summaries has been considered and incorporated, as has additional information provided by Indigenous groups. The CEA Agency will provide Indigenous groups an opportunity to review the environmental studies following the submission of the Marine Shipping Supplemental Report. **Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of Current Use (MSA Section 9.5). The VFPA has acknowledged the challenges of participating in consultation during summer months, and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation, and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4.7 Existing Conditions, Esquimalt Nation 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights
EFN-9.2	Stated that Esquimalt is expecting future use to be higher than it is today and is concerned that the Current Use profile will not reflect this. Emphasised that just because they do not harvest a particular marine resource or make use of a particular marine area does not diminish their rights.	09-Jul-2015, Meeting 14-Sep-2015, Letter	**09-Jul-2015, Meeting:** Stated that this information has been recorded and can be incorporated into the study. **14-Sep-2015:** Recorded comment for consideration by the Project team. **29-Oct-2015, letter from the VFPA:** Stated that comments on the contents of the draft summary of Esquimalt Nation's Current Use of Lands and Resources for Traditional Purposes will be considered and incorporated into the MSA. The	**Addressed in MSA Appendix 5-B (#81):** Concern is noted. The VFPA acknowledges that reported Current Use in a given area does not necessarily reflect past levels of use or desired future use by Indigenous groups, and this is reflected in the assessment wherever relevant as indicated by an Indigenous group. The assessment of potential adverse effects on Aboriginal and treaty rights is primarily based on the results of the Current Use analysis and effects assessment, as well as the results of the Indigenous group consultation undertaken for the Project. The assessment of Current Use does not limit the assessment of Aboriginal and treaty rights. The assessment of rights includes all Aboriginal and treaty rights, regardless of whether they are being currently exercised.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			VFPA will additionally respond to each of these concerns directly in a letter at a later date. **09-Nov-2015, letter from the VFPA:** Provided Esquimalt Nation with a copy of the MSA, which included Appendix 5-B summarizing the issues and interests raised by Indigenous groups and the VFPA's responses.		
EFN-9.3	Concerned that the increase of freighters and tankers constitutes an infringement of their traditional territory.	15-Nov-2017, Letter to Panel (CEAR Document #1095)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** Potential impacts to the exercise of asserted or established rights are assessed for each Indigenous group in MSA Section 9.5. As described in that section, considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the defined marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
EFN-9.4	Concerned that the routine operation of Project container ships may impact the exercise of their Aboriginal and Treaty Harvesting Rights, for example by • Restricting the times and locations in which those rights can be exercised; • Disrupting travelways utilised by Esquimalt Nation members to exercise those rights; and • Increasing the likelihood of a collision between a container ship and a vessel owned or operated by Esquimalt Nation or an Esquimalt Nation member.	28-Oct-2016, Letter to Panel (CEAR Document #638)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#4):** The MSA addresses potential effects from routine (day-to-day) marine shipping associated with the Project outside of VFPA jurisdiction, as well as potential accidents or malfunctions on components of the physical, biophysical, and social environment. Potential effects on Indigenous groups are described in the assessments of human health (MSA Section 9.1), marine commercial use (MSA Section 9.2), outdoor recreation (MSA Section 9.3), archaeological and heritage resources (MSA Section 9.4), and Current Use (MSA Section 9.5). Where relevant, the VFPA has proposed mitigation to be considered by those regulators with jurisdiction in the area. **Addressed in MSA Section 9.5:** As noted in MSA Section 9.5, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.2 Marine Commercial Use 9.2.4 Existing Conditions 9.2.5 Potential Interactions and Effects 9.3 Outdoor Recreation 9.3.5 Potential Interactions and Effects 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment presented in MSA Section 9.5, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights.	9.5.6 Suggested Mitigation Measures 9.5.7 Residual Effects Assessment and Significance Determination

Table 10: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
EFN-10.1	Concerned that the CEA Agency or review process will not address concerns related to economic impacts or larger economic considerations. Concerned that the VFPA does not have the capacity to discuss Project-related benefits with Esquimalt and as such, only two of the three key areas covered in consultation can be discussed (i.e., cultural and environmental concerns). Requested to discuss employment, contracting, benefits, and environmental/cultural protections with the VFPA. Stated that Esquimalt Nation has a right to benefit from economic activities in their territory. Stated that there have been no discussion of shared benefits and no discussion of possible impacts to Esquimalt's economic interest. Reiterated interest in economic benefits and requested that the VFPA broaden their mandate. Stated that they should be granted an equitable share of the economic benefits from the Project. Stated that they have not secured a commitment from the proponent or the federal or provincial governments to share in any economic benefits of the Project in the event it proceeds. Concerned about the lack of commitment from the VFPA, the federal, or provincial governments to share economic benefits with Esquimalt Nation. Expressed their right and capacity to share in the wealth generated on or facilitated by the use of their traditional territorial sea. Expressed the fundamental connection between the sharing of wealth within their traditional territory and their constitutionally protected rights. Indicated that there is a fundamental legal right to share in the wealth that is generated in, on, and by the use of the waters within their territorial sea with regards to the Project. Expressed that without the sharing of wealth generated by the Project, there can be no true reconciliation and, without that, there can be no free, prior, and informed consent to the Project by Esquimalt Nation.	09-Jul-2015, Meeting 23-Jul-2015, Meeting 14-Sep-2015, Letter 28-Oct-2016, Letter to Panel (CEAR Document #638) 15-Aug-2017, Letter 18-Oct-2017, Letter 15-Nov-2017, Letter to Panel (CEAR Document #1095)	**29-Oct-2015, Letter from the VFPA:** A response to your question regarding economic benefits associated with the Project will be provided at a later date. **25-Apr-2016, Letter from the VFPA:** Stated that there will be an opportunity for all Indigenous groups, including Esquimalt Nation, to benefit from employment and contracting opportunities from the Project. Noted that potential opportunities associated with the Project are outlined in the EIS (Section 19.0 Labour Market and 20.0 Economic Development). The VFPA will be releasing further information regarding these opportunities on the Project website (http://www.robertsbankterminal2.com/) when the information becomes available. Specific economic interests of Indigenous groups that could be affected by marine shipping associated with RBT2 (both commercial and non-commercial) were identified in MSA Section 9.5.4 existing conditions summaries, where this information was provided by Indigenous groups, including Esquimalt Nation. Noted that MSA Section 9.5.4.7 has been updated to include the economic interests identified by Esquimalt Nation, to the following effect: "Esquimalt Nation has identified economic interests in the Marine Shipping Area, including but not limited to a 50% interest in a parcel of land and a 50% leasehold interest in a water lot in West Bay (leased to a third party for the operation of an RV Park, marina, and floathome village), and a 50% interest in a parcel of land adjacent to Rock Bay (Esquimalt Nation 2015). Both of these locations are in Victoria Harbour, but Esquimalt Nation reports exploring other economic development opportunities in the Greater Victoria region, including on the Esquimalt reserve in Esquimalt Harbour (Esquimalt Nation 2015)" (see "Marine Resource Use" subsection). **18-Jan-2018, Letter from the VFPA:** Provided an explanation of the VFPA's mandate and mitigation measures related to marine shipping associated with the Project. Explained that regarding potential impacts of marine shipping associated with the Project, which is beyond the VFPA's jurisdiction, the VFPA's approach has been to work with government departments and agencies that do have jurisdiction over marine shipping to determine feasible measures to reduce or avoid the impacts that marine shipping associated with the Project may have on Aboriginal and treaty rights. Stated that taking into account proposed mitigation, the Project is not likely to impact Esquimalt Nation's asserted or established Aboriginal or treaty rights. For this reason, as well as the fact that marine shipping associated with the Project is outside of the VFPA's care and control, the VFPA is not prepared at this time to negotiate a mutual benefits agreement. That being said, the VFPA recognises that there are many potential economic benefits arising from the Project—both direct and indirect—and the VFPA is always open to further discussions with Esquimalt Nation in this regard.	**Addressed in MSA Appendix 5-B (#6):** This topic is not within the scope of assessment for the MSA, as defined by the *Updated EIS Guidelines*. An assessment of potential economic effects of the Project is included in EIS Section 20.0.	**MSA** Appendix 5-B Aboriginal Issues and Interests

APPENDIX IR10-01-C20

SONGHEES FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Song-1.1	Concerned with potential impacts from marine shipping to Songhees First Nation economic interests on Chatham Island, including planned cultural tours, and to marine resources in this area.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the Vancouver Fraser Port Authority (VFPA):** Provided a copy of the Marine Shipping Addendum (MSA), which included MSA Appendix 5-B that summarised Indigenous issues and interests and the VFPA's responses.	**Addressed in MSA Section 9.2:** MSA Section 9.2 presents an assessment of potential effects of marine shipping associated with the Project on marine commercial use. An assessment of marine commercial use was conducted to evaluate the potential effects of Project-associated marine shipping on commercial fish and seafood harvesting (including Indigenous marine fish and seafood harvesting), guided sport fishing, marine based tourism, and marine transportation. Existing marine commercial use within the marine shipping area includes fishing and seafood harvesting of crab, shrimp, salmon, rockfish, red sea urchin, and a variety of other marine resources. Guided sport fishing activities focus on various salmon species, and whale-watching activities focus on southern resident killer whales, humpback whales, and Steller sea lions. Commercial marine transportation activities in the marine shipping area include cargo and container ships, tankers, tugs and barges, and ferries. Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project. **Addressed in Response to IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**MSA (CEAR Document #316)** 9.2 Marine Commercial Use 9.2.4 Existing Conditions, Aboriginal Marine Fish and Seafood Commercial Harvesting 9.2.5 Potential Interactions and Effects 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use **Information Requests** Response to Sufficiency Information Request #27 (IR10-27)

Table 2: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Song-2.1	Expressed interest in funding from both the Canadian Environmental Assessment Agency (CEA Agency) and the VFPA.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Explained the two streams of funding. Noted the VFPA's offer of funding for engagement on marine shipping. **25-Aug-2015, Email from the VFPA:** Provided contact information for the CEA Agency and Panel Manager. **18-Sep-2017, Letter from the VFPA:** Offered further funding for engagement on marine shipping and requested to meet to discuss the concerns raised to date.	**Additional information provided by the VFPA:** The VFPA notes that the funding offered was not accepted by Songhees First Nation. Songheess First Nation advised the VFPA on 11-Sep-2015 that they would not be particpating in the review of this Project.	

Table 3: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Song-3.1	Concerned with impacts to traditional activities and marine resources such as kelp beds at Chatham Island. Concerned about potential impacts to fish and fish habitat.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Explained that the existing shipping lanes would be used. Stated where more information could be found on fish and fish habitat in the Environmental Impact Statement (EIS, CEAR Document #181). **25-Aug-2015, Email from the VFPA:** Stated that existing conditions for fish and fish habitat will be described in the MSA, which will be completed in the fall. Potential effects to fish and fish habitat that may be associated with marine shipping include those associated with ship wake, underwater noise, and a potential accident or malfunction causing a spill of bunker fuel or other hazardous materials. These effects will be evaluated in the report. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 8.1 Marine Fish and Fish Habitat.	**Addressed in MSA Section 8.1:** An assessment was undertaken to evaluate the potential effects of Project-associated marine shipping on marine fish and fish habitat (including marine vegetation and marine invertebrates) within the marine shipping area and located within the Salish Sea. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the local assessment area is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 metres of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the local assessment area.	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.5.5 Marine Fish 8.1.6 Potential Interactions and Effects 8.1.6.1 Negligible Effects

Table 4: Project Overview and Description

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Song-4.1	Asked if oil would be shipped in the containers.	24-Aug-2015, Meeting	**24-Aug-2015, Meeting:** Explained that it would not but that consumer goods and natural resources, like lumber, are the main cargo.		

APPENDIX IR10-01-C21

T'SOU-KE FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-1.1	Concerned that the Vancouver Fraser Port Authority's (VFPA's) proposed approach to assessing the potential effects of marine traffic on T'Sou-ke First Nation is limited. Concerned about the Canadian Environmental Assessment Agency's (CEA Agency) decision that marine shipping activities are not going to be assessed under the designated project as part of the *Canadian Environmental Assessment Act* (*CEAA*) *2012*. Concerned that marine shipping activities have been unlawfully excluded from the "designated project" that must be assessed under the CEA Agency. Requested that: 1. The Minister must amend the "designated project" being assessed under *CEAA 2012* to include marine shipping activities, and revise the Terms of Reference (TOR); 2. The CEA Agency must revise the *EIS Guidelines* accordingly; 3. Prior to revising the TOR and *EIS Guidelines*, Canada must consult with T'Sou-ke about those decisions; 4. Canada must take steps to initiate consultation with T'Sou-ke in relation to the environmental assessment and how the Project may adversely impact T'Sou-ke's rights; and 5. The CEA Agency must exercise its power under s. 39 of *CEAA 2012* to require the VFPA to commission (and pay for) a Marine Traditional Use Study (MTUS) to be carried out by T'Sou-ke to assess how the Project may impact T'Sou-ke's rights, and submit a revised Addendum containing this information. Reiterated their concerns in 27-Oct-2016 letter.	17-Jun-2015, Letter 18-Aug-2015, Meeting 18-Dec-2015, Letter to the CEA Agency (CEAR Document #380) 27-Oct-2016, Letter to Panel (CEAR Document #665) 20-Nov-2017, Letter to Panel (CEAR Document #1107)	**26-Jun-2015, Letter from the VFPA:** Responded requesting to meet to discuss concerns. **18-Aug-2015, Meeting:** Stated that T'Sou-ke First Nation's concern is recorded and the VFPA will connect T'Sou-ke with the VFPA's legal counsel. Stated that this concern can also be directed towards the CEA Agency. **24-Aug-2015, Email from the VFPA:** The VFPA's legal counsel was in contact with legal counsel for T'Sou-ke First Nation. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the Marine Shipping Addendum (MSA), which included MSA Appendix 5-B that summarised Indigenous issues and interests and the VFPA's responses. **15-Jul-2016, Letter from the CEA Agency (CEAR Document #488):** *"The Agency appreciates the details you provided in your December 18, 2015 letter about the T'Sou-ke's concerns on marine shipping associated with the Project, including impacts to T'Sou-ke's rights. We encourage T'Sou-ke to expand on and present these concerns to the Panel… In your letter, you also requested that marine shipping associated with the Project become part of the designed Project, rather than being included in the process by means of subsection 19(1)(j) of CEAA 2012. The factors listed in subsection 19(1) of CEAA 2012 must be considered by the Panel. One of these factors is marine shipping associated with the Project which is beyond the care and control of the proponent and within the 12 nautical mile limit of Canada's territorial sea. The Panel is required to report on its consideration of this factor in the Panel Report."*	**Addressed in MSA Appendix 5-B (#17):** The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#17). **Addressed in *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines)* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Additional information provided by the VFPA:** The VFPA understands that marine shipping associated with the Project outside of Port of Vancouver's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction.	**Marine Shipping Addendum (MSA, CEAR Document #316)** 1.0 Introduction Appendix 5-B Aboriginal Issues and Interests ***Updated EIS Guidelines Statement*** (**CEAR Document #177)**
T'SFN-1.2	Concerned that T'Sou-ke First Nation was not consulted on key environmental assessment decisions.	18-Dec-2015, Letter to the CEA Agency (CEAR Document #380)	**15-Jul-2016, Letter from the CEA Agency (CEAR Document #488):** *"The Agency appreciates the details you provided in your December 18, 2015 letter about the T'Sou-ke's concerns on marine shipping associated with the Project, including impacts to T'Sou-ke's rights. We encourage T'Sou-ke to expand on and present these concerns to the Panel."*		

Table 2: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-2.1	Requested funding to complete a MTUS. Stated that T'Sou-ke First Nation submitted a budget for a MTUS to the VFPA but they would only cover a fraction of the cost. Stated that a Project-specific MTUS is required in order to address the requirements related to effects of the Project on lands and resources. Requested funding from the VFPA for a MTUS. Reiterated its request for funding for a MTUS. Stated that the VFPA's offer of funding would not cover the costs of T'Sou-ke First Nation engaging in this Project. Requested that the Review Panel exercise its power under s. 44(2) of *CEAA 2012* to require the Port to (i) commission and pay for a MTUS to be carried out by T'Sou-ke First Nation to assess how the Project may impact T'Sou-ke First Nation's rights and its current use of lands and resources for traditional purposes (Current Use), and (ii) submit a revised report containing this information.	17-Jun-2015, Letter 18-Aug-2015, Meeting 03-Nov-2015, Letter 18-Dec-2015, Letter to the CEA Agency (CEAR Document #380) 30-Oct-2017, Phone call with Chief of T'Sou-ke First Nation 20-Nov-2017, Letter to Panel (CEAR Document #1107)	**26-Jun-2015, Letter from the VFPA:** Responded summarising concerns heard and requesting a meeting to discuss. **18-Aug-2015, Meeting:** Explained the scope of the marine shipping study and the use of available existing information per the direction from the CEA Agency that went into the summary provided to them. Requested that T'Sou-ke First Nation write a letter outlining the budget and timeline of the MTUS. **25-Sep-2015, Letter from the VFPA:** Offered funding for the preparation of a MTUS. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and the VFPA's responses. **12-Nov-2015, Letter from the VFPA:** Stated that the MSA had been submitted to the CEA Agency and that the VFPA had offered funding for an MTUS in its September 25, letter. Stated that consultation outside of the VFPA's jurisdiction could be directed to Transport Canada. Stated that T'Sou-ke First Nation may also choose to submit comments or evidence regarding T'Sou-ke First Nation's rights and Current Use directly to the Panel Secretariat at [contact information provided]. **15-Jul-2016, Letter from the CEA Agency (CEAR Document #488):** *"With respect to your request to require VFPA to commission and fund a MTUS to be carried out by T'Sou-ke, the Review Panel is currently conducting the review of the sufficiency of the information provided to date by VFPA. If you feel this information is missing and necessary for the analysis of the potential environmental effects of marine shipping associated with the Project on T'Sou-ke's current use of lands and resources for traditional purposes, physical and cultural heritage or health and socio-economic conditions, please use the process established by the Panel to request that this information be collected by VFPA."* **30-Oct-2017, Phone call with Chief of T'Sou-ke First Nation:** Committed to take back requests to the VFPA. **20-Feb-2018, Letter from the VFPA:** Stated that in terms of the funding requested to conduct a MTUS for the Project and its related marine shipping, the VFPA indicated that it understood that the request was first put forth in 2015 and in response the VFPA offered some funding for a study at that time. Stated that T'Sou-ke First Nation declined the funding and the VFPA proceeded with compiling information regarding Current Use from publicly available materials. The VFPA submitted that information to the CEA Agency in the MSA on October 26, 2015, and the CEA Agency concluded its completeness review of the MSA on May 10, 2016. The Summary of T'Sou-ke First Nation's Current Use and Aboriginal and Treaty Rights in MSA Section 9.5.4.9. Stated that if T'Sou-ke First Nation has any additional information to share with us or with the Panel, the VFPA would be happy to consider it.	**Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of Current Use (MSA Section 9.5). The VFPA has acknowledged the challenges of participating in consultation during summer months and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests. **Addressed in MSA Appendix 5-B (#17):** The VFPA advised the CEA Agency of this concern by way of MSA Appendix 5-B (#17).	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4.9 Existing Conditions, T'Sou-ke First Nation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-2.2	Stated that capacity funding is required so T'Sou-ke First Nation can better understand the proposed project and its effects on T'Sou-ke First Nation use of resources in the territory. Stated that the participation funding offered by the VFPA was inadequate. Requested funding for consultation. Reiterated request for funding from the VFPA for consultation.	17-Jun-2015, Letter 18-Aug-2015, Meeting 14-Sep-2015, Letter 03-Nov-2015, Letter 30-Oct-2017, Phone call with Chief of T'Sou-ke First Nation	**26-Jun-2015, Letter from the VFPA:** Responded summarising concerns heard and requesting a meeting to discuss. **18-Aug-2015, Meeting:** Explained the scope of the MSA. **25-Sep-2015, Letter from the VFPA:** Responded stating that the VFPA would increase its participation funding. **12-Nov-2015, Letter from the VFPA:** Reiterated the VFPA's offer of funding for participation funding. **30-Oct-2017, Phone call:** Committed to relay T'Sou-ke First Nation's requests back to the VFPA. **20-Feb-2018, Letter from the VFPA:** Stated that in response to T'Sou-ke First Nation's request for funding for consultation, the VFPA is willing to offer funding to cover the costs of a meeting on the Project and its related marine shipping. The goal of the meeting would be two-fold: 1. To develop a more fulsome understanding of the specific concerns T'Sou-ke First Nation raised related to marine shipping. 2. To identify, where possible, solutions to the concerns you identified. The VFPA is specifically interested in discussing what measures could be taken to address T'Sou-ke First Nation's concerns. Stated that if T'Sou-ke First Nation is interested, the VFPA can provide a funding agreement.	**Addressed in MSA Appendix 5-B (#8):** Concern is noted. The VFPA considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** Appendix 5-B Aboriginal Issues and Interests

Table 3: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-3.1	Concerned that the increase in vessel traffic associated with the Project would adversely impact salmon and other marine species by further congesting migration paths and reducing available habitat.	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in the Environmental Impact Statement (EIS #181) Section 13.0:** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in the EIS. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. In addition, the potential effects of the Project with respect to the ongoing productivity of commercial, recreational, and Aboriginal fisheries are evaluated in the EIS. **Addressed in MSA Sections 8.1 and 9.2:** The assessment of potential effects of marine shipping associated with the Project on salmon, including potential effects to spawning and migration, is included in MSA Section 8.1. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the local assessment area is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. MSA Section 9.2 further evaluates the potential effects of Project-associated marine shipping on commercial fish and seafood harvesting (including Indigenous marine fish and seafood harvesting), guided sport fishing, marine-based tourism, and marine transportation. Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project.	**EIS (CEAR Document #181)** 13.0 Marine Fish **MSA** 8.1 Marine Fish and Fish Habitat 9.2 Marine Commercial Use
T'SFN-3.2	Concerned about the introduction of invasive species into waters within their territory by way of transport in ballast water, and their outcompeting or preying upon native species or otherwise disrupting the marine and coastal ecosystem.	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the International Maritime Organization (IMO), are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles (nm) and in water deeper than 2,000 metres. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. **Addressed in TC IR-02 to TC IR-06:** In its response to the Review Panel's Information Requests of May 10, 2017, Transport Canada has indicated that with respect to chronic oiling, the use of anti-fouling agents, and discharges of ballast water, bilge water, and sewage, that marine water quality in the marine shipping area is not expected to change because these potential contributors are regulated by the *Canada Shipping Act, 2001*, and in particular the Vessel Pollution and Dangerous Chemicals Regulations (VPDCR) under this act. Furthermore, Transport Canada states that "In relation to the Project, the technical requirements of the VPDCR apply to all vessels over 400 gross tonnage. As such, all container ships and most tugs serving container ships that would call at the proposed RBT2 would be subject to these requirements".	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project Appendix 7.2-B Aboriginal Issues and Interests **Transport Canada Information Requests #02 to #06 (TC IR-02 to TC IR-06 of CEAR Document #962)**

Table 4: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-4.1	Expressed concerns about the waterway and southern resident killer whales. Emphasised that southern resident killer whales are a priority for them. Concerned about the Project's threat to the southern resident killer whales within their territory and infringements of their Aboriginal title, rights, and treaty rights that are linked to, and depend upon, those whales.	30-Oct-2017, Phone call with Chief of T'Sou-ke First Nation 20-Nov-2017, Letter to Panel (CEAR Document #1107)	**30-Oct-2017, Phone call:** Offered to bring technical experts to speak to concerns around marine mammals, marine shipping, etc. (Offer was declined by Chief Planes stating that he does not want technical people and does not need more western science.)	**Addressed in EIS Appendix 7.2-B (#92):** Project-related adverse residual effects to southern resident killer whales (and all toothed whales) are expected to be not significant. The Project contribution of effects above existing conditions is very small and is not anticipated to adversely affect individuals or affect critical habitat features (acoustic environment, the availability of prey, and water and sediment quality) when needed by southern resident killer whales for their life functions of foraging, mating, resting, or socialising. Destruction of southern resident killer whale critical habitat from Project construction and operation is not anticipated, and the Project will not limit the survival or recovery of southern resident killer whales. **Additional information provided by the VFPA:** In 2014, the VFPA-led Enhancing Cetacean Habitat and Observation (ECHO) Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region. MSA Section 9.5 includes assessment of the effects of the Project on T'Sou-ke First Nation's Current Use and rights.	**EIS** 14.0 Marine Mammals **MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Request Package 10 – December 19, 2017 (CEAR Document #1130)**

Table 5: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-5.1	Concerned about the damage to intertidal and shoreline habitats from increased frequency in wakes created by the large vessels due to the Project.	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR-7.31.15-21:** As noted in the VFPA's response to IR-7.31.15-21, as requested by the Review Panel, although the probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves.	**MSA** 7.2 Wave Environment 7.2.5 Incremental Changes to the Wave Environment from Marine Shipping Associated with the Project Appendix 5-B Aboriginal Issues and Interests Appendix 7.2-B Ship Wake Calculations **Information Requests** Response to Information Request #21 (IR-7.31.15-21 of CEAR Document #388)

Table 6: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-6.1	Concerned about the contamination from increased industrial pollution associated with vessel garbage, fuel leaks, and ballast waters.	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in TC IR-02 to TC IR-06:** In its response to the Review Panel's Information Requests of May 10, 2017, Transport Canada has indicated that with respect to chronic oiling, the use of anti-fouling agents, and discharges of ballast water, bilge water, and sewage, that marine water quality in the marine shipping area is not expected to change because these potential contributors are regulated by the *Canada Shipping Act, 2001*, and in particular the VPDCR under this act. Furthermore, Transport Canada states that "In relation to the Project, the technical requirements of the VPDCR apply to all vessels over 400 gross tonnage. As such, all container ships and most tugs serving container ships that would call at the proposed RBT2 would be subject to these requirements".	**Transport Canada Information Requests #02 to #06 (TC IR-02 to TC IR-06 of CEAR Document #962)**

Table 7: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-7.1	Concerned with potential accidents and malfunctions of container ships and subsequent impacts to rights. Concerned that increased volume of vessel traffic, as well as accidents and malfunctions from those ships, has the potential to adversely affect and infringe T'Sou-ke First Nation's rights.	17-Jun-2015, Letter 18-Dec-2015, Letter to the CEA Agency (CEAR Document #380)	**21-Jun-2015, Email from the VFPA:** Responded requesting to meet to discuss concerns. (A meeting on 18-Aug-2015 was scheduled. Discussion focused on T'Sou-ke First Nation's request for Traditional Use Study.) **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and the VFPA's responses. **15-Jul-2016, Letter from the CEA Agency (CEAR Document #488):** *"The Agency appreciates the details you provided in your December 18, 2015 letter about the T'Sou-ke's concerns on marine shipping associated with the Project, including impacts to T'Sou-ke's rights. We encourage T'Sou-ke to expand on and present these concerns to the Panel."*	**Addressed in MSA Appendix 5-B (#103):** The potential effects of an oil spill on marine resources, including marine birds, marine mammals, and marine fish and fish habitat are considered within the assessment of potential accidents or malfunctions (MSA Section 10.0). This section also considers the potential effects on Current Use, and related impacts on rights, resulting from effects on marine resources. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all valued components. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant,	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.5.6 Marine Fish and Fish Habitat 10.5.7 Marine Mammals 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #15 (IR10-15) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. **Addressed in Response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response.	

Table 8: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-8.1	Concerned with the VFPA's proposed approach to use existing sources to gather information on T'Sou-ke First Nation Current Use within the marine shipping area. Stated that T'Sou-ke First Nation does not authorise the use of other project MTUS for the purposes of this Project.	17-Jun-2015, Letter 03-Nov-2015, Letter	**25-Jun-2015, Letter from the VFPA:** Acknowledged receipt of letter and T'Sou-ke First Nation's concern regarding the proposed approach to use existing sources to gather information on T'Sou-ke First Nation Current Use within the marine shipping area. Requested a meeting with T'Sou-ke First Nation to discuss this concern along with the other matters raised. **20-Jul-2015, Letter from the VFPA:** Provided T'Sou-ke First Nation with a draft summary of T'Sou-ke First Nation's Current Use for review and comment. Stated that the VFPA is sharing this advanced draft and the VFPA's intention to confirm with T'Sou-ke First Nation that the information is accurately presented and whether any revisions, additions, or deletions are required. **25-Sep-2015, Letter from the VFPA:** Stated that in regard to the concern of the use of the MTUS submitted to the National Energy Board for the Trans Mountain Pipeline Expansion project as a source of information on T'Sou-ke First Nation's Current Use in the marine shipping area, the VFPA will remove any reference to that report. Stated that the VFPA will follow-up by phone to determine whether any changes are requested. **05-Oct-2015, Email:** Requested confirmation on whether it is T'Sou-ke First Nation's preference to keep the information contained in the VFPA's Current Use summary (which was shared with T'Sou-ke First Nation in July for review) as it is, or remove all information obtained from the Kinder Morgan source materials. **12-Nov-2015, Letter from the VFPA:** Summarised the VFPA's efforts to obtain input from T'Sou-ke First Nation on the MSA and its offer to fund a MTUS in relation to the Project. Stated that the MSA has now been submitted to the CEA Agency, which	**Addressed in *Updated Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (the VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. The VFPA understands that marine shipping associated with the Project outside of Port of Vancouver's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction. Section 17 of *Updated EIS Guidelines* notes: "To the degree possible, the proponent should maximise the use of existing material that is relevant to marine shipping activities associated with the Project which is beyond proponent's care and control and within the 12 nautical mile limit of the territorial sea. Existing material may be utilized from academic studies, work of government and non-government working groups, past or ongoing environmental assessments, Aboriginal traditional knowledge reports or any other source the proponent deems appropriate for its presentation of this material." The use of information from the National Energy Board Review of the Trans Mountain Expansion Project therefore is consistent with the CEA Agency direction.	***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			referenced T'Sou-ke First Nation's submissions to the National Energy Board regarding the Trans Mountain Pipeline Expansion project, including the T'Sou-ke First Nation Traditional Marine Resource Knowledge and Use Study Report, and prior to receiving T'Sou-ke First Nation's response on November 3, 2015.		
T'SFN-8.2	Concerned about the Project's impact on T'Sou-ke First Nation's already reduced ability to exercise their Indigenous subsistence and commercial harvesting of clams within their territory.	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.2:** An assessment of marine commercial use was conducted to evaluate the potential effects of Project associated marine shipping on commercial fish and seafood harvesting (including Indigenous marine fish and seafood harvesting), guided sport fishing, marine based tourism, and marine transportation. Existing marine commercial use within the marine shipping area includes fishing and seafood harvesting of crab, shrimp, salmon, rockfish, red sea urchin, and a variety of other marine resources. Guided sport fishing activities focus on various salmon species, and whale-watching activities focus on southern resident killer whales, humpback whales, and Steller sea lions. Commercial marine transportation activities in the marine shipping area include cargo and container ships, tankers, tugs and barges, and ferries. Potential effects on all types of marine commercial use assessed were determined to be negligible. These negligible effects include changes in each of: area use and access; biophysical conditions for marine fish, invertebrates, and mammals; availability of fish and seafood; marine mammal presence; and environmental setting due to marine shipping associated with the Project.	**MSA** 9.2 Marine Commercial Use
T'SFN-8.3	Concerned about the impact to T'Sou-ke First Nation members' valuable fishing gear (including fishing nets and lines).	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.2.5.1:** As is noted in MSA section 9.2.5.1, while no statistics on fishing gear loss or damage are available, gear interactions with large vessels within the local assessment area have been anecdotally characterised as infrequent (TMX 2013d, Volume 8A, Section 4.0). Based on this information, vessel transit due to Project-associated shipping is not anticipated to result in a measurable change in the level of damage or loss of commercial fishing gear, and therefore this potential effect is determined to be negligible.	**MSA** 9.2 Marine Commercial Use 9.2.5.1 Negligible Effects
T'SFN-8.4	Concerned with increased marine traffic and subsequent impacts to T'Sou-ke First Nation Aboriginal rights. Concerned with cumulative effects of marine traffic on rights, spiritual connection to territory, physical well-being, and identity. Concerned that the increase in vessel traffic associated with the Project has the potential to cause significant adverse environmental effects to their use of marine resources for traditional	17-Jun-2015, Letter 20-Nov-2017, Letter to Panel (CEAR Document #1107)	**26-Jun-2015, Letter from the VFPA:** Requested to set up a time to meet to discuss concerns. (A meeting on 18-Aug-2015 was scheduled. Discussion focused on T'Sou-ke First Nation's request for Traditional Use study.) **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and the VFPA's responses.	**Addressed in MSA Appendix 5-B (#83):** The assessment of Current Use (MSA Section 9.5) includes cultural considerations, such as cultural practices and sites of importance, as well as intangible cultural heritage considerations, such as the expression of cultural values or ways of knowing, and the formation and maintenance of cultural identity, in the assessment of quality of Current Use experience. The assessment describes how Current Use activities have been affected cumulatively by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. The assessment of potential adverse impacts on asserted or established Aboriginal and treaty rights is included in MSA Section 9.5. **Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #22 (IR10-22)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	purposes and seriously impact/infringe on their Aboriginal title, rights, and treaty rights. Concerned that marine shipping associated with the Project, on its own and in combination with other existing and proposed marine shipping activities (including from the recently approved Trans Mountain Pipeline Expansion project), will impact their territory, the exercise of their rights, their members' spiritual connection to their territory, their physical wellbeing, and their identity as a Coast Salish people. Concerned about the disruption of spiritual connections associated with T'Sou-ke First Nation members' exercise of their rights.				
T'SFN-8.5	Concerned that the increase in shipping traffic would limit T'Sou-ke First Nation's Aboriginal rights to marine navigation and travel, possibly permanently hindering T'Sou-ke First Nation members from travelling by boat in their territorial waters to reach preferred harvesting areas and culturally significant sites.	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations (specifically for ship wake), availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Potential effects on access to preferred Current Use locations due to Project-associated container ship pass-bys that may result in temporary displacement, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
T'SFN-8.6	Concerned about possible Project impacts to their stewardship efforts, economic development initiatives, and ecosystem restoration activities, ultimately threatening their right to self-governance.	20-Nov-2017, Letter to Panel (CEAR Document #1107)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** T'Sou-ke First Nation's asserted traditional territory does not overlap the VFPA's jurisdiction nor the Project area as defined by the CEA Agency. The Project is not expected to have any impacts on any of T'Sou-ke First Nation's potential or established Aboriginal or treaty rights and related interests.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
T'SFN-8.7	Concerned that the Project, on its own and in combination with other existing and proposed activities, will contaminate its territory, interfere with the exercise of its rights, and will impact its members' spiritual connection to their territory, their physical wellbeing, and their identity as a Coast Salish peoples.	18-Dec-2015, Letter to the CEA Agency (CEAR Document #380)	**15-Jul-2016, Letter from the CEA Agency (CEAR Document #488):** *"The Agency appreciates the details you provided in your December 18, 2015 letter about the T'Sou-ke's concerns on marine shipping associated with the Project, including impacts to T'Sou-ke's rights. We encourage T'Sou-ke to expand on and present these concerns to the Panel."*	**Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality**.** **Addressed in IR13-22:** The VFPA's forthcoming response to IR13-22 will further discuss potential Project effects on the quality and availability of preferred resources.	**Information Requests** Response to Sufficiency Information Request #22 (IR10-22) Response to Sufficiency Information Request #22 (IR13-22)
T'SFN-8.8	Concerned that Project impacts on T'Sou-ke First Nation and its Aboriginal title, rights, treaty rights, and interests are not being properly assessed. Concerned that the MSA and EIS fail to assess the impacts of the Project on T'Sou-ke First Nation's Current Use and, more generally, its rights.	18-Dec-2015, Letter to the CEA Agency (CEAR Document #380) 20-Nov-2017, Letter to Panel (CEAR Document #1107)	**15-Jul-2016, Letter from the CEA Agency (CEAR Document #488):** *"The Agency appreciates the details you provided in your December 18, 2015 letter about the T'Sou-ke's concerns on marine shipping associated with the Project, including impacts to T'Sou-ke's rights. We encourage T'Sou-ke to expand on and present these concerns to the Panel."* **18-Sep-2017, Letter from the VFPA:** *"VFPA would like to further our understanding of the concerns raised by T'Sou-ke First Nation and work together to identify mitigations to potential impacts, where possible. We are interested in meeting with T'Sou-ke First Nation this fall.* *The goal for this meeting is twofold:* *1. To develop a more fulsome understanding of the specific concerns T'Sou-ke First Nation raised related to Marine Shipping.* *2. To identify, where possible, solutions to the concerns you identified. VFPA is specifically interested in discussing what measures could be taken to address T'Sou-ke First Nation's concerns."*	**Addressed in MSA Section 9.5:** The Current Use assessment presented in MSA Section 9.5 considered potential effects occurring in Canada on: • Access to preferred Current Use locations; • Availability of preferred Current Use resources; • Quality of preferred Current Use resources; and • Quality of Current Use experience. Current Use activities examined include marine resource use, terrestrial resource use in marine areas, and other cultural practices and considerations relative to Current Use activities in or adjacent to the marine shipping area. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation (described below). As noted in MSA Section 9.5.11, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment presented in MSA Section 9.5, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights **Information Requests** Response to Sufficiency Information Request #02 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	

APPENDIX IR10-01-C22

PACHEEDAHT FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-1.1	Stated that the Marine Shipping Addendum (MSA) states that the estimated annual emissions from large marine vessels are predicted to be greatest within Juan de Fuca Strait (Segment D) due to the longer transit time and greater average speed of ships in that segment. Stated that if the Project goes ahead, ongoing monitoring will be required to assess the extent to which emissions are affecting air quality in Pacheedaht's territory. The exact locations for monitoring activities should be determined in consultation with Pacheedaht.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The Vancouver Fraser Port Authority (VFPA) has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 11.0:** Consideration has been given to the need for and scope of follow-up to verify predicted effects related to marine shipping associated with the Project in the marine shipping area, including the need for air quality monitoring in the marine shipping area. With respect to follow-up programs to verify predicted effects, these are generally proposed to address uncertainty, such as any gaps in knowledge or understanding related to key conclusions (as noted in Environmental Impact Statement (EIS) Section 8.1.10 of CEAR Document #181). This assessment has assigned moderate or high levels of confidence ratings to the residual effect predictions based on the following: • Robust comprehension of marine shipping in the marine shipping area, including vessel activities associated with RBT2; • Considerable scientific information concerning existing intermediate components (ICs; including the air quality IC) and valued components (VCs); • A strong understanding of how Project-associated activities interact with VCs; • Appreciable knowledge of how the VC would respond to Project-associated marine shipping activities; and • Proven and established assessment methods. Because confidence in the residual effect predictions is moderate to high, no follow-up programs are suggested specifically related to the predicted effects of marine shipping associated with the Project in the marine shipping area. No other mitigation measures are being suggested for any other IC or VC that warrant ongoing assessment of their effectiveness. As such, no formal follow-up program is proposed for marine shipping associated with the Project in the marine shipping area.	**MSA (CEAR Document #316)** 11.0 Follow-Up Program

Table 2: Archaeological and Heritage Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-2.1	Requested a complete assessment of impacts to Pacheedaht's cultural heritage from the Project, including proposed mitigation and a determination of significance. Stated that the MSA does not include a complete assessment of impacts to Pacheedaht's cultural heritage from the Project, including intangible cultural heritage. Such an assessment is required under *CEAA, 2012*, particularly in relation to Swiftsure Bank. Stated that consultation with Pacheedaht is required in collecting this information, which will then need to be incorporated into the environmental assessment. Stated that the VFPA did not undertake any field assessments to identify archaeological sites, but rather relied on currently available information about archaeological sites. As the Port acknowledges, this information is limited, leaving the vast majority of archaeological sites undocumented. Stated concern that vulnerable shoreline archaeological sites have not been adequately identified in the MSA. A clear understanding of potential impacts to physical and cultural resources in the Project area is critical to determining the significance of effects and appropriateness of mitigation.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** MSA Section 9.5 considers the current use of lands and resources for traditional purposes (Current Use) by Indigenous peoples, including intangible cultural heritage considerations, in the marine shipping area. The VFPA has provided detailed follow-up discussions of how the assessment of impacts to cultural heritage was undertaken in: IR7.31.15-29, AIR-12.04.15-29, and MSA IR-02.24.16-10. **Addressed in MSA Section 9.4:** MSA Section 9.4 considers archaeological and heritage resources along the shores of the marine shipping area. The focus of the archaeological and heritage resources assessment is on Segment B of the marine shipping area, given the potential interaction with marine shipping associated with the Project in this area, related to vessel wake waves. **Addressed in MSA Appendix 5-B (#55):** The potential effects of vessel wakes from marine shipping associated with the Project on archaeological sites (due to erosion) are addressed in MSA Section 9.4. The local assessment area (LAA) for the archaeological and heritage resources assessment includes the entire marine shipping area, including shorelines within Pacheedaht traditional territory, Semiahmoo Bay, and Crescent Beach. **Addressed in Section 17 of the *Updated EIS Guidelines*:** Section 17 of the *Updated EIS Guidelines* notes: "It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail. To the degree possible, the proponent [the VFPA] should maximise the use of existing material that is relevant to marine shipping activities associated with the Project which is beyond proponent's care and control and within the 12 nautical mile limit of the territorial sea. Existing material may be utilised from academic studies, work of government and non-government working groups, past or ongoing environmental assessments, Aboriginal traditional knowledge reports or any other source the proponent deems appropriate for its presentation of this material" The MSA's conclusions are supported by the *Pacheedaht First Nation Traditional Use and Occupancy Study* [TUOS] *Report for the Port Metro Vancouver Roberts Bank Terminal 2 Project,* dated September 2015, which included as appendices: • Pacheedaht's comments on a draft summary of existing conditions of Pacheedaht use (i.e., an earlier version of the summary presented below), prepared by the VFPA in July 2015 for Pacheedaht review and comment; • Pacheedaht First Nation Traditional Marine Use and Occupancy Study (TMUOS) 2014 Final Report, dated June 2014, prepared by the Pacheedaht in the context of Transmountain Pipeline ULC Trans Mountain Pipeline Project; and • Pacheedaht First Nation TUOS Maps for the RBT2 Project (PFN RBT2 Maps), which the Pacheedaht do not wish to be distributed or made public and have marked as confidential. **Addressed in Response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples.	**MSA** 9.4 Archaeological and Heritage Resources 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Information Request #29 (IR-7.31.15-29 of CEAR Document #388) Response to Additional Information Request #29 (AIR-12.04.15-29 of CEAR Document #345) Response to Additional Information Request #10 (MSA IR-02.24.16-10 of CEAR Document #386) Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #23 (IR10-23) ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*; CEAR Document #177)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in Response to IR10-23: The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm.	
Pach-2.2	Requested an assessment of impacts to shoreline archaeological sites from vessel wakes associated with the Project.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.4.6:** The potential effects on archaeological and heritage resources from vessel transit (marine shipping) are viewed as negligible because the only physical mechanism for effect, vessel wakes, are predicted to be within the natural variation in size of wind waves and would reflect only a small percentage of the annual maximum storm wave energy. **Addressed in Response to IR10-21:** The VFPA's response to IR10-21, as requested by the Review Panel, discusses potential project effects to sites of physical and cultural importance to Indigenous peoples. **Addressed in IR13-19:** The VFPA's forthcoming response to IR13-19 will further discuss potential effects of shoaling on shoreline structures and sites of physical and cultural heritage importance.	**MSA** 9.4 Archaeological and Heritage Resources 9.4.5.1 Existing Conditions – Physical Environment 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake **Information Requests** Response to Sufficiency Information Request #21 (IR10-21) Response to Sufficiency Information Request #19 (IR13-19)

Table 3: Marine Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-3.1	Concerned that no mitigation measures were proposed in the MSA to reduce the risk of vessel strikes and disturbance to marine birds from marine shipping associated with the Project. Stated that Pacheedaht's TUOS contains information about numerous species of marine birds of significance to Pacheedaht. Stated that marine birds can be inadvertently harmed or disturbed as a result of marine shipping-related activities, including collision with vessels, attraction to vessel lights, and disturbance to birds feeding, roosting, or nesting on the water or in the intertidal area. Requested an assessment, including proposed mitigation, for avoiding or minimising marine bird collision and disturbance risk.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 8.3:** As noted in MSA Section 8.3, potential effects of vessel wake-generated waves on marine birds were characterised as negligible, because wake-generated wave heights are predicted to be well within the range of natural wave conditions. Birds and bird habitat are already adapted to the natural wave conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Potential effects from vessel-related auditory and visual disturbance, which would be localised and of short duration (as the ship passes by), are considered to be negligible, as birds have habituated to existing conditions. Project-associated vessel activity is not expected to have a measurable effect on bird populations. Collisions with ships resulting in bird mortality are anticipated to result in a residual effect of loss of productivity, although there are no known reports of such mortalities from vessels transiting shipping lanes within the marine shipping area. This effect, therefore, is not widespread and collisions with vessels are most likely infrequent and, if they occur, are expected to be limited to a small proportion of the population. When considering cumulative effects of increased vessel activity in the marine shipping area, including marine vessel traffic associated with the Project in combination with other existing and future projects and activities, individual mortalities are likely to increase. However, the loss of productivity would not compromise long-term population integrity, and the residual effect is expected to be not significant and unlikely to occur. Cumulative effects are also unlikely to occur. **Addressed in Response to IR9-02:** The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	**MSA** 8.3 Marine Birds **Information Requests** Response to Sufficiency Information Request #02 (IR9-02)

Table 4: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-4.1	Requested a complete assessment of potential impacts to Pacheedaht from ship wake. Concerned about the potential impacts of ship wake from Project-associated vessels, including: • Damage to intertidal and shoreline habitat, which is where Pacheedaht members harvest many preferred species; and • Creating an unsafe environment for Pacheedaht members to harvest on the shorelines in their traditional territory.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 7.2:** Potential changes to the wave environment from ship wake (from Project-associated vessels) was assessed for a representative container vessel with approximately 9,000 to 9,500 twenty-foot equivalent unit (TEU) capacity in MSA Section 7.2. In addition to the study of a representative vessel, a sensitivity analysis of other vessel types with differing hulls was also conducted (see MSA Appendix 7.2-B). The analysis of wake height varied by a little over 10 cm in response to the vessel hull type, compared to the representative vessel. Coastal geomorphic conditions are not expected to change from wake-generated waves as vessel wake is a small component of the existing wave climate, which is influenced by wind-generated waves and ocean swell. **Addressed in MSA Appendix 5-B (#79):** The potential changes to the wave environment from ship wake (from Project-associated vessels) are assessed in MSA Section 7.2. This assessment informs the assessment of potential effects on fish and fish habitat, including marine vegetation and marine invertebrates (MSA Section 8.1), as well as the assessment of potential effects on marine mammals (MSA Section 8.2) and on marine birds (MSA Section 8.3). The wave assessment also informs the assessment of potential effects on archaeological and heritage resources (MSA Section 9.4). The assessment of Current Use (MSA Section 9.5) includes an assessment of potential changes to the availability of preferred Current Use resources such as marine fish and fish habitat, marine mammals, and marine birds. It also considers potential effects to spiritual and cultural sites. **Addressed in MSA Section 9.5:** As noted in MSA Section 9.5.11, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in Response to IR7-21:** The VFPA's response to IR7-21, as requested by the Review Panel, although the probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in [the marine shipping area] due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves. **Addressed in Response to IR7-22:** The VFPA's response to IR7-22, as requested by the Review Panel, discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area, including fishing activities in the vicinity of Swiftsure Bank. For all segments discussed in the marine shipping area, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators. The vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators, including operators undertaking fishing activities, because of the existing energetic wave climate. **Addressed in IR13-20:** The VFPA's forthcoming response to IR13-20 will further discuss Project-related changes to the wave environment and their potential effects on current use activities, access, and navigation.	**MSA** 7.2 Wave Environment 7.2.5 Incremental Changes to the Wave Environment 8.1 Marine Fish and Fish Habitat 8.1.6.1 Negligible Effects – Vessel Wake 8.2 Marine Mammals 8.2.6.1 Negligible Effects – Habitat Degradation - Vessel Wake 8.3 Coastal Birds 8.3.6.1 Negligible Effects - Vessel Wake 9.4 Archaeological and Heritage Resources 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1141) Response to Sufficiency Information Request #22 (IR7-22 of CEAR Document #1141) Response to Sufficiency Information Request #22 (IR13-20)

Table 5: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-5.1	Stated that many of Pacheedaht's treaty initiatives are resource and location based, and increased shipping traffic will have adverse impacts on the post treaty rights and related interests. Stated that Pachena IR#1 and Gordon River IR#2 envelop the main beach in the heart of the territory, which Pacheedaht successfully operate as a recreational campground. Stated that with the escalated risk of accident and malfunction posed by the RBT2 Project, and the detriment to the view scape and sound scape, there will be direct consequences on Pacheedaht's major revenue generator. Stated that the increased traffic and associated risk are of great concern to Pacheedaht cultural practices and for future eco-tourism based business.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study	**23-Sep-2015:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping.	**Addressed in MSA Section 9.5:** As noted in MSA Section 9.5.11, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. Addressed in IR10-27: The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 10.0 Potential Accidents or Malfunctions **Information Requests** Response to Sufficiency Information Request #27 (IR10-27)

Table 6: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-6.1	Concerned about the limited scope of the Terms of Reference (TOR) and that it only incudes construction and operation of the terminal and not impacts arising from container shipping activities. Requested that the TOR: • Require the Review Panel to consider and assess impacts to potentially impacted First Nations' Aboriginal and treaty rights; and • Require the Review Panel to consider impacts from marine shipping activities associated with the Project, including to s. 35 Rights. Requested that the Canadian Environmental Assessment Agency (CEA Agency) amend the TOR by requiring assessment of direct, indirect, and cumulative impacts relating to the container shipping activities associated with the Project, in the context of both operations and accidents and malfunctions.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #124)	**17-Apr-2015, Letter from the CEA Agency (CEAR Document #280):** *"The Minister announced today that the Terms of Reference for the Review Panel assessing the proposed Roberts Bank Terminal 2 have been finalized. Based on feedback received during the comment period on the draft Terms of Reference, the Minister has identified two additional matters to be taken into account in the environmental assessment."* These two additional factors were: 1) The potential effects on the environment of container ships coming and going from the proposed terminal through Juan de Fuca Strait and the Strait of Georgia; and 2) The potential economic, social, heritage, and health effects of the Project.		
Pach-6.2	Stated that the environmental assessment carried out by the VFPA remains incomplete, and the information requested in the table below is necessary before the review can proceed to a public hearing. Specifically, Pacheedaht's concerns include: • Lack of group-specific information provided by the VFPA in their assessment of impacts to Current Use and Aboriginal rights; • Incomplete assessment of potential impacts to Current Use and Aboriginal rights from marine shipping, including impacts from fuel spills, damage and loss of fishing gear, risk of collisions, and ship wakes; and • Incomplete assessment of potential impacts to ecological components from marine shipping, including impacts to birds, fish, and marine mammals.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Sections 8.1, 8.2, and 8.3:** MSA Sections 8.1, 8.2, and 8.3 describe potential marine biophysical effects resulting from marine shipping associated with the Project within the marine shipping area. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before the application of mitigation measures for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys.	**MSA** 8.1 Marine Fish and Fish Habitat 8.2 Marine Mammals 8.3 Marine Birds 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights 10.5 Assessment of Potential Effects of Accidents or Malfunctions **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in MSA Section 10.5:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133), provide additional information on the Government of Canada's Oceans Protection Plan which includes information on the development of comprehensive response systems for spills on water, proactive monitoring and response capacity on water, tougher requirements for industry response to incidents and better information sharing of marine traffic with coastal communities.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-6.3	Stated that they do not believe the MSA is sufficiently detailed for the Review Panel to proceed to hearings. Concerned about the lack of information provided in relation to the Port's proposed mitigation measures for addressing the impacts from marine shipping. Stated that these measures are not described at a sufficient level of detail for the Review Panel to determine the degree to which they will offset the predicted environmental effects.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-17:** The VFPA's response to IR10-17, as requested by the Review Panel, provides further information concerning mitigation measures related to the Marine Shipping Area.	**Information Requests** Response to Sufficiency Information Request #17 (IR10-17)
Pach-6.4	Stated that the potential effects of the proposed project should be evaluated considering the context of developments and historic events. Requested a complete assessment of cumulative effects to Pacheedaht's Current Use and Aboriginal rights. Stated that Pacheedaht considers these assessments as flawed and incomplete, judging that cumulative effects from existing developments and projects to their Current Use and interests are already at an unacceptable level, so that any additional effects would further degrade already unacceptable conditions.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 31-Oct-2016, Letter to Panel (CEAR Document #672)	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping.	**Addressed in EIS Section 9.5.8:** An assessment of future cumulative effects on Current Use was not conducted as routine marine shipping associated with the Project is not expected to result in any measurable residual effect on Current Use that is likely to interact cumulatively with changes caused by other projects or activities that will be carried out. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information developing a coastal environmental baseline and cumulative effects program.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights 9.5.8 Cumulative Effects Assessment **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Pach-6.5	Requested a complete assessment of cumulative effects that includes increased shipping traffic associated with potential expansions of the Ports of Seattle and Tacoma. As noted by Fisheries and Oceans Canada (DFO) in DFO IR-58, the Port's assessment of future ship transits through Juan de Fuca Strait and approaches does not take into account increases in shipping traffic associated with potential expansions of the Ports of Seattle and Tacoma.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR4-09:** In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). Specifically, Appendix IR4-09-A addresses the Ports of Seattle and Tacoma: The ports of Seattle and Tacoma have formed the Northwest Seaport Alliance (NWSA) to manage the two ports' marine cargo terminal investments, operations, planning, and marketing to strengthen the Puget Sound gateway and attract more marine cargo for the region. Two projects are currently under review: • Pier 4 Reconfiguration Project – Upon project completion cargo capacity will increase from 767,000 TEUs annually to an estimated 1.3 million TEUs. Fewer vessel calls are needed under the 'with project' condition because more containers are expected to be moved per vessel call (i.e., for 2030, 94 calls are projected without the project, and 52 calls are projected with project completion), or 188 to 104 movements per annum (reduction of 84 movements per year). • Terminal 5 Cargo Wharf Rehabilitation, Berth Deepening, Improvements Project – With project completion vessel calls are projected to decrease from six per week (existing traffic) to four per week, or 312 to 208 movements per annum (reduction of 104 movements per year).	**Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				The total decrease in vessel movements with these two projects is 188 per year. As vessel size has been held constant for projections for VFPA container terminals, this decrease has not been incorporated in the project-based approach total (i.e., calls to VFPA terminals would also decrease due to scheduled service to both regions). **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information developing a coastal environmental baseline and cumulative effects program.	
Pach-6.6	Requested a rationale for the conclusions of the effects assessment for Current Use by Indigenous peoples where the conclusions are reported as 'no effect' or 'negligible'. Stated that the VFPA provides a short summary of analysis findings but no explanation of how the facts were assessed to arrive at this conclusion (see pages 9.5-143 to 9.5-146). This differs from information found in Pacheedaht's TUOS, which expresses serious concerns about effects of marine shipping and cumulative effects of marine shipping. Expressed concerns that if residual effects are assessed as negligible, a cumulative effects assessment will not be required, and cumulative effects remain one of Pacheedaht's key concerns.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-13:** The VFPA's response to IR10-13, as requested by the Review Panel, provides additional information concerning the rationale for the effects assessment conclusions. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information developing a coastal environmental baseline and cumulative effects program.	**Information Requests** Response to Sufficiency Information Request #13 (IR10-13) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Pach-6.7	Expressed concern that cumulative effects are not being properly considered. Requested information on how increased vessel traffic is going to be addressed.	23-Oct-2017, Meeting with the VFPA and regulatory bodies (the CEA Agency, B.C. Environmental Assessment Office (EAO)), and Canadian Coast Guard	**23-Oct-2017, Meeting:** Recorded comment for consideration by Project team.	**Addressed in Response to IR4-09:** In the MSA, cumulative effects were considered for each VC. In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information developing a coastal environmental baseline and cumulative effects program.	**MSA** 8.0 Marine Biophysical Environment 9.0 Human Health **Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 7: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-7.1	Expressed concern with the MSA timelines, and the Current Use report. Requested that the VFPA extend the timeline for this work.	14-Aug-2015, Meeting	**14-Aug-2015:** Acknowledged that timelines are tight. **20-Aug-2015, Letter from the VFPA:** Acknowledged that Pacheedaht First Nation has indicated interest in participating in the review of the marine shipping associated with the Project and in conducting an associated Traditional Use Study. Agreed to provide Pacheedaht First Nation with funding on the terms and conditions set out in this letter. Requested that the final report be submitted by 21-Sep-2015. **24-Sept-2015:** Pacheedaht First Nation provided the VFPA with the report: *Pacheedaht First Nation Traditional Use and Occupancy Study Report for Port Metro Vancouver RBT2 Project*.	**Addressed in MSA Appendix 5-B (#7):** The VFPA acknowledges the challenges associated with participating in consultation during summer months, and as such has been in contact with each Indigenous group about their desire to provide comments or additional information, and has extended timelines for participation into the fall in order to accommodate these expressed interests to participate.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods Appendix 5-B Aboriginal Issues and Interests
Pach-7.2	Requested additional funding for continued participation.	10-Nov-2015, Meeting	**10-Nov-2015:** Committed to conveying Pacheedaht First Nation's request to the CEA Agency for funding. **10-Nov-2015, Email from the VFPA:** Provided the contact information for the Crown Consultation Coordinator and a link to information about the CEA Agency's participation funding program.	**Summary of funding provided by the VFPA:** 26-May-2015: Offered participation funding for engagement regarding marine shipping. 30-Jun-2015: Accepted funding. 20-Aug-2015: Offered funding for Marine Shipping Traditional Use Study. 26-Aug-2015: Accepted funding. 18-Sep-2017: Offered funding to facilitate participation in a meeting on marine shipping focused on mitigation. 30-Nov-2015: Accepted funding.	
Pach-7.3	Requested clarification on what information Pacheedaht is being asked to provide before the November 15 deadline.	10-Nov-2017, Letter to Panel (CEAR Document #1090)	**20-Nov-2017, Letter from Panel:** *"First, in its July 24, 2017 letter to Chief Jones, the Panel stated that:* (it) would appreciate receiving any additional information not currently available on the Registry that Pacheedaht First Nation may wish to provide on the potential environmental effects of the proposed Project or marine shipping associated with the Project, proposed mitigation measures, follow-up programs, or any other aspect of the environmental assessment. The Panel would also welcome input from Pacheedaht First Nation regarding the information that has been submitted by the Vancouver Fraser Port Authority or any other participant in the process. *[…]* *Second, the letter asks about additional opportunities for Pacheedaht First Nation to make written submissions to the Panel. In addition to the Panel's July 24, 2017 invitation, each update from the Review Panel Secretariat to the distribution list for the Roberts Bank Terminal 2 environmental assessment reminds participants that the Panel will determine and announce the timing and procedure for any future opportunities to comment during the sufficiency review stage at a later date. In addition, once the Panel determines that it has sufficient information to proceed to a public hearing, it will announce the hearing and issue hearing procedures. Review panels normally allow participants to provide written submissions during the hearing stage – the particulars of this for the Roberts Bank Terminal 2 hearing would be detailed in the hearing procedures."*		

Table 8: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-8.1	Requested greater clarity regarding the proposed mitigation measures in the MSA. Requested more detail on the intended effect of the proposed mitigation measures, specifically how the mitigation measures will mitigate the potential adverse impacts of the Project on Aboriginal rights and related interests. Stated that two mitigation measures identified on page 9.5-152 relating to impacts on Current Use activities as well as impacts to Aboriginal rights from shipping traffic are insufficient. The measures the Port is proposing are: (1) providing real time info related to ship movements, and (2) further consultation.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-09:** The VFPA's response to IR10-09, as requested by the Review Panel, provides further discussion of proposed mitigation measures to reduce the potential effects of the proposed Project on the access, availability, and quality of preferred Current Use resources and the quality of the Current Use experience.	**Information Requests** Response to Sufficiency Information Request #09 (IR10-09)

Table 9: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-9.1	Concerned about the potential for sewage or other contaminants to be discharged from the container ships associated with the Project and affect the shoreline and intertidal seafoods relied on by Pacheedaht members. Requested an assessment of any sewage or other contaminants that could be discharged from the proposed container ships, including consideration of whether any or a combination of these contaminants could increase the potential for contaminating species harvested by Pacheedaht.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in TC IR-02 to TC IR-06:** In its response to the Review Panel's Information Requests of May 10, 2017, Transport Canada has indicated that with respect to chronic oiling, the use of anti-fouling agents, and discharges of ballast water, bilge water, and sewage, that marine water quality in the marine shipping area is not expected to change because these potential contributors are regulated by the *Canada Shipping Act, 2001*, and in particular the Vessel Pollution and Dangerous Chemicals Regulations (VPDCR) under this act. Furthermore, Transport Canada states that "In relation to the Project, the technical requirements of the VPDCR apply to all vessels over 400 gross tonnage. As such, all container ships and most tugs serving container ships that would call at the proposed RBT2 would be subject to these requirements".	**Information Requests** Transport Canada Information Requests #02 to #06 (TC IR-02 to TC IR-06 of CEAR Document #962)

Table 10: Marine Commercial Use

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-10.1	Stated that RBT2 would also be interfering with Pacheedaht's fishing rights currently and in the future. Stated that the future impacts are related to both the future expansion of commercial fisheries licences, held by Pacheedaht, for profitable species, and potentially viable alternatives.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping.	**Addressed in Response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	**Information Requests** Response to Sufficiency Information Request #26 (IR10-26)

Table 11: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-11.1	Indicated that Swiftsure is their main fishing area for halibut.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 23-Oct-2017, Meeting with the VFPA and regulatory bodies (the CEA Agency, B.C. EAO) and Canadian Coast Guard	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping. **23-Oct-2017, Meeting:** The VFPA met with Pacheedaht along with representatives from the CEA Agency, B.C. EAO, and the Canadian Coast Guard to discuss the Project and its associated marine shipping. Pacheedaht raised their concerns regarding the location of the shipping lanes. The CEA Agency responded that the discussion regarding the shipping lane will continue through the Oceans Protection Plan.	**Addressed in MSA Sections 9.2 and 9.5:** In Sections 9.2 and 9.5 of the MSA, the VFPA acknowledges that Swiftsure is the Pacheedaht's preferred areas to harvest marine resources. **Addressed in MSA Appendix 5-B (#71):** Potential effects of marine shipping associated with the Project on marine fish and fish habitat are assessed in MSA Section 8.1. Potential effects on marine commercial use, including Indigenous fishing, are considered in MSA Section 9.2. The assessment of Current Use (MSA Section 9.5) describes how Current Use activities have been affected by other projects and activities that have been carried out and considers the effects of marine shipping associated with the Project in combination with the effects of other projects and activities (including marine shipping) that have been or will be carried out.	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects 9.2 Marine Commercial Use 9.2.4 Existing Conditions 9.2.5 Potential Interactions and Effects 9.2.4.4 Juan de Fuca Strait (Segments C and D of the [Marine Shipping Area]) 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use Appendix 5-B Aboriginal Issues and Interests

Table 12: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-12.1	Stated the importance of humpback and killer whales to Pacheedaht. Requested detailed information about the spatial and seasonal occurrence and densities of marine mammals in Juan de Fuca Strait. Stated that consultation with Pacheedaht is required in collecting this information and more baseline information is needed about the presence of marine mammals in Juan de Fuca Strait, and in particular at Swiftsure Bank.	14-Aug-2015, Meeting 31-Oct-2016, Letter to Panel (CEAR Document #672)	**14-Aug-2015, Meeting:** Recorded comment for consideration by the Project team. **20-Aug-2015:** The VFPA provided Pacheedaht with funding to produce a Traditional Use Study that describes Pacheedaht's Current Use of the area in relation to marine mammals as well as other resources. **24-Sep-2015:** Pacheedaht provided the VFPA with the report: *Pacheedaht First Nation Traditional Use and Occupancy Study Report for Port Metro Vancouver RBT2 Project*. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 8.2 the assessment of marine mammals and Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 8.2:** MSA Section 8.2 includes consideration of potential effects on marine mammals in the marine shipping area, which encompasses Juan de Fuca Strait. Spatial and seasonal occurrence of marine mammals in Juan de Fuca Strait are discussed, (particularly using extensive sightings data,) but density information is provided for southern resident killer whale only. **Addressed in MSA Appendix 5-B (#44):** The assessment of marine mammals (MSA Section 8.2) includes consideration of potential effects on whales. Potential effects on marine mammals related to Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment and physical disturbance from vessel strikes. These effects are expected to be not significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either southern resident killer whales or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of southern resident killer whales, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales, other than southern resident killer whales. The VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on southern resident killer whales. As such, Project-associated vessel activity, in combination with existing and future vessel activity, is expected to continue to result in a significant cumulative effect to southern resident killer whales. Regional efforts are underway through the VFPA-led Enhancing Cetacean Habitat and Observation (ECHO) Program to better understand and manage the potential effects of marine shipping on marine mammals throughout the southern coast of B.C. **Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines* and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of Current Use (MSA Section 9.5). The VFPA has acknowledged the challenges of participating in consultation during summer months, and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation, and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests. **Additional information provided by the VFPA:** A summary of consultation activities can be found in MSA Appendix 5-A.	**MSA** Appendix 5-A Consultation Activities by Aboriginal Group Appendix 5-B Aboriginal Issues and Interests 8.2 Marine Mammals 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes 8.2.7.2 Mitigation – Vessel Strikes 8.2.8.2 Residual Effect #2 – Physical Disturbance from Vessel Strikes 8.2.8.4 Summary of Residual Effects and Significance 8.2.9 Cumulative Effects Assessment
Pach-12.2	Requested that the EIS include potential expansions at the Ports of Seattle and Tacoma in the cumulative effects assessment for marine mammals. Agreed with the concerns raised in DFO IR-58 relating to the need to account for the potential expansions of the Ports of Seattle and Tacoma in the	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR4-09:** Updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). Specifically, Appendix IR4-09-A addresses the Ports of Seattle and Tacoma: The ports of Seattle and Tacoma have formed the NWSA to manage the two ports' marine cargo terminal investments, operations, planning, and marketing to strengthen the Puget Sound gateway and attract more marine cargo for the region. Two projects are currently under review: • Pier 4 Reconfiguration Project – Upon project completion cargo capacity will increase from 767,000 TEUs annually to an estimated 1.3 million TEUs. Fewer vessels calls are needed	**Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051) **DFO Response to Additional Information Requests: DFO IR-02 (CEAR Document #959)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	cumulative effects assessment for marine mammals.			under the 'with project' condition because more containers are expected to be moved per vessel call (i.e., for 2030, 94 calls are projected without the project, and 52 calls are projected with project completion), or 188 to 104 movements per annum (reduction of 84 movements per year). • Terminal 5 Cargo Wharf Rehabilitation, Berth Deepening, Improvements Project – With project completion vessel calls are projected to decrease from six per week (existing traffic) to four per week, or 312 to 208 movements per annum (reduction of 104 movements per year). The total decrease in vessel movements with these two projects is 188 per year. As vessel size has been held constant for projections for VFPA container terminals, this decrease has not been incorporated in the project-based approach total (i.e., calls to VFPA terminals would also decrease due to schedule service to both regions). **Addressed in DFO IR-02:** In its response to the Review Panel's Information Requests of April 5, 2017, DFO states "the general trend is that designers and builders of newer ships now are actively working on making their ships quieter". Therefore, it is possible that future containers ships may be designed to reduce underwater noise levels. Consequently, the potential effects of underwater sound to marine species, as presented in the EIS, could be less in the future. As such, no change to the marine mammal cumulative effects assessment was deemed warranted.	
Pach-12.3	Requested that the EIS describe the nature and extent of potential cumulative effects on humpback whales and Steller sea lions. Agreed with the concerns raised in DFO IR-60 relating to potential cumulative effects to humpback whales and Steller sea lions within the regional assessment area (RAA). The MSA concludes that for both species, cumulative effects could occur within the RAA; however, the nature and extent of these cumulative effects are not described. As set out in Pacheedaht's TUOS, both species are of great cultural and spiritual importance to Pacheedaht.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 31-Oct-2016, Letter to Panel (CEAR Document #672)	**23-Sep-2015:** Recorded comment for consideration by the Project team.	**Addressed in Response to IR5-53:** IR5-53 further discusses rationale for the criteria ratings presented in the EIS related to potential Project cumulative effects to humpback whales and Steller sea lion. Additional rationale for the criteria ratings describing potential cumulative effects to humpback whales from changes in the acoustic environment includes the following: • Uncommon occurrence of humpback whales in the LAA: Humpback whales (and other baleen whales) are uncommon in the LAA (EIS Figure 14-5); this suggests that there will be minimal spatial overlap with Project-related underwater noise (i.e., approach, berthing, unberthing, departure), thereby minimising the potential for cumulative interactions. • Current annual increased growth rate of population of approximately 5%, despite existing levels of marine shipping and underwater noise levels in B.C.: Past projects and activities that have been carried out (i.e., historical commercial whaling, see EIS Section 14.5.2) resulted in reductions of the humpback whale population. However, this trend has reversed, with current population trends in B.C. showing approximately 5% growth annually. This indicates that potential effects from existing marine shipping are not affecting overall population viability despite existing levels of underwater noise. • Recategorisation of the humpback whale population in B.C. as Special Concern, rather than Threatened: As a result of substantial increases in the population since being listed as 'Threatened' under the *Species at Risk Act* (*SARA*) in 2005, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) reassessed the North Pacific population of humpback whales in 2011 and downgraded its status to 'Special Concern' (COSEWIC 2011, 2014). In 2017, the humpback whale was officially reclassified from Threatened to Special Concern under the *SARA* (GOC 2017, appended to the response as Appendix IR5-53-A). • Small incremental contribution of Project operation and future marine shipping to existing underwater noise levels and subsequent potential behavioural effects: Under existing conditions in marine waters adjacent to the Roberts Bank terminals, underwater noise levels are high due to existing marine vessel traffic (see EIS Appendix 9.8-A). Noise modelling has demonstrated that future underwater noise levels in the RAA will be comparable to levels occurring during existing conditions; by extension, this implies that any potential incremental behavioural effects experienced from the Project will likely be within the range of those already occurring under existing conditions. Given that humpback whale populations are healthy and growing under existing conditions, the cumulative effect of underwater noise is not anticipated to adversely affect population recovery or viability.	**Information Requests** Response to Sufficiency Information Request #53 (IR5-53 of CEAR Document #1159)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Additional rationale for the criteria ratings describing potential cumulative effects to Steller sea lion from changes in the acoustic environment includes the following: • Current annual increased growth rate of population of approximately 3%, despite existing levels of marine shipping and underwater noise levels in B.C.: Past projects and activities that have been carried out resulted in reductions of the Steller sea lion population. Between 1912 and 1968, thousands of Steller sea lions were killed in B.C. in a campaign to reduce competition for fish stocks with commercial fishers (see EIS Section 14.5.3.4). Since that time, the Steller sea lion population in B.C. has been increasing at a rate of approximately 3.2% per year, despite existing levels of marine shipping traffic and its associated underwater noise (DFO 2010). • Small incremental contribution of Project operation and future marine shipping to existing underwater noise levels and subsequent potential behavioural effects: Under existing conditions in marine waters adjacent to the Roberts Bank terminals, underwater noise levels are generally relatively high due to existing marine vessel traffic (see EIS Appendix 9.8-A). Noise modelling has demonstrated that future underwater noise levels in the RAA will be comparable to levels occurring during existing conditions; by extension, this implies that any potential incremental behavioural effects experienced from the Project will likely be within the range of those already occurring under existing conditions. Given that Steller sea lion populations are healthy and growing under existing conditions, the cumulative effect of underwater noise is not anticipated to adversely affect population recovery or viability. • Evidence of habituation to regularly occurring, predictable underwater noise sources. As described in EIS Section 14.6.4, Steller sea lions are expected to habituate to some extent to existing, Project, and future cumulative underwater noise levels due to marine shipping; this is based on observations of continued use of areas that experience regular disturbance (e.g., air or vessel traffic) by seals and sea lions.	
Pach-12.4	Requested that the EIS provide an assessment of the likelihood of injury or mortality to humpback whales during their migration through Juan de Fuca Strait. Concerned about potential impacts to humpback whales from the Project, given their common presence in shipping lanes and in particular at the J-buoy stationed on Swiftsure Bank, susceptibility to acoustic disturbance, vulnerability to vessels strikes and the close proximity between the proposed shipping routes and their critical habitat and migratory routes.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Sections 8.2.6.2 and 8.2.6.3:** Vessel strikes to humpback whales are considered in MSA Section 8.2.6.3. It notes a Project-associated container ship could potentially strike a humpback whale within the LAA resulting in injury or mortality. The addition of approximately three container ship movements every two days over existing conditions is not predicted to result in population level effects to the population of humpback whales in B.C. as the population is growing at a rate of approximately 5% (according to DFO). As noted in MSA Section 8.2.6.2, Expected underwater noise levels and zones of potential behavioural disturbance to humpback whales were predicted at four representative locations along the international outbound shipping lanes in the LAA for container ship transit associated with RBT2 (MSA Figure 8.2-4) (see MSA Section 7.6 and MSA Appendix 7.6-A for more information on methods and assumptions). Underwater noise from marine shipping associated with RBT2 represents a small increase over existing conditions (see MSA Section 7.6). Furthermore, while behavioural effects are possible, it should be noted that the scale of overlap between predicted behavioural disturbance radii (see MSA Table 8.2-8) from transiting vessels and humpback whales is considered small, as is the frequency of exposure, based on a projected increase of approximately three ship movements every two days. **Addressed in Response to IR5-41:** The VFPA's response to IR5-41, as requested by the Review Panel, discusses the combination of lines of evidence used to support conclusions regarding the frequency and effects of vessel strikes on marine mammals in the marine shipping area. In summary, it was concluded that incremental effects of vessel strikes from RBT2-associated vessel traffic would be moderate in magnitude and occur infrequently above and beyond strikes occurring during existing conditions, and were determined to be not significant. These predictions were based on the multiple lines of evidence as described in the response.	**MSA** 7.6 Underwater Noise 8.2 Marine Mammals 8.2.6.2 Potential Effect #1 – Behavioural and Acoustic Masking Effects Due to Underwater Noise from Marine Shipping Associated with the Project 8.2.6.3 Potential Effect #2 – Physical Disturbance from Vessel Strikes Appendix 7.6-A Container Ship Underwater Noise Modelling **Information Requests** Response to Sufficiency Information Request #41 (IR5-41 of CEAR Document #1159)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-12.5	Concerned about impacts to sea lions and sea lion habitat from the Project, especially in the event of an oil spill or marine accident. Requested information about sea lion haul-out sites and rookeries in Juan de Fuca Strait.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.5.7:** Considers the effects of potential accidents and malfunctions on marine mammals. Effects to marine mammals from an accidental oil spill were determined to be unlikely due to low probability of a spill occurring. Confidence was rated as moderate in the determination of not significant effects to Steller sea lions because monitoring of this species after past oil spill events has not observed population-level effects. However, due to potential limitations in monitoring data and the conservation status of this representative species, confidence was rated as moderate, rather than high. **Addressed in Response to IR5-36:** Sea lion haul-out sites and rookeries are provided as part of IR5-36 as requested by the Review Panel.	**MSA** 10.5 Assessment of Potential Effects of Accidents or Malfunctions 10.5.7 Marine Mammals **Information Requests** Response to Sufficiency Information Request #36 (IR5-36)
Pach-12.6	Requested an update to the killer whale behavioural response analysis in western Juan de Fuca Strait in MSA Appendix 8.2-A, using new information on southern resident killer whales use around Swiftsure Bank (Ford et al. 2016). Given the potential threats from the Project to this population, explain why Project-specific existing baseline conditions for the southern resident population of killer whales, including the incorporation of Pacheedaht's traditional knowledge, was not determined to be necessary for the MSA. Agrees with the concern raised by DFO in DFO IR-61 regarding the potential underestimate of the presence of southern resident killer whales at Swiftsure Bank. The significance of this species to Pacheedaht, including spirituality, is described in the TUOS. This species faces numerous potential impacts from the Project, including environmental contaminants, acoustic disturbance, loss of food sources, physical disturbance, and fuel spills.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR5-47:** In the VFPA's response to IR5-47, the southern resident killer whale behavioural response analysis for western Juan de Fuca Strait region (described in MSA Section 8.2 and MSA Appendix 8.2-A) was revised to incorporate the second year of passive acoustic monitoring data at Swiftsure Bank, as well new information regarding the mean monthly sightings of southern resident killer whale between 2001 and 2011. This new data was provided to the VFPA by DFO in response to the information request. Low and moderate-severity behavioural responses per southern resident killer whale per year in the Extended Region were re-calculated by applying the all pod average of 10.1% in the occurrence of southern resident killer whale in this area, based on the conservative annual southern resident killer whale occurrence estimated for the region (179 days) recalculated using the second year of DFO's passive acoustic monitoring data at Swiftsure Bank. As a consequence, under existing conditions, the total number of behavioural responses within the Extended Region increased by 79 low-severity and 22 moderate-severity behavioural responses, respectively. The inclusion of marine shipping associated with Project resulted in an increase of 80 low-severity and 23 moderate-severity behavioural responses. Thus, the resulting incremental contribution of marine shipping associated with the Project to southern resident killer whale behavioural effects in the marine shipping LAA increased by one low-severity behavioural response and one moderate-severity behavioural response per whale per year. The southern resident killer whale behavioural response model is a multistage probabilistic approach that incorporates uncertainty in acoustic dose-response thresholds, pod monthly occurrence, and pod location to define 95% confidence intervals in estimated behavioural responses. The incremental effects described in this response are very small and considered not discernible when viewed within the context of previous model results and associated wide 95% confidence intervals described in MSA Table 8.2-7. Criteria ratings in MSA Table 8.2-11 would not change as a result of the inclusion of this information. This is because, as stated above, the calculated increase in the number of low and moderate-severity behavioral responses in the LAA is not discernible from those already described in the MSA and the incremental contribution of marine shipping to existing conditions associated with the Project does not change. **Addressed in MSA Section 5.0, Appendix 5-A, and Section 9.5.4.10:** Describes consultation activities undertaken with Pacheedaht First Nation to collect traditional knowledge and its incorporation into the MSA.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4.10 Existing Conditions Appendix 5-A Consultation Activities by Aboriginal Group **Information Requests** Response to Sufficiency Information Request #47 (IR5-47 of CEAR Document #1145)

Table 13: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-13.1	Concerned about impacts from the increase in container ship traffic associated with the Project, contamination and disturbance to the marine environment of the Project on its own and in combination with other industrial and other existing and proposed activities.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #124)	**17-Apr-2015, Letter from the CEA Agency:** *"Based on feedback received during the comment period on the draft Terms of Reference, the Minister has identified two additional matters to be taken into account in the environmental assessment. This includes the potential effects on the environment of container ships coming and going from the proposed terminal through Juan de Fuca Strait and the Strait of Georgia…we have asked the Port to talk to your Nation and describe any concerns or suggestions that you might have with respect to the proposed increase in shipping container traffic."*	**Addressed in the *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Additional information provided by the VFPA:** The VFPA understands that marine shipping associated with the Project outside of Port of Vancouver's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on environmental protection.	**MSA** Appendix 5-B Aboriginal Issues and Interests ***Updated EIS Guidelines*** **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Pach-13.2	Stated that the container ship traffic associated with the Project has the potential to cause 'environmental effects' as defined in this section, including to fish and fish habitat; aquatic species listed under *SARA*, including killer whales; migratory birds; health and socio-economic conditions of Pacheedaht members; Pacheedaht's physical and cultural heritage; Pacheedaht's Current Use; and historical and archaeological sites. Concerned with: • The increase in the number of large vessels within Pacheedaht's traditional territory would create safety concerns for Pacheedaht members travelling by boat to reach harvesting areas, including when they are harvesting by boat in areas of open water and along shore lines. • Vessel noise is likely to have negative effects on marine resources that are culturally important to Pacheedaht, including fish and marine mammals.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #124)	**17-Apr-2015, Letter from the CEA Agency:** *"Based on feedback received during the comment period on the draft Terms of Reference, the Minister has identified two additional matters to be taken into account in the environmental assessment. This includes the potential effects on the environment of container ships coming and going from the proposed terminal through Juan de Fuca Strait and the Strait of Georgia…we have asked the Port to talk to your Nation and describe any concerns or suggestions that you might have with respect to the proposed increase in shipping container traffic."*	**Additional information provided by the VFPA:** In October 2015, the VFPA submitted to the CEA Agency the MSA. The assessment considers potential effects to marine commercial use, vessel noise and wake, potential accidents and malfunctions, as well as Current Use and Aboriginal and treaty rights. The conclusion of the MSA is that marine shipping associated with the Project is not likely to result in any significant adverse residual effects to any of the VCs assessed. In addition, no adverse cumulative effects are anticipated, with the exception of potential effects to southern resident killer whales. As with the conclusions in the EIS, submitted in March 2015, the MSA concludes that southern resident killer whales have already been significantly adversely affected by past projects and activities; therefore, cumulative effects are expected to remain significant.	**MSA** 7.0 Physical Environment 8.0 Marine Biophysical Environment 9.0 Human Health 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	• The risk of vessel strikes with marine mammals, including killer whales, will increase. • Wakes from the increased ship traffic could damage intertidal and shoreline habitat, which is where Pacheedaht members harvest many preferred species. • Vessel wakes have the potential to make it unsafe for Pacheedaht members to harvest on the shorelines in their traditional territory. • Vessel wakes have the potential to damage shoreline archaeological sites in Pacheedaht's traditional territory. • Container traffic may destroy fishing gear, such as the nets and lines that Pacheedaht members set. • Container traffic has the potential to disturb Pacheedaht's connection to the lands and waters. • Container traffic has the potential to contaminate or damage resources and habitat relied upon for the exercise of Pacheedaht's harvesting rights in the event of an accident or malfunction resulting in the release of bunker fuel or other contaminants. • Container traffic has the potential to affect Pacheedaht members' ability to transfer traditional knowledge to younger generations.				
Pach-13.3	Concerned that the Project would increase the strain on the bearing load of what Juan de Fuca Strait is able to successfully absorb in terms of pollution, wave action, and volume of large vessels.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 30-Nov-2017, Letter to Panel – Pacheedaht First Nation Traditional Marine Use and Occupancy Study 2014 (CEAR Document #1118)	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 7.2 on Wave Environment and 7.3 on Marine Water Quality.	**Addressed in MSA Section 7.3:** Due to federal and international pollution prevention provisions and regulations, discharges of bilge water or ballast water are not expected to alter marine water quality within the marine shipping area. Routine Project-associated shipping activities are therefore not expected to affect marine water quality. **Addressed in MSA Section 7.2:** An assessment of the wave environment was conducted to determine potential changes from vessel transits associated with the Project on wake-generated waves. The existing wind-wave climate varies greatly across the local study area in response to differences in local wind conditions, variations in fetch length, and incoming swell from Juan de Fuca Strait. The majority of wind-generated wave heights are in the range of 10 to 50 cm, but they can reach up to 200 cm.	**MSA** 7.2 Wave Environment 7.3 Marine Water Quality 8.0 Marine Biophysical Environment 9.0 Human Health

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Vessel wake is a small component of the existing wave climate. Wake waves generated by a representative-size container ship travelling at typical speeds through the marine shipping area were calculated. The results showed that wake waves larger than 10 cm (wave heights smaller than this height are considered to reflect calm conditions) would reach shorelines adjacent to the shipping lanes only in Segment B of the marine shipping area in three zones—near Tumbo and Saturna islands, at the western end of Stuart Island, and in the vicinity of Victoria, including Discovery Island. Based on the spectrum of wind-generated waves, ship wake would be indistinguishable from wind-generated waves except during calm conditions. Calm conditions are experienced 40%, 46%, and 25% of the time within these three identified zones in Segment B. Therefore, container ship wake waves are expected to be exceeded by (and indistinguishable from) natural waves 60%, 54%, and 75% of the time in these Segment B zones. Vessel wake height calculations indicate that the majority of wake-related waves approaching shorelines in the three zones would be between 10 cm and 12.5 cm in height. Project-associated traffic is expected to increase vessel traffic through Segment B by 6% compared to existing conditions; therefore, the potential for wake-generated waves to occur during calm conditions is also expected to increase by 6%. With all future vessels transiting the marine shipping area, including Project-associated traffic (a cumulative vessel traffic increase of 36%), the potential for these small wake-related waves (10 to 12.5 cm) is anticipated to cumulatively increase by 36%. The length of shoreline that falls within the zone of influence of existing vessel wake is not anticipated to change with future increases in the number of vessel movements	
Pach-13.4	Concerned that the increase in tanker volume will have an impact on the greenhouse gas emissions and uptake by the oceanic plankton colonies, resulting in lower air quality above and below the surface. Concerned that the water column will be impacted by increased turbulence that could result in lower visibility and higher dispersal rate of sediments. Stated that these factors could influence Pacheedaht's marine resource base, particularly in respect to purity from contaminants, as expressed by Pacheedaht members.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 30-Nov-2017, Letter to Panel – Pacheedaht First Nation Traditional Marine Use and Occupancy Study 2014 (CEAR Document #1118)	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA.	**Additional information provided by VFPA:** The Project is a proposed container terminal; therefore, only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 7.0:** MSA Section 7.0 considers potential effects of air quality (MSA Section 7.1), wave environment (MSA Section 7.2), and marine water quality (MSA Section 7.3). The conclusion of the MSA is that marine shipping associated with the Project is not likely to result in any significant adverse residual effects to any of the VCs assessed.	**MSA** 7.0 Physical Environment 7.1 Air Quality 7.2 Wave Environmental 7.3 Marine Water Quality
Pach-13.5	Concerned with ballast or bilge water and invasive species and enforcement challenges. Concerned about the threat imposed by the contents of ballast water, which potentially include sewage, waste water, and contaminated holding tank water. Concerned that water from other ports visited in the past may increase the risk of introducing	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 10-Nov-2015, Meeting 30-Nov-2017, Letter to Panel – Pacheedaht First Nation Traditional Marine Use and Occupancy Study	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses. **10-Nov-2015:**	**Addressed in MSA Appendix 5-B (#33):** Information on ballasting is provided in MSA Sections 3.0 and 4.0. Transport Canada enforces Canadian regulations and international conventions implemented by Canada governing matters such as ballast water management. Since ballasting is not permitted within the marine shipping area, it is not assessed as an activity of marine shipping associated with the Project. Further rationale is provided in MSA Section 7.3. Other types of releases are also described in MSA Section 4.0, and the assessment of potential effects on marine vegetation and other marine resources as a result of a spill is included in MSA Section 10.0. **Addressed in TC IR-02 to TC IR-06:** In its response to the Review Panel's information requests of May 10, 2017,	**MSA** 3.0 Regulatory Framework and Role of Government 3.1 Federal Authorities Overview 3.2 Regulatory Framework 4.0 Activity Description 4.2.2.1 Associated Activities – Ballasting 4.4.2 Potential In-Transit Accidents Incidence and Release Amount Predictions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	invasive species to Pacheedaht's territory.	2014 (CEAR Document #1118)	Recorded comment for consideration by the Project team.	Transport Canada has indicated that with respect to chronic oiling, the use of anti-fouling agents, and discharges of ballast water, bilge water, and sewage, that marine water quality in the marine shipping area is not expected to change because these potential contributors are regulated by the *Canada Shipping Act, 2001*, and in particular the VPDCR under this act. Furthermore, Transport Canada states that "In relation to the Project, the technical requirements of the VPDCR apply to all vessels over 400 gross tonnage. As such, all container ships and most tugs serving container ships that would call at the proposed RBT2 would be subject to these requirements". **Additional information provided by the VFPA:** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice that became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the International Maritime Organization (IMO), are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles and in water deeper than 2,000 m. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters.	7.3 Marine Water Quality 7.3.5 Incremental Changes to Marine Water Quality from Marine Shipping Associated with the Project 10.0 Potential Accidents or Malfunctions 10.5.6 Marine Fish and Fish Habitat Appendix 5-B Aboriginal Issues and Interests **Information Requests** Transport Canada Information Requests #02 to #06 (TC IR-02 to TC IR-06 of CEAR Document #962)
Pach-13.6	Concerned about the effects of tanker noise on the subsurface marine environment and its detriments to marine mammals, and specifically the resident killer whale population.	30-Nov-2017, Letter to Panel – Pacheedaht First Nation Traditional Marine Use and Occupancy Study 2014 (CEAR Document #1118)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by VFPA:** The Project is a proposed container terminal; therefore, only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 8.2:** Potential effects on marine mammals related to incremental Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment, and physical disturbance from vessel strikes. These effects are expected to not be significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either southern resident killer whales or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of southern resident killer whales, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales, other than southern resident killer whales. The VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on southern resident killer whales. As such, Project-associated vessel activity, in combination with existing and future vessel activity, is expected to continue to result in a significant cumulative effect to southern resident killer whales. **Addressed in Responses to IR5-41 and IR5-47:** The VFPA's responses to IR5-41 and IR5-47 further discuss marine mammal strike risk and potential underwater noise effects to southern resident killer whales at Swiftsure Bank specifically. The overall effects assessment conclusions presented in the MSA remain the same. **Additional information provided by the VFPA:**	**MSA** 7.0 Underwater Noise 8.2 Marine Mammals **Information Requests** Response to Sufficiency Information Request #41 (IR5-41 of CEAR Document #1159) Response to Sufficiency Information Request #47 (IR5-47 of CEAR Document #1145)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				In 2014, the VFPA-led ECHO Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	
Pach-13.7	Concerned about the increased disturbance to the swell patterns in Juan de Fuca Strait from tanker traffic and create safety concerns for Pacheedaht members out on the water and on the shore.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 30-Nov-2017, Letter to Panel – Pacheedaht First Nation Traditional Marine Use and Occupancy Study 2014 (CEAR Document #1118)	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA.	**Addressed in Responses to IR7-21 and IR7-22:** As noted in the VFPA's response to IR7-21, as requested by the Review Panel, although the probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves. The VFPA's response to IR7-22, as requested by the Review Panel, discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area, including fishing activities in the vicinity of Swiftsure Bank. For all segments discussed in the MSA, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators. The vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators at Swiftsure Bank, including operators undertaking fishing activities, because of the existing energetic wave climate.	**Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1141) Response to Sufficiency Information Request #22 (IR7-22 of CEAR Document #1141)
Pach-13.8	Expressed concerns around threat of tanker traffic to fishermen's lives, losing gear, and relocating from traditional harvesting locations while exercising their Indigenous fishing rights within hereditary fishing areas.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 30-Nov-2017, Letter to Panel – Pacheedaht First Nation Traditional Marine Use and Occupancy Study 2014 (CEAR Document #1118)	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping.	**Additional information provided by VFPA:** The Project is a proposed container terminal; therefore, only container vessels will call. Tanker ships are used to transport oil and will not call at RBT2. It is assumed in this comment that the term tanker is intended to refer to container vessels. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1141) Response to Sufficiency Information Request #22 (IR7-22 of CEAR Document #1141) Response to Sufficiency Information Request #2 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	Response to Sufficiency Information Request #15 (IR10-15)
Pach-13.9	Concerned with impacts from marine shipping to Swiftsure Bank, a hereditary fishing ground. Stated that an immediate concern for the Pacheedaht First Nation and its members is the commercial marine traffic route direct crossing over their hereditary fishing grounds at Swiftsure Bank. Stated that shipping lanes were moved closer to Canada and now directly overlap the fishing grounds. Stated that one of their main concerns is shipping lanes intersection with Swiftsure Bank. Requested clarity about what steps will and can be taken by the Port and Transport Canada respectively in relation to Pacheedaht's concerns regarding the location of the outbound international shipping lane. Expressed frustration with the Crown's letter sent by the CEA Agency regarding the shipping lane issue. Stated they want to get a firm commitment under the Oceans Protection Plan regarding the shipping lane and they do not want any more projects approved until the government solves this issue.	13-Jul-2015, Phone 23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 10-Nov-2015, Meeting 31-Oct-2016, Letter to Panel (CEAR Document #672) 23-Oct-2017, Meeting with the VFPA and regulatory bodies (the CEA Agency, B.C. EAO) and Canadian Coast Guard	**13-Jul-2015:** Recorded comment for consideration by the Project team. **23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping. **10-Nov-2015, Meeting:** Recorded comment for consideration by the Project team. **23-Oct-2017, Meeting:** The VFPA met with Pacheedaht along with representatives from the CEA Agency, B.C. EAO, and the Canadian Coast Guard to discuss the Project and its associated marine shipping. Pacheedaht raised their concerns regarding the location of the shipping lanes. The CEA Agency responded that the discussion regarding the shipping lane will continue through the Oceans Protection Plan.	**Addressed in MSA Section 9.5:** The assessment of Current Use (MSA Section 9.5) describes how Current Use activities have been affected by other projects and activities that have been carried out and considers the effects of marine shipping associated with the Project in combination with the effects of other projects and activities (including marine shipping) that have been or will be carried out. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation, including development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. **Addressed in Responses to IR10-13 to IR10-20:** The VFPA's responses to IR10-13 through IR10-20, as requested by the Review Panel, provide additional information concerning the rationale for the effects assessment conclusions in the MSA with regard to Current Use, in alignment with the mandate of the Review Panel (refer to CEAR Document #1137). As relayed to the VFPA by the CEA Agency (refer to CEAR Document #1137), the assessment of the seriousness of potential impacts on the exercise of Aboriginal rights and title from marine shipping associated with the Project is the responsibility of the Crown.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use Appendix 5-B Aboriginal Issues and Interests **Information Requests** Responses to Sufficiency Information Requests #13 to #20 (IR10-13 to IR10-20)

Table 14: Marine Water Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-14.1	Stated that this project could also impact drinking water sources, as the river estuaries of the San Juan and Gordon are extremely tidal. Both Pacheedaht's core community and Port Renfrew residents rely on drinking water sources from the river estuaries, which are surface wells. Stated that in the event of an accident or malfunction, the drinking water sources for the Pacheedaht Nation will be jeopardised.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 10.5.2 Marine Water Quality assessing the potential changes to marine water quality resulting from potential accidents or malfunctions arising from marine shipping associated with the Project.	**Additional information provided by the VFPA:** Project-related changes to groundwater in upland areas are not anticipated. **Addressed in MSA Section 10.5.2:** MSA Section 10.5.2 assesses the potential changes to *marine* water quality resulting from potential accidents or malfunctions arising from marine shipping associated with the Project.	**MSA** 10.5.2 Marine Water Quality

Table 15: Noise

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-15.1	Stated that the soundscape, associated to the visual and cultural quality of the coastline, will also be impacted in a similar fashion; the noise of cargo ship engines will provide a constant background, diminishing both the quality of harvesting and the harvest itself. Stated that one of the more important impacts of the Project would be its detriment on Pacheedaht members' ability safely exercise their Aboriginal rights and to properly express the requisite respect and honour for appropriate resource extraction.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping.	**Addressed in MSA Section 9.5.5.1:** Above-water noise generated from Project-associated vessel transit has the potential to affect the quality of experience of Current Use in areas affected by noise from passing ships. EIS Section 9.3 Outdoor Recreation (as informed by Section 7.4 Atmospheric Noise) reports that within 50 m, a container ship passing by a given location would be expected to create maximum noise levels of approximately 65 to 68 dBA depending on the engine load (60 dBA is equivalent to noise levels in a busy office and 70 dBA is equivalent to the noise level on the sidewalk by a passing car). At a setback of 800 m, container ship pass-by noise levels are predicted to be lower than the ambient daytime noise level of 45 dBA (i.e., between the noise level of a library and a typical suburban area background). At a setback of about 2.3 km, container ship noise levels are predicted to be lower than the ambient nighttime noise level of 35 dBA (i.e., less than the noise level of a library). Beyond 4 km, ship pass-bys are not expected to be audible. EIS Section 9.1 Human Health indicates that ship-generated noise could lead to cognitive or communications disturbance within 175 m of a transiting container ship; however, because the duration of exposure would be for only a very short period of time (approximately 10 to 25 seconds), the overall effects on health and well-being as a result of that exposure would be expected to be negligible. Adverse health effects related to noise are therefore not expected as a result of an increase in marine shipping associated with the Project. Current Use activities are not expected to overlap with every transiting ship associated with the Project. For Current Use activities taking place on the water that co-occur with a ship pass by, it is expected that these activities would largely involve motorised craft (e.g., fishing vessels) that are also generating noise, and at levels that likely mask the noise generated by a passing ship. Current Use activities involving the use of non-motorised vessels within proximity to a passing ship could occur (e.g., canoes used in Tribal Journeys), but the frequency of overlap with Project-associated shipping activities is expected to be low compared to Current Use activities in motorised vessels (e.g., for fishing), and the noise experienced on the water, whether in motorised or non-motorised craft, would be very brief. With respect to Current Use activities taking place on land within or adjacent to the MSA, only Current Use activities occurring at a setback of 800 m of ship pass bys, and occurring at the same time as those pass bys, would be within the expected range of ship-generated noise that exceeds ambient daytime noise levels of 45 dBA (at night, ship-generated noise would not be expected to exceed ambient nighttime noise levels of 35 dBA beyond a 2.3 km setback). Only a very small percentage of land within or adjacent to the MSA comes within these distances of the shipping lanes (i.e., only 3.7% comes within 1.5 km). Current Use activities that may be occurring at these locations could be exposed to ship-generated noise, if they were to overlap with a ship pass by; however, as with Current Use activities on the water, this exposure, were it to occur, would be experienced at very low volumes and would be of an extremely short duration. For the reasons reviewed above, Project-associated shipping noise is expected to have a negligible effect on the quality of Current Use experience for both land-based and marine-based Current Use activities.	**MSA** 7.4 Atmospheric Noise 9.1 Human Health 9.3 Outdoor Recreation 9.5.5.1 Negligible Effects of Vessel Transit on Current Use

Table 16: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-16.1	Stated that container traffic has the potential to contaminate or damage resources and habitat relied upon for the exercise of Pacheedaht's harvesting rights in the event of an accident or malfunction resulting in the release of bunker fuel or other contaminants. The proposed RBT2 Project's increase in marine vessel movements, and the effects of a potential accident or malfunction, have the potential to impact Pacheedaht members' current and future harvesting and other rights in many ways.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #124) 23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 10.0 that considers the effects of a plausible worst-case spill scenario on the environment and Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#104):** The assessment of potential accidents or malfunctions (MSA Section 10.0), considers the effects of a plausible worst-case spill scenario on the environment. The plausible worst-case scenario assessed is a powered grounding of a container ship resulting in a release of heavy fuel oil. The location of the plausible worst-case spill scenario is in Boundary passage near the south end of South Pender Island. MSA Section 10.0 includes a description of the applicable mitigation for a plausible worst-case spill scenario. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. A description of spill response protocols is also included in MSA Section 10.0. The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of potential effects of accidents or malfunctions arising from marine shipping associated with the Project on human health. As discussed in MSA Section 10.5.9, Coastal Indigenous peoples generally have a greater reliance on the harvesting and consumption of seafoods than the general population in the marine shipping area. This could result in a greater potential for contaminant exposures among communities and greater magnitude of exposures for some individuals, to the extent that harvesting, and consumption continues following a spill event, and in absence of specific testing and risk management measures to directly assess the safety of the marine resource(s) affected. Thus, a greater proportion of Indigenous community members might be affected, with greater contaminant exposure potential initially. However, the effects are still expected to be short-term, reversible, and geographically localised. **Addressed in EIS Appendix 30-A:** As reported in the EIS, 0.7% of containers moving through Deltaport currently contain hazardous and noxious substances (2012 data; see EIS Appendix 30-A). As containers are either stuffed or destuffed away from the terminal in the Lower Mainland, or simply loaded onto inland-bound trains, the probability of containers carrying hazardous and noxious substances affecting vegetation on shore is exceedingly low. **Additional response provided by the VFPA:** In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction and materials; industrial, auto, and vehicle parts; basic metals; meat, fish, and poultry; and waste paper.	**EIS (CEAR Document #181)** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Appendix 5-B Aboriginal Issues and Interests **VFPA Statistics Overview 2017** https://www.portvancouver.com/wp-content/uploads/2018/03/2017-Stats-Overview-1.pdf
Pach-16.2	Concerned with the potential for an accident to occur at Turn Point, East Point, and Boundary Passage.	15-Aug-2015, Meeting	**15-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and	**Addressed in MSA Appendix 5-B (#92):** The assessment of potential accidents and malfunctions (MSA Section 10.0) considers a plausible worst-case spill scenario, located in Segment B of the marine shipping area, in Boundary Passage at the south end of South Pender Island. This location is near Turn Point. Boundary Passage is considered a higher risk area due to the relatively narrow passage, potential navigational hazards, and prevailing wind directions. The assessment also includes a description of applicable mitigation.	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			interests and provided the VFPA's responses.		Appendix 5-B Aboriginal Issues and Interests
Pach-16.3	Concerned with the content of containers, and specifically the potential for an accident involving containers containing hazardous materials. Stated that shipping vessels empty hazardous materials currently within Pacheedaht Traditional Territory. Stated that this affects our foods in every way.	15-Aug-2015, Meeting	**15-Aug-2015:** Stated that the potential for an accident involving dangerous goods will be discussed in the MSA. There is a specific process for handling dangerous goods. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO (http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx). The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters Appendix 5-B Aboriginal Issues and Interests
Pach-16.4	Expressed interest being trained in emergency response.	10-Nov-2015, Meeting	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses. **10-Nov-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Appendix 5-B (#107):** The role for Indigenous groups in marine spill response framework is addressed in MSA Section 10.0. During a response to an environmental emergency requiring multi-agency cooperation, the Environmental Emergencies Science Table (Science Table) can be convened to provide advice to the lead agency (as well as the Incident Commander). The Science Table brings together relevant experts in the field of environmental protection such as response agencies, all levels of government, Indigenous representatives, local communities, industries, environmental non-government organisations, and academic institutions. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on Indigenous capacity in design and delivery of marine safety and indigenous community response teams.	**MSA** 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Appendix 5-B Aboriginal Issues and Interests **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Pach-16.5	Expressed interest in the contents of containers (including shipping of hazardous materials) and tug escorts for vessels.	10-Nov-2015, Meeting	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses. **10-Nov-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Appendix 5-B (#107):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers, and for the transport of dangerous goods, are set by the IMO (http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx). The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78).	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** 3.0 Regulatory Framework and Role of Government 3.3 Marine Traffic Management 4.0 Activity Description 4.2.2 Associated Activities 10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Addressed in MSA Appendix 5-B (#95): The regulatory framework related to safe navigation is described in MSA Section 3.0. Activities associated with marine shipping are described in MSA Section 4.0. Escort tugs, associated with berthing activities, are not used within the marine shipping area. Additional information on risk reduction and accident response measures are provided in the assessment of potential accidents or malfunctions (MSA Section 10.0). The use of rescue tugs in a spill response effort would depend on the type of incident. **Addressed in EIS Appendix 30-A:** As reported in the EIS, 0.7% of containers moving through Deltaport currently contain hazardous and noxious substances (2012 data; see EIS Appendix 30-A). As containers are either stuffed or destuffed away from the terminal in the Lower Mainland, or simply loaded onto inland-bound trains, the probability of containers carrying hazardous and noxious substances affecting vegetation on shore is exceedingly low. **Additional response provided by the VFPA:** In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction and materials; industrial, auto, and vehicle parts; basic metals; meat, fish, and poultry; and waste paper.	10.4 Mitigation Measures Appendix 5-B Aboriginal Issues and Interests
Pach-16.6	Stated that one of their main concerns is emergency response. In the event of a major oil spill or other accident, where large portions of the territory are impacted, it could take up to 258 days, using the current planning standards to clean the entire shoreline in Pacheedaht territory. Stated that Pacheedaht continues to have concerns as to whether this is an adequate or effective response timeline, especially within the context of RBT2's proposed increase in shipping traffic.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 10-Nov-2015, Meeting	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses. **10-Nov-2015:** Recorded comment for consideration by the Project team.	**Addressed in MSA Appendix 5-B (#107):** Details on spill response, including responsibilities of various parties, response timelines, and equipment requirements, are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0). Detailed Oil Spill Response Plans are prepared and executed by the Western Canada Marine Response Corporation, and submitted to Transport Canada. Additional information is available here: http://wcmrc.com/. **Additional response provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean up to Western Canada Marine Response Corporation. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response.	**MSA** 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures Appendix 5-B Aboriginal Issues and Interests **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Pach-16.7	Concerned that worst-case scenario risk assessment omits recent data such as terrorist attacks and other military events.	10-Nov-2015, Meeting 13-Jan-2016, Letter to the CEA Agency (CEAR	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 10.0 assessing plausible worst-case scenarios.	**Addressed in MSA Section 10.0:** In developing MSA Section 10.0, the VFPA identified plausible worst-case scenarios to assess. The scenarios were selected based on the probability of events occurring (using ship incident data collected over several years) and the environmental consequences of those events. Terror attacks or military events were considered extraordinary circumstances that, while possible, did not	**MSA** 10.0 Accidents and Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Stated that the Vessel Incident Overview is based on the period of 1995 – 2010, and only accounts for the range of vessel incidents occurring within that time frame. Stated that the Vessel Incident Overview does not include calculations of risks not occurring during that period, such as, for example, from terrorist attacks or military incidents. The assessment appears to be incomplete on these bases.	Document #384)	**10-Nov-2015, Meeting:** Committed to conveying Pacheedaht's concern about terrorist attacks/military activities to the CEA Agency. **12-May-2016, Letter from the CEA Agency (CEAR Document #407):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	warrant assessment.	
Pach-16.8	Requested an assessment of how Pacheedaht would be impacted by an accident or malfunction associated with the Project. The assessment should include how Pacheedaht would be impacted by a release of fuel into Juan de Fuca Strait or the collision of a container ship associated with the Project with a tanker transporting diluted bitumen.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.3.2.2:** MSA Section 10.3.2.2 considers container ship collisions with tankers. As noted in the section, container ship-tanker collisions are calculated to have return periods of over 10,000 years and those for laden crude oil tankers even lower, due to the fact that only outbound crude oil tankers are expected to be laden with crude oil. A collision does not necessarily lead to a spill. Minimum return periods (at 95% confidence level) for a collision between RBT2-bound container ships and laden crude oil tankers that result in a crude oil spill are over 800,000 years. In MSA Section 10.0, the VFPA identified plausible worst-case scenarios to assess. The scenarios were selected based on the probability of events occurring (using ship incident data collected over several years) and the environmental consequences of those events. For the marine shipping area, collisions and associated spills in the marine shipping area will have the highest probability of occurrence where the probability of an encounter between ships is highest, based on the relative risk of overtaking, head-on, and crossing encounters. The most likely encounter locations in the marine shipping area are near East Point on Saturna Island at the eastern entrance to Boundary Passage, and near Turn Point on Stuart Island at the entrance to Haro Strait at the southwest end of Boundary Passage. This area was selected as Plausible Accident or Malfunction #1.	**MSA** 10.0 Accidents and Malfunctions 10.3.2.2 Collisions In-transit 10.3.3.1 Plausible Accident or Malfunction #1: Hard Grounding Resulting in a Spill
Pach-16.9	Requested a detailed simulation to determine the best solution for assisting a disabled container ship in Juan de Fuca Strait.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside of its jurisdiction. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Pach-16.10	Requested that the VFPA undertake stochastic modelling to assess the fate and behaviour of a hypothetical spill under a range of environmental conditions, as requested by Environment Canada.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Section 17 of the *Updated EIS Guidelines*:** Section 17 of the *Updated EIS Guidelines* notes: *"It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail."* **Addressed in MSA Appendix 10-B:** Consistent with the CEA Agency's direction, MSA Appendix 10-B qualitatively evaluates the general transport and behaviour of hypothetical spill events in the higher incident risk area (where accidents and accident-related spills have the highest probability of occurrence due to increased encounter probability) while considering site-specific environmental conditions, seasonality,	**MSA** Appendix 10-B RBT2 Marine Fate of Shipping Spill-type Accidents ***Updated EIS Guidelines*** Stantec. 2013. Ecological risk assessment of marine transportation spills. Technical report for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Document #REP-NEB-TERA-00031.

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				predicted oil types and quantities released, and identification of the physical environmental compartment(s) (i.e., water column, water surface, and shoreline) potentially vulnerable to spill events. MSA Appendix 10-B, Section 4.1, review past spill fate and behaviour modelling studies, including for instance "Ecological Risk Assessment of Marine Transportation Spills", prepared in December 2013 for Trans Mountain Pipeline Expansion Project (Stantec 2013). Such past oil spill modelling studies conducted were reviewed and incorporated where applicable into the fate and transport evaluation undertaken for the MSA. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on multi-partner oil spill response technology research for spill clean-up, as well as, information on efforts to improve localized ocean circulation knowledge to inform oil spill trajectories.	Submitted by Stantec Consulting Ltd. Fredericton, New Brunswick, Canada. **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
Pach-16.11	Requested that the VFPA undertake quantitative assessment as described by Environment Canada to assess potential impacts to marine birds, and include the regional assessment area.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Section 17 of the *Updated EIS Guidelines*:** Section 17 of the *Updated EIS Guidelines* notes: *"It is likely that a Tier 1 approach (Qualitative; description based on expert opinion and traditional and local knowledge) will be an appropriate level of detail in most cases. For select environmental effects and locations where there may be a higher risk of environmental effects, a Tier 2 approach (Semiquantitative; measured site-specific data and existing site information) would likely be an appropriate level of detail."* Consistent with this direction, MSA Section 8.3 presents the results of the assessment of potential effects of routine marine shipping associated with the Project on marine birds in the Salish Sea within the marine shipping area.	**MSA** 8.3 Marine Birds ***Updated EIS Guidelines***
Pach-16.12	Requested that the VFPA develop an emergency marine response strategy for marine birds and other wildlife species in the event of a heavy oil spill.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Additional response provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean up to Western Canada Marine Response Corporation. This is also the agency that ships, or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954) and letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provide additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response protocols.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-16.13	Concerned about the significant risk associated with the potential of an oil spill, its immediate effects, the long-term environmental damage, and the subsequent ecosystem disturbance related to clean-up operations. Concerned about the potential for a leak or spill of oil, in particular diluted bitumen, into Pacheedaht's waterways due to a tanker collision, tanker malfunction, earthquake/tsunami, or military or terrorist attack on a tanker. Such an event would impact Pacheedaht's ability to partake in their ceremonial practices, harvest resources for their community, earn income from tourism and cause many other major problems.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 30-Nov-2017, Letter to Panel – Pacheedaht First Nation Traditional Marine Use and Occupancy Study 2014 (CEAR Document #1118)	**23-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 10.0 - the assessment of potential accidents or malfunctions.	**Additional information provided by the VFPA:** The proposed Project is a container terminal and does not include any oil-related elements. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. A description of spill response protocols is also included in MSA Section 10.0. **Additional information provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean up to Western Canada Marine Response Corporation. This is also the agency that ships, or terminal operators are required to call if they discover they have been the source of a spill.	**EIS** Appendix 7.2-B Aboriginal Groups Interests and Issues Table **MSA** 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures Appendix 5-B Aboriginal Issues and Interests https://www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/
Pach-16.14	Concerned with a potential accident, and that it may impact Pacheedaht's ability to teach traditional knowledge to their young. Stated that the intergenerational transfer of knowledge will be lost if the harvesting and cultural sites are no longer intact. Stated that Pacheedaht members must take extraordinary measures (radar, extreme vigilance, avoid fishing in fog), and accept heightened risk in order to engage in traditional fishing activities at Swiftsure Bank. Stated that the Current Use experience has been eroded in ways that are not 'negligible,' and that the addition of Project-associated vessel traffic would	14-Aug-2015, Meeting 23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 13-Jan-2016, Letter to the CEA Agency (CEAR Document #384) 31-Oct-2016, Letter to Panel (CEAR Document #672) 23-Oct-2017, Meeting with the VFPA and regulatory	**14-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping. **12-May-2016, Letter from the CEA Agency (CEAR Document #407):** *"The Agency requested additional information on [the VFPA's] assessment methodology in AIR #2 Rationale for Effects Characterization."* **23-Oct-2017, Meeting:**	**Addressed in MSA Appendix 5-B (#73):** The assessment of Current Use (MSA Section 9.5) considers the risk of collision and perceptions of safety in the assessments of access to preferred Current Use locations, and quality of Current Use experience. The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of a plausible worst-case collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for the following VCs: marine commercial use, outdoor recreation, and human health, as well as Current Use. The assessment of Current Use (MSA Section 9.5) considers cultural practices, such as the acquisition of traditional foods and the transmission of traditional knowledge. Perceptions of safety, as well as access to preferred harvesting locations and visual or auditory disturbances, are covered in the assessment of potential changes to the following: access to preferred Current Use locations and quality of Current Use experience. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project associated	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.6 Suggested Mitigation Measures 10.0 Potential Accidents or Malfunctions 10.5.9 Human Health 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation 10.5.13 Current Use of Lands and Resources for Traditional

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	increase already unacceptable risks. Stated that another result of the heightened risk is that Pacheedaht fishers now seldom bring elders or youth with them to Swiftsure Bank, therefore deteriorating the traditional intergenerational transfer of knowledge concerning fishing at the Bank. Stated that the EIS Addendum assessment of Change in Current Use experience is incomplete and flawed. Requested a complete assessment of potential impacts to Pacheedaht's ability to access Current Use locations, including cumulative effects. The assessment must include consideration of the availability of marine resources in sufficient quality and quantity to support Pacheedaht's marine harvesting, fishing, and hunting. Expressed concerns regarding vessel traffic near Swiftsure Bank and the safety risks these vessels pose to their fishing community.	bodies (the CEA Agency, B.C. EAO) and Canadian Coast Guard	The VFPA met with Pacheedaht along with representatives from the CEA Agency, B.C. EAO, and the Canadian Coast Guard to discuss the Project and its associated marine shipping. The Coast Guard representative and Pacheedaht discussed the need for greater communication, noting the importance of radios, communication with the band office, and mariners in general. The Coast Guard representative committed to take these questions back (What are the situations (planned, unplanned) in which ships can deviate? How early does the Coast Guard know when ships may need to deviate? Does the Coast Guard have expectations about how every mariner should know how to get this information? What is considered an "official" incident?). The Coast Guard representative indicated that there are plans for real-time marine traffic information, but timing of this initiative is not yet set	container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	Purposes and Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests

Table 17: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-17.1	Expressed concern regarding the VFPA's use of the National Energy Board Trans Mountain Pipeline Expansion materials as a basis for compiling the Current Use study. Stated that this information inaccurately and incompletely portrays Pacheedaht's Current Use, and also fails to convey the vital importance of these activities and areas. Requested for Pacheedaht participation in the VFPA's study. Sent a proposal for a Pacheedaht First Nation Report for Current Use Study in the marine shipping area. Requested funding to produce the report. Agreed to the Participation Funding agreement and terms of the study.	14-Aug-2015, Meeting 17-Aug-2015, Letter 26-Aug-2015, Letter	**14-Aug-2015, Meeting:** Acknowledged the limits of the study, compiled with secondary sources. The Current Use summary will not be submitted to the CEA Agency without Pacheedaht's agreement. Requested that Pacheedaht submit a proposal and budget to the VFPA for a Current Use Study. **20-Aug-2015, Letter from the VFPA to Pacheedaht:** Approved the funding request and requested the deliverable (undertake a Traditional Use Study) by September 21, 2015. **24-Sep-2015:** Pacheedaht provided the VFPA with the report: Pacheedaht First Nation Traditional Use and Occupancy Study Report for Port Metro Vancouver RBT2 Project. **10-Nov-2015, Meeting:** The VFPA met with Pacheedaht to discuss their Traditional Use and Occupancy Study, provide an update on the assessment process, and discuss opportunities for input moving forward. **25-Apr-2016, Letter from the VFPA:** Provided Pacheedaht First Nation with a table including all Pacheedaht First Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections.	**Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the *Updated EIS Guidelines*, provided drafts of Current Use existing conditions sections, and requested any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of Current Use (MSA Section 9.5). The VFPA has acknowledged the challenges of participating in consultation during summer months and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives 5.1.4 Aboriginal Groups Engagement and Consultation Methods 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4.10 Existing Conditions, Pacheedaht First Nation Appendix 5-B Aboriginal Issues and Interests
Pach-17.2	Stated that Pacheedaht is working to protect their ways, economically, spiritually, and it is very difficult with increasing numbers of vessels, increasing the possibility of devastation to our market out there – our waterways, the foreshores, where we get our food from.	14-Aug-2015, Meeting	**14-Aug-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which includes Appendix 5-B that summarizes the issues and interests raised by Aboriginal groups regarding marine shipping and VFPA's responses.	**Addressed in MSA Appendix 5-B (#74):** The assessment of Current Use (MSA Section 9.5) considers several potential effects, including changes to the following: access to preferred Current Use locations; availability of preferred Current Use resources; quality of preferred Current Use resources; and quality of Current Use experience. **Addressed in MSA Section 9.5:** As noted in MSA Section 9.5.11, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practiced in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 10.0 Potential Accidents or Malfunctions 10.5.13 Current Use of Lands and Resources for Traditional

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality**.** **Addressed in Response to IR10-26:** The VFPA's response to IR10-26, as requested by the Review Panel, discusses potential effects of the proposed Project on the reasonably foreseeable future Current Use activities that have been identified by Indigenous groups.	Purposes and Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #22 (IR10-22) Response to Sufficiency Information Request #26 (IR10-26)
Pach-17.3	Stated that Pacheedaht First Nation's participation in the CEA Agency process for RBT2 marine shipping should not be taken as a sign of support for the Project. Stated that participation is out of the intent to protect Indigenous rights, and Pacheedaht traditional territory.	14-Aug-2015, Meeting	**14-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which includes Appendix 5-B that summarizes the issues and interests raised by Aboriginal groups regarding marine shipping and VFPA's responses.	**Addressed in MSA Appendix 5-B (#75):** Concern is noted. The VFPA acknowledges the intent of Pacheedaht First Nation to protect their Aboriginal rights and their traditional territory. The assessment of potential adverse impacts on asserted or established Aboriginal and treaty rights is discussed in MSA Section 9.5.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests
Pach-17.4	Stated that Pacheedaht's access to resources extends beyond their traditional territory, and that groups outside of their territory use resources within Pacheedaht traditional territory (i.e., agreements with Nuu-chah-nulth people and Coast Salish people).	14-Aug-2015, Meeting	**14-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which includes Appendix 5-B that summarizes the issues and interests raised by Aboriginal groups regarding marine shipping and VFPA's responses.	**Addressed in MSA Appendix 5-B (#76):** The anticipated extent of the potential effects of marine shipping within the marine shipping area is limited to the boundaries of the LAAs for each IC and VC. The assessment of Current Use (MSA Section 9.5) includes consideration of Current Use activities occurring outside of Indigenous groups' specific territory. MSA Figure 9.5-7 presents the Pacheedaht First Nation's asserted traditional territory.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use Appendix 5-B Aboriginal Issues and Interests
Pach-17.5	Stated that Pacheedaht chose their location to avoid impacts of industry elsewhere, and is concerned that increases in shipping vessels will result in impacts to Pacheedaht's resources like those that have	14-Aug-2015, Meeting	**14-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which includes Appendix 5-B that summarizes the issues	**Addressed in MSA Section 9.5:** Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	occurred in other areas. Stated that crabs taste better on outside of Vancouver Island than the inside.		and interests raised by Aboriginal groups regarding marine shipping and VFPA's responses.	preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
Pach-17.6	Stated that the absence of comprehensive, group-specific information is a significant flaw in the Port's environmental assessment. Stated that the assessment of potential impacts to Pacheedaht should include: • Economic considerations; • Employment; • Community services and infrastructure; • Individual family and community well-being; • Health; • Culture; • Cultural sites; • Aboriginal title; • Aboriginal rights to fish, hunt, and gather; • Governance; • Visual and aesthetic resources; • Species and habitat required for the exercise of Pacheedaht's rights, including marine vegetation, marine invertebrates, fish, marine mammals, and marine birds; and • Navigational use of waterways. The assessment should include the Port's conclusions on the exercise of Pacheedaht's rights and how they will experience the impact of the Project. It should also include specific mitigation measures for addressing these impacts.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	**Information Requests** Response to Sufficiency Information Request #02 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	The assessment should also include potential impacts to Pacheedaht from accidents or malfunctions. Along with the assessment, the Port should be required to provide a list of the issues and concerns raised by Pacheedaht during consultation, and how these issues and concerns have been addressed.				
Pach-17.7	Stated that for the assessment described above, provide a significance determination for each Indigenous group, including a description of the methodology used in making the determination.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	**Information Requests** Response to Sufficiency Information Request #02 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)
Pach-17.8	Requested an assessment of the impacts to Pacheedaht's governance rights from the Project. Requested an assessment of the impacts to Pacheedaht's title rights from the Project.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area. **Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Response to Sufficiency Information Request #02 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15)
Pach-17.9	Requested that the VFPA address inconsistency in assessment for impacts on Aboriginal rights. Requested clarity on the Port's	31-Oct-2016, Letter to Panel (CEAR	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-03:** As noted in the VFPA's response to IR 10-03, the conclusion of the assessment of the potential environmental effects on Current Use and the assessment of potential	**Information Requests** Response to Sufficiency Information Request #03

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	conclusions on rights assessment and whether impacts to rights as a result of marine shipping associated with the project are negligible, or adverse.	Document #672)		impacts to asserted or established Aboriginal and treaty rights is consistent when the same end points of the assessment (i.e., pre-mitigation, post-mitigation) are compared.	(IR10-03)
Pach-17.10	Stated that the commercial shipping lane was moved 6 km into Canadian waters, and the lane now crosses the Indigenous fisheries area at Swiftsure Bank, which is vitally important to Pacheedaht and a home to rockfish, halibut, lingcod, and salmon, humpback, and killer whales. Stated that Pacheedaht members must hire charters at great expense ($1,500 for 3 hours) to safely fish in this area, as most do not own boats with radar. Stated that because of the current in this area, Pacheedaht members have to drop anchor in order to fish, and in foggy weather, their boats then have to cut anchor and move quickly to avoid collision with an approaching tanker.	14-Aug-2015, Meeting	**14-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping. **23-Oct-2017, Meeting:** The VFPA met with Pacheedaht along with representatives from the CEA Agency, B.C. EAO, and the Canadian Coast Guard to discuss the Project and its associated marine shipping. Pacheedaht raised their concerns regarding the location of the shipping lanes. The CEA Agency responded that the discussion regarding the shipping lane will continue through the Oceans Protection Plan.	**Addressed in MSA Section 9.5:** Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights. **Addressed in IR13-25:** The VFPA's forthcoming response to IR13-25 will further discuss aspects of the current use experience.	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects 9.2 Marine Commercial Use 9.2.4 Existing Conditions 9.2.5 Potential Interactions and Effects 9.2.4.4 Juan de Fuca Strait (Segments C and D of the [Marine Shipping Area]) 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal or Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #25 (IR13-25)
Pach-17.11	Concerned that impacts from marine traffic will threaten Pacheedaht's ability to harvest resources, and in turn, Pacheedaht members' health. Stated that Pacheedaht rates of diabetes were 30% prior to an increased effort to increase consumption of traditional foods.	14-Aug-2015, Meeting	**14-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping.	**Addressed in MSA Appendix 5-B (#52):** The assessment of potential effects of marine shipping associated with the Project on marine fish and fish habitat (MSA Section 8.1) addresses potential effects on the availability of marine resources. The assessment of human health (MSA Section 9.1) includes consideration of consumption of marine resources. The assessment of Current Use (MSA Section 9.5) also addresses the potential effects on availability of, and ability to harvest, marine resources. **Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and	**MSA** 8.1 Marine Fish and Fish Habitat 9.1 Human Health 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
Pach-17.12	Concerned with the cumulative effects of global warming and industry to Pacheedaht's fish.	14-Aug-2015, Meeting	**14-Aug-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included information regarding the cumulative effects assessment.	**Addressed in MSA Section 8.1.9:** An assessment of cumulative effects on marine fish and fish habitat was not conducted as routine marine shipping associated with the Project is not expected to result in any measurable change in marine fish or fish habitat that is likely to interact cumulatively with changes caused by other projects or activities that have been or will be carried out. While the effects of environmental variability and climatic changes on the existing conditions to marine fish in the marine shipping area are discussed in the fish and fish habitat assessment (MSA Section 8.1), the cumulative effects of climate change on VCs (such as fish) is outside the scope of the environmental assessment.	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.5.5 Marine Fish 8.1.9 Cumulative Effects Assessment
Pach-17.13	Stated that container traffic may destroy fishing gear, such as the nets and lines that Pacheedaht members set.	31-Oct-2016, Letter to Panel (CEAR Document #672)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use by Indigenous peoples, including intangible cultural heritage considerations, and in the marine shipping area. The section also considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area, including in the context of potential accidents and malfunctions. Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. No additional mitigation measures have therefore been suggested	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				for the potential incremental impact to the exercise of Aboriginal and treaty rights.	
Pach-17.14	Noted the importance of culture and spiritual connectedness, the degradation of marine resources, and importance of protecting it. Stated that the MSA is incomplete in its assessment of environmental effects of the Project on the cultural heritage of the Pacheedaht.	10-Nov-2015, Meeting 13-Jan-2016, Letter to the CEA Agency (CEAR Document #384)	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping. **10-Nov-2015, Meeting:** Recorded comment for consideration by the Project team.	**Addressed in MSA Appendix 5-B (#80):** The assessment of Current Use (MSA Section 9.5) includes cultural considerations, such as cultural practices and sites of importance, as well as intangible cultural heritage considerations, such as the expression of cultural values or ways of knowing, and the formation and maintenance of cultural identity, in the assessment of quality of Current Use experience. The assessment describes how Current Use activities have been affected cumulatively by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. The assessment of potential adverse impacts on asserted or established Aboriginal and treaty rights is included in MSA Section 9.5. **Addressed in Response to IR10-22:** The VFPA's response to IR10-22, as requested by the Review Panel, further discusses the assessment of cultural heritage, potential disruptions or loss of ceremonial and cultural practices, as well as a potential disruption to sense of belonging, identity and spirituality**.**	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights Appendix 5-B Aboriginal Issues and Interests **Information Requests** Response to Sufficiency Information Request #22 (IR10-22)
Pach-17.15	Stated that the rationale for 'negligible effects' are that there have already been significant impacts on Pacheedaht's Current Use and other interests, so that a marginal increase from the proposed project will result in 'negligible' or 'minor' potential effects. Expressed concern that these assessments are inadequate, noting that cumulative effects from existing developments and projects to their Current Use and interests are already at an unacceptable level, so that any additional effects would further degrade already unacceptable conditions. In particular, the existing amount of vessels travelling along shipping routes over Pacheedaht's traditional fishing ground at Swiftsure Bank have created significant risks and threats to Pacheedaht's Current Use and interests; any additional traffic brings significant additional risks.	13-Jan-2016, Letter to the CEA Agency (CEAR Document #384)	**12-May-2016, Letter from the CEA Agency (CEAR Document #407):** *"The Agency requested additional information on [the VFPA's] assessment methodology in AIR #2 Rationale for Effects Characterization and additional information on cultural heritage in AIR #10 Cultural Heritage Assessment.* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."* The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15:** The VFPA's responses to IR10-02, IR10-06, IR10-08, IR10-13, and IR10-15, as requested by the Review Panel, further discuss aspects of the current use effects assessment. **Addressed in IR13-20:** The VFPA's forthcoming response to IR13-20 will further discuss Project-related changes to the wave environment and their potential effects on current use activities, access, and navigation.	**Information Requests** Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) Response to Additional Information Request #10 (MSA IR-02.24.16-10 of CEAR Document #386) Response to Sufficiency Information Request #02 (IR10-02) Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #08 (IR10-08) Response to Sufficiency Information Request #13 (IR10-13) Response to Sufficiency Information Request #15 (IR10-15) Response to Sufficiency Information Request #20 (IR13-20)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-17.16	Stated that there is no other area that is as productive and of cultural significant to the Pacheedaht First Nation as Swiftsure Bank, and therefore is not preferred; it is essential to maintain access and use for the Nation. Stated that the mitigation measure identified on page 152 are incomplete. Stated that Pacheedaht will require deep consultation on the Aboriginal and treaty rights impacted by this project, as well further assessment of the impacts to Aboriginal title at Swiftsure Bank. The mitigation proposed is incomplete.	13-Jan-2016, Letter to the CEA Agency (CEAR Document #384)	**12-May-2016, Letter from the CEA Agency (CEAR Document #407):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Pacheedaht's rights from marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel."* The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Sections 9.2 and 9.5:** The VFPA acknowledges that Swiftsure Bank is the Pacheedaht's preferred areas to harvest marine resources, as noted in MSA Sections 9.2 and 9.5. **Addressed in Responses to IR10-13 to IR10-20:** The VFPA's responses to IR10-13 through IR10-20, as requested by the Review Panel, provide additional information concerning the rationale for the effects assessment conclusions in the MSA with regard to Current Use, in alignment with the mandate of the Review Panel (refer to CEAR Document #1137). As relayed to the VFPA by the CEA Agency (refer to CEAR Document #1137), the assessment of the seriousness of potential impacts on the exercise of Aboriginal rights and title from marine shipping associated with the Project is the responsibility of the Crown.	**MSA** 9.2 Marine Commercial Use 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights Assessment **Information Requests** Responses to Sufficiency Information Requests #13 to #20 (IR10-13 to IR10-20)
Pach-17.17	Indicated that the Project would significantly impact Swiftsure Bank, which has been, and continues to be, extensively used by Pacheedaht members for harvesting fish and marine mammals since time immemorial.	30-Nov-2017, Letter to Panel (CEAR Document #1118)	The VFPA has reviewed this letter and provides the following additional information.	**Additional response provided by the VFPA:** With the application of the proposed mitigation measures, all residual environmental effects in relation to marine shipping associated with the proposed Project on Current Use are assessed to be negligible. The VFPA acknowledges the importance of Swiftsure Bank to the Pacheedaht.	**Information Requests** Response to Sufficiency Information Request #15 (IR10-15)
Pach-17.18	Concerned that any further reduction, of any magnitude, in Pacheedaht members' access to fisheries and intertidal resources, or further degradation of these resources, will comprise significant losses to Pacheedaht traditional marine harvesting activities and rights. Similarly, any further damage to or degradation of Pacheedaht cultural, archaeological, or other resource harvesting sites, or access to these sites, will also comprise significant losses.	30-Nov-2017, Letter to Panel (CEAR Document #1118)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-13 to IR10-20:** The VFPA's responses to IR10-13 through IR10-20, as requested by the Review Panel, provide additional information concerning the rationale for the effects assessment conclusions in the MSA with regard to Current Use, in alignment with the mandate of the Review Panel (refer to CEAR Document #1137). As relayed to the VFPA by the CEA Agency (refer to CEAR Document #1137), the assessment of the seriousness of potential impacts on the exercise of Aboriginal rights and title from marine shipping associated with the Project is the responsibility of the Crown.	**Information Requests** Responses to Sufficiency Information Requests #13 to #20 (IR10-13 to IR10-20)

Table 18: Traffic / Transportation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-18.1	Stated that they are working to partner with neighbouring and American Indigenous communities and trying to talk to Transport Canada regarding the location of shipping lanes.	10-Nov-2015, Meeting	**10-Nov-2015, Meeting:** Committed to providing a map showing the shipping lane location before and after they were moved. **24-Nov-2015, Email from the VFPA:** Provided the GIS files showing the shipping lanes before and after they were moved. **23-Oct-2017, Meeting:** The VFPA met with Pacheedaht along with representatives from the CEA Agency, B.C. EAO, and the Canadian Coast Guard to discuss the Project and its associated marine shipping. Pacheedaht raised their concerns regarding the location of the shipping lanes. The CEA Agency responded that the discussion regarding the shipping lane will continue through the Oceans Protection Plan.		
Pach-18.2	Concerned with the effects assessment of the MSA, specifically an inconsistency in Section 9.5, p. 9.5-128 "As reported in […] RBT2 Project ship movements […]". Concerned with MSA conclusion that since there has already been a large effect from previous projects that RBT2 shipping will have minor additional impact.	10-Nov-2015, Meeting	**10-Nov-2015:** Recorded comment for consideration by the Project team.	**Addressed in MSA Appendix 5-B (#32):** The effects of past projects and activities are considered within the description of existing conditions in each IC and VC assessment section. The potential for routine marine shipping associated with the Project to add to those effects (as reflected in existing conditions) is evaluated in each IC and VC section.	**MSA** Sections 7.1 to 9.4 (all IC and VC assessments) Appendix 5-B Aboriginal Issues and Interests
Pach-18.3	Stated that Pacheedaht already feels significant threats from marine traffic in the shipping lane, any addition to the amount of traffic, no matter in what increment, adds significantly to threats and increases barriers to use of Swiftsure Bank. Stated that the effects of Project-associated vessel transit with respect to change in availability of preferred resources for Pacheedaht members are not negligible. Stated that the acceptable threshold for the amount of traffic in the shipping lanes has already been exceeded. Stated that the environmental assessment neglects to discuss the very real threat of collisions between Pacheedaht fishing craft and marine commercial traffic in the shipping lanes. Stated that "temporary displacement" actually means that, in order to avoid commercial shipping vessels on the Swiftsure Banks, Pacheedaht fishers have to quickly haul up fishing gear and anchors, then move out of the	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study 13-Jan-2016, Letter to the CEA Agency (CEAR Document #384) 31-Oct-2016, Letter to Panel (CEAR Document #672)	**23-Sep-2015:** Recorded comment for consideration by the Project team. **12-May-2016, Letter from the CEA Agency (CEAR Document #407):** *"The Agency requested additional information on [the VFPA's] assessment methodology in AIR #2 Rationale for Effects Characterization.* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in Response to IR10-13:** The VFPA's response to IR10-13, as requested by the Review Panel, provides additional information concerning the rationale for the effects assessment conclusions.	**Information Requests** Response to Sufficiency Information Request #13 (IR10-13)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	route of incoming traffic, and then re-establish fishing position and gear – this accomplished under threat of harm to person and vessel, in addition to the associated anxiety and bother. The term "temporary displacement" does not completely describe the required action. Requested a complete assessment of potential impacts to Pacheedaht's ability to access their preferred Current Use locations.				

Table 19: Underwater Noise – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-19.1	Concerned that vessel noise is likely to have negative effects on marine resources that are culturally important to Pacheedaht, including fish and marine mammals.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #124)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Sections 8.1 and 8.2:** Potential effects, including effects of underwater noise, from marine shipping associated with the Project on marine fish and marine mammals are assessed in MSA Sections 8.1 and 8.2, respectively. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 m of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA. Potential effects on marine mammals related to Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment and physical disturbance from vessel strikes. These effects are expected to be not significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either southern resident killer whales or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of southern resident killer whales, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales, other than southern resident killer whales. The VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by DFO, have had a significant adverse effect on southern resident killer whales. As such, Project-associated vessel activity, in combination with existing and future vessel activity, is expected to continue to result in a significant cumulative effect to southern resident killer whales. The assessment of Current Use (MSA Section 9.5) considers the cultural aspects of potential effects to marine fish and marine mammals. **Additional response provided by the VFPA:** In 2014, the VFPA-led ECHO Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	**MSA** 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects 8.1.6.1 Negligible Effects 8.2 Marine Mammals 8.2.6 Potential Interactions and Effects 8.2.6.1 Negligible Effects 8.2.6.2 Potential Effect #1 – Behavioural Effects Due to Underwater Noise 8.2.7.1. Mitigation Measures – Acoustic Disturbance 8.2.8.1 Residual Effect #1 - Behavioural Effects Due to Underwater Noise 8.2.8.4 Summary of Residual Effects and Significance 8.2.9 Cumulative Effect #1 – Behavioural Effects Due to Underwater Noise 8.2.9.2 Mitigation Measures for Cumulative Effects 8.2.9.3 Assessment of Residual Cumulative Effects and Significance Determination 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use

Table 20: Visual Resources – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
Pach-20.1	Stated that the visual impacts of increased marine traffic associated with RBT2 will decrease the enjoyment of Pacheedaht members at many of the TUOS sites shown on the Pacheedaht RBT2 Maps.	23-Sep-2015, Pacheedaht Traditional Use and Occupancy Study	**23-Sep-2015:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 9.5 detailing the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping.	Addressed in MSA Section 9.5.5.1: While existing cumulative effects to traditional use are acknowledged, Project-associated shipping is not expected to measurably affect the existing quality of Current Use experience within the MSA through changes to light, noise, or air emissions, increased statistical risk to safety on the water, or further erosion to sites of importance that help to define cultural landscapes. The effect of RBT2-associated vessel transit on the quality of Current Use experience is therefore considered negligible based on these environmental factors. Measurable effects on the quality of Current Use experience (i.e., cultural practices) linked to effects on access to preferred Current Use locations due to Project-associated increases in ship pass bys are discussed in MSA Section 9.5.5.2.	**MSA** 9.5.5.1 Negligible Effects of Vessel Transit on Current Use

APPENDIX IR10-01-C23

DITIDAHT FIRST NATION: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Table 1: Air Quality – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-1.1	Concerned that marine shipping could potentially affect air quality, in particular, the air contaminants associated the shipping activities and the effect changes to air quality or air pollutants will have on: • Marine life and fish within the Swiftsure Bank area and surrounding waters; and • Ditidaht fishers in carrying out their fishing activities or travelling throughout their traditional territory.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the Vancouver Fraser Port Authority (VFPA):** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency [(CEA Agency)] in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the Marine Shipping Addendum (MSA), which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 9.1.5.1:** As noted in MSA Section 9.1.5.1, due to the full implementation of the North American Emission Control Area in 2015, estimated NO_2, SO_2, and $PM_{2.5}$ concentrations are expected to decline from existing conditions to future conditions with marine shipping associated with the Project. Therefore, airborne concentrations for contaminants of potential concern from the increase in emissions from marine shipping associated with the Project are expected to remain below the ambient air quality standards and objectives identified in MSA Table 9.1-9. This analysis and conclusion applies to both Indigenous and non-Indigenous individuals and communities. There is some potential for deposition of particulates (and therefore contaminants), from an increase in air emissions due to marine shipping associated with the Project, into habitats of marine edible resources. However, existing levels of contaminants in edible marine resources within the marine shipping area are below thresholds for concern to human health (see MSA Section 9.1.4.3) and low incremental emissions of contaminants of potential concern and particulate matter are expected. Therefore, the uptake of contaminants in shellfish and finfish from an increase in marine shipping associated with the Project is expected to be negligible. As such, adverse health effects from human consumption of these resources are not expected as a result of an increase in marine shipping associated with the Project. This analysis and conclusion applies to both Indigenous and non-Indigenous individuals and communities. As noted in the VFPA's response to IR5-38 as requested by the Review Panel, potential health effects to marine mammals from air pollution in the local assessment area (LAA) due to the incremental contribution of marine shipping associated with the Project are not anticipated; therefore, this potential effect was determined to be negligible in MSA Section 8.2.6.1. The response further provides information on the existing potential effects of inhaled pollutants on marine mammals and how the implementation of the North American Emission Control Area (ECA) may result in a reduction of these potential effects to marine mammals in the LAA.	**MSA (CEAR Document #316)** 9.1.5.1 Negligible Effects **Information Requests** Response to Sufficiency Information Request #38 (IR5-38 of CEAR Document #1159)

Table 2: Marine Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-2.1	Concerned that marine shipping could potentially affect migratory birds particularly in the vicinity of Swiftsure Bank, including their habitat, feeding grounds, breeding grounds and migration patterns.	16-Jun-2015, Letter from Chief / Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#29):** Potential effects of marine shipping associated with the Project on marine birds are assessed in MSA Section 8.3. Potential effects of vessel wake-generated waves on marine birds were characterised as negligible, because wake-generated wave heights are predicted to be well within the range of natural wave conditions. Birds and bird habitat are already adapted to the natural wave conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Potential effects from vessel-related auditory and visual disturbance, which would be localised and of short duration (as the ship passes by), are considered to be negligible, as birds have habituated to existing conditions. Project-associated vessel activity is not expected to have a measurable effect on bird populations. Collisions with ships resulting in bird mortality are anticipated to result in a residual effect of loss of productivity, although there are no known reports of such mortalities from vessels transiting shipping lanes within the marine shipping area. This effect, therefore, is not widespread and collisions with vessels are most likely infrequent and, if they occur, are expected to be limited to a small proportion of the population. When considering cumulative effects of increased vessel activity in the marine shipping area, including marine vessel traffic associated with the Project in combination with other existing and future projects and activities, individual mortalities are likely to increase. However, the loss of productivity would not compromise long-term population integrity, and the residual effect is expected to be not significant and unlikely to occur. Cumulative effects are also unlikely to occur. **Addressed in Response to IR9-02:** The VFPA's forthcoming response to IR9-02, as requested by the Review Panel, will further discuss mitigation measures related to artificial light for migratory and non-migratory birds and avian species.	**MSA** Appendix 5-B Aboriginal Issues and Interests 8.3 Marine Birds 8.3.6 Potential Interactions and Effects **Information Requests** Response to Sufficiency Information Request #02 (IR9-02)

Table 3: Coastal Geomorphology – Intermediate Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-3.1	Requested clarification of how and when effects of the environment including changes with respect to storm intensity, wave conditions, storm surges, and sea level rise may have impacts on marine shipping associated with the Project, and when.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Implications of storm intensity and sea level rise are described in relation to the proposed terminal in the Environmental Impact Statement (EIS, CEAR Document #181); they are not directly discussed as part of the marine shipping area. Predictions regarding waves from ship wake are, however, addressed in MSA Section 7.2. Potential changes to the wave environment from ship wake (from Project-associated vessels) was assessed for a representative container vessel with approximately 9,000 to 9,500 twenty-foot equivalent units capacity in MSA Section 7.2. In addition to the study of a representative vessel, a sensitivity analysis of other vessel types with differing hulls was also conducted (see MSA Appendix 7.2-B). The analysis of wake height varied by a little over 10 cm in response to the vessel hull type, compared to the representative vessel. Coastal geomorphic conditions are not expected to change from wake-generated waves as vessel wake is a small component of the existing wave climate, which is influenced by wind-generated waves and ocean swell. **Addressed in Response to IR2-11:** Provides discussion of storm intensity, surges, and sea level rise assumptions related to the EIS. **Addressed in Responses to IR7-13 to IR7-23:** The VFPA's responses to IR7-13 to -23 provide further information and discussion of the wake environment and potential effects of the project and marine shipping associated with the project.	**MSA** 7.2 Wave Environment **Information Requests** Response to Sufficiency Information Request #11 (IR2-11 of CEAR Document #961) Responses to Sufficiency Information Requests #13 to #23 (IR7-13 to IR7-23 of CEAR Document #1049)
DFN-3.2	Concerned that marine shipping could potentially affect marine sediment patterns and any related changes to fish or marine animal habitat or marine vegetation.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 7.3.1:** As physical disturbances of the seabed, such as those proposed during Project construction, are not associated with marine shipping activities, routine marine shipping associated with the Project is not expected to adversely affect marine sediment or water quality, and therefore no potential interactions were identified.	**MSA** 7.3.1 Water Quality

Table 4: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-4.1	Requested a cumulative effects assessment. Requested that Ditidaht First Nation have the opportunity to identify relevant projects that should be incorporated into a cumulative effects assessment. Requested that the VFPA take into account in its MSA the cumulative effects from increased shipping traffic in the region. Stated that in terms of projects that should be incorporated into the cumulative effects assessment for the Project, it is important that the following are included: • All existing marine shipping activities and other vessel traffic through Ditidaht traditional territory; • All marine shipping activities and vessel traffic related to the proposed Trans Mountain Pipeline Expansion project; and • All marine shipping activities and vessel traffic related to the WesPac Tilbury LNG terminal. Concerned that the Project, combined with the proposed Trans Mountain Pipeline Expansion and the proposed WesPac Tilbury LNG terminal, will cause significant increases in shipping traffic.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 29-Jun-2015, Email 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project 28-Aug-2015, Email 15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**20-Aug-2015, Email from the VFPA:** Asked Ditidaht to identify relevant projects for inclusion into the cumulative effects assessment for the marine shipping assessment. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-May-2016, Letter from the CEA Agency (CEAR Document #406):** *"The Agency requested additional information on cumulative effects in AIR #6 Additional Projects to be Considered and AIR #7 Reasonably Foreseeable Projects and Activities.* *The Agency is aware of Ditidaht's concerns related to the WesPac Tilburt [*sic*] Project and will be sending a letter on this topic to Ditidaht shortly."*	**Addressed in EIS Appendix 7.2-B (#39):** The list of certain and reasonably foreseeable projects and activities that have the potential to interact cumulatively with the Project-related effects is in EIS Table 8-8. This list includes all projects with the potential for a cumulative interaction with the Project. The CEA Agency is the appropriate authority to address questions related to the *Canadian Environmental Assessment Act (CEAA), 2012* and designated projects. **Addressed in MSA Appendix 5-B (#24):** The assessment of potential effects of marine shipping associated with the Project incorporates the existing vessel traffic within the marine shipping area (defined in MSA Section 4.0), including Ditidaht traditional territory. The list of certain and reasonably foreseeable projects and activities considered in the cumulative effects assessment is included in MSA Appendix 6-A. Note: The proposed Trans Mountain Pipeline Expansion project was included in the list. **Addressed in Response to IR4-09:** In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). As part of this update, WesPac Tilbury Marine Jetty Project vessel projections are updated. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the cumulative effects of marine shipping.	**EIS** Appendix 7.2-B Aboriginal Groups Issues and Interests Table **MSA** 4.0 Activity Description 4.1.1.1 Existing Marine Traffic Activity, Table 4-2 Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments **Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-4.2	Requested that the VFPA confirm how it plans to assess the Project's cumulative effects and the potential to adversely affect Ditidaht's Aboriginal rights, title, and culture. Expressed interest in how cumulative effects are considered in the marine shipping area, and how other projects are considered.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 08-Sep-2015, Meeting	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#23):** The approach to the cumulative effects assessment is provided in MSA Section 6.0. Each intermediate component (IC) and valued component (VC) assessment section considers cumulative changes and cumulative effects to which the Project contributes. This entails consideration of residual effects of routine marine shipping associated with the Project, if any such effects are predicted, in combination with effects of other projects and activities that have been or will be carried out. The assessment of current use of land and resources for traditional purposes (Current Use, MSA Section 9.5) describes how Current Use activities have been affected by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the	**MSA** Appendix 5-B Aboriginal Issues and Interests 6.0 Effects Assessment Approach 6.7 Cumulative Effects Assessment 7.1 through 9.4 (All IC and VC assessments) 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Project are not predicted, an assessment of future cumulative effects was not carried out.	
DFN-4.3	Stated that the following pathways of effects should be assessed: • Underwater ship noise; • Collisions with marine mammals; • Interference with Ditidaht marine activities – including specific shipping routes, typical transit times, typical size of ships, etc.; • Accidental discharge of hydrocarbons; and • Ship wake.	29-Jun-2015, Email	**24-Aug-2015, Letter:** *"With respect to the methodology for the assessment, we agree that we are required to assess the potential effects on specific valued components, consider the potential effects of those changes to the environment on aboriginal rights, and assess potential cumulative effects of marine shipping associated with the Project.* *The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the Updated Guidelines issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA.	**Additional information provided by the VFPA:** The MSA considers pathways of effects for all VCs. Included in the assessment is: underwater ship noise (MSA Section 7.6), the potential for collisions with marine mammals (MSA Section 8.2); interference with Ditidaht marine activities, including specific shipping routes, typical transit times, typical size of ships, etc. (included in MSA Section 9.2); accidental discharge of hydrocarbons (as a worst-case scenario in MSA Section 10.0); and ship wake (discussed in MSA Section 7.2).	**MSA** 7.2 Wave Environment 7.6 Underwater Noise 8.2 Marine Mammals 9.2 Marine Commercial Use 10.0 Accidents and Malfunctions
DFN-4.4	Requested that the VFPA provide results of environmental studies to Ditidaht in advance of filing the MSA, so that Ditidaht may comment on the VFPA's analysis before submittal. Stated that Ditidaht would like to see the MSA prior to its submission to the CEA Agency. Reiterated its concern about not seeing the draft report before it is submitted to the CEA Agency. Stated that 30 days is not sufficient to comment on MSA.	31-Jul-2015, Letter 08-Sep-2015, Meeting 18-Sep-2015, Letter	**31-Jul-2015:** Recorded comment for consideration by Project team. **08-Sep-2015, Meeting:** Stated that the VFPA will submit the report, followed by the 30-day comment period. Stated that the VFPA can meet with Ditidaht after the report is submitted to review results and mitigations. **27-Oct-2015, Email from the VFPA:** *"Comment that Ditidaht requires more than a 30-day comment period to review the Marine Shipping Addendum:* *I have passed your concerns and contact information to the CEA Agency so they may get in touch with you to discuss this comment. The contact at the Agency on this file [provided contact information]."*	**Addressed in MSA Appendix 5-B (#12):** The VFPA has engaged with Indigenous groups with the objective of obtaining the views of Indigenous groups on potential effects of changes to the environment on Indigenous peoples, and potential adverse impacts of the Project on potential or established Aboriginal or treaty rights. The VFPA has also provided the opportunity to review the summary of Current Use existing conditions information specific to Ditidaht First Nation prior to completing the assessment. The CEA Agency will provide Indigenous groups an opportunity to review the environmental studies following the submission of the MSA.	**MSA** 5.0 Aboriginal Groups Engagement and Consultation 5.1.2 Consultation Objectives Appendix 5-B Aboriginal Issues and Interests

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			09-Nov-2015, Letter from the VFPA: Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.		
DFN-4.5	Stated that the MSA only considers the impact of increased shipping from the RBT2 project and does not include cumulative effects and thus finds 'negligible' impacts. Stated that the VFPA does not provide clear rationales for its conclusions of 'negligible' impacts.	15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**12-May-2016, Letter from the CEA Agency (CEAR Document #406):** *"The Agency requested additional information on [the VFPA's] assessment methodology in AIR #2 Rationale for Effects Characterization. In addition, we requested additional information on cumulative effects in AIR #6 Additional Projects to be Considered and AIR #7 Reasonably Foreseeable Projects and Activities.* *In addition, the Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in Responses to MSA IR-02.24.16-2, MSA IR-02.24.16-6, and MSA IR-02.24.16-7:** The VFPA's response to completeness-phase MSA IR-02.24.16-2 provides an explanation of which receptors, criteria, and thresholds were used to determine that the effects were not detectable or measurable, and therefore, negligible, and were used to determine that the effects were minor as compared to negligible, moderate, or high. The VFPA's response to completeness-phase MSA IR-02.24.16-6 discusses the exclusion of a specific project from the MSA cumulative effects assessment. The Woodfibre LNG Project was excluded from the prediction of future vessel traffic for the purposes of the MSA cumulative effects assessment as it was not considered to be a 'certain' or 'reasonably foreseeable' project at the time vessel predictions for the Project were undertaken. Projects and activities were included (for the purposes of the EIS cumulative effects assessment) if they were certain or reasonably foreseeable as of October 1, 2013 (as stated in EIS Section 8.1.9.1 and EIS Appendix 30-A, Appendix B). This 'cut-off' date was necessary, as the future vessel traffic predictions were required to be completed early in the development of the EIS, so that the predictions could inform relevant IC and VC effects assessments. As further noted in the response, at the time of the cut-off date of October 1, 2013, the Woodfibre LNG Project was a known project at a conceptual level, but had not yet entered a formal regulatory review process and remained uncertain; therefore, it was not included in the EIS vessel predictions or cumulative effects assessment. Since the cumulative effects assessment in the MSA relied on the vessel traffic predictions prepared for the EIS for the area of spatial overlap between the two assessments, it was necessary to maintain a consistent approach with respect to vessel traffic predictions and approach to assessing cumulative effects in this area. Thus, since the Woodfibre LNG Project was excluded from the assessment of incremental vessel traffic in the EIS (as described above), it was also excluded for the purposes of the MSA cumulative effects assessment. The VFPA's response to MSA IR-02.24.16-7 verifies that MSA Appendix 6-A reflects all the certain and reasonably foreseeable projects and activities that should be considered in the cumulative effects assessments for marine shipping associated with the Project and updates the list of projects and activities considered and the rationale for exclusion, where appropriate.	**EIS** 8.1.9.1 Identification of Other Certain and Reasonably Foreseeable Projects and Activities Appendix 30-A Quantitative Risk Assessment **MSA** Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments **Information Requests** Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) Response to Additional Information Request #6 MSA IR-02.24.16-6 of CEAR Document #386) Response to Additional Information Request #7 (MSA IR-02.24.16-7 of CEAR Document #386)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-4.6	Stated that 2012 is set as the temporal boundary for existing conditions (MSA Section 6.2.2). Stated that the VFPA does not clearly explain how this baseline accounts for existing historical impacts on VCs, Ditidaht traditional use, and Ditidaht's Aboriginal rights, title, and culture. Stated that the VFPA should be required to analyse the Project's potential impacts from an earlier date that accounts for the effects Ditidaht included in its additional information shared with the VFPA.	15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**12-May-2016, Letter from the CEA Agency (CEAR Document #406):** *"The Agency requested additional information on [the VFPA's] assessment methodology in AIR #2 Rationale for Effects Characterization.* *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Ditidaht Nation's rights from marine shipping associated with the Project and we encourage you to provide your perspective on this topic to the Review Panel."*	**Addressed in Response to MSA IR-02.24.16-2:** The VFPA's response to completeness-phase MSA IR-02.24.16-2 provides an explanation of which receptors, criteria and thresholds were used to determine that the effects were not detectable or measurable, and therefore, negligible; and were used to determine that the effects were minor as compared to negligible, moderate or high. **Addressed in Response to IR10-13:** The VFPA's response to IR10-13, as requested by the Review Panel, provides additional information concerning the rationale for the effects assessment conclusions.	**Information Requests** Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) Response to Sufficiency Information Request #13 (IR10-13)
DFN-4.7	Concerned with the completeness of the marine shipping cumulative effects assessment. Requested an effects assessment of maximum potential vessel traffic and taking into account marine traffic information that became available after the filing of the application.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR4-09:** In the VFPA's response to IR4-09, updated project status and vessel movement information is provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017).	**Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)
DFN-4.8	Requested a cumulative effects assessment on Aboriginal rights and title prior to mitigation measures being applied and taking into account those project effects that have been excluded by the VFPA from the cumulative effects assessment.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-13 to IR10-20:** The VFPA's responses to IR10-13 through IR10-20, as requested by the Review Panel, provide additional information concerning the rationale for the effects assessment conclusions in the MSA with regard to Current Use, in alignment with the mandate of the Review Panel (refer to CEAR Document #1137). As relayed to the VFPA by the CEA Agency (refer to CEAR Document #1137), the assessment of the seriousness of potential impacts on the exercise of Aboriginal rights and title from marine shipping associated with the Project is the responsibility of the Crown.	**Information Requests** Responses to Sufficiency Information Requests #13 to 20 (IR10-13 to IR10-20)
DFN-4.9	Requested inclusion and consideration of accidents and malfunctions in the cumulative effects assessment.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 6.7:** *CEAA*, *2012*, s19(1)(a) requires an environmental assessment of a designated project to take into account "the environmental effects of the designated project, including the environmental effects of malfunctions or accidents that may occur in connection with the designated project and any cumulative environmental effects that are likely to result from the designated project in combination with other physical activities that have been or will be carried out". As accidents or malfunctions are not likely to occur, the effects arising from them, including cumulative effects, are also unlikely to occur. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans	**MSA** 6.7 Cumulative Effects Assessment **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Protection Plan which includes information on the cumulative effects of marine shipping.	
DFN-4.10	Explain how Indigenous perspectives and traditional knowledge were incorporated into: • Significance determinations; • MSA Section 9.5.5.2 Potential Effects of Vessel Transit on Current Use; • MSA Section 10.5.6.1 Potential Interactions and Effects, Residual Effect #1 – Loss of Productivity from a Heavy Fuel Oil Spill [Marine Fish and Fish Habitat]; • MSA Section 9.2.5.1 Negligible Effects; and • The thresholds, measures and assessments in IR #10 – Cultural Heritage Assessment. Requested that this assessment be updated with a properly conducted cumulative effects assessment.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.5:** MSA Section 9.5 considers Current Use, including intangible cultural heritage considerations, in the marine shipping area. The VFPA has provided detailed follow-up discussions of how the assessment of effects to cultural heritage, was undertaken in: • Response to IR-7.31.15-29; • Response to AIR-12.04.15-29; and • MSA IR-02.24.16-10. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Response to Information Request #29 (IR-7.31.15-29 of CEAR Document #314) Response to Additional Information Request #29 (AIR-12.04.15-29 of CEAR Document #345) Response to Additional Information Request #10 (MSA IR-02.24.16-10 of CEAR Document #386) Response to Sufficiency Information Request #2 (IR10-02)
DFN-4.11	Stated that reliance on country foods does not figure sufficiently into assessment (IR #31 – Country Foods). Stated that once again, Indigenous issues are parsed into stand-alone sections, rather than integral to evaluation of project impacts.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR-7.31.15-31:** The response to IR-7.31.15-31 provided an explanation of how the assessments in the EIS were based on the best available sources of information related to food reliance, as relevant to the identified pathways of effects from the Project. The relevant pathways identified for the human health effects assessment (EIS Section 27.0) were the potential for consumption of contaminated shellfish, and potential effects on food security. AIR-12.04.15-31 (Appendix 31-A) further discusses all potentially-relevant information by Indigenous group, and considers reliance in terms of consumption of country foods as well as other related considerations, such as socio-economic considerations.	**EIS** 27.0 Human Health **Information Requests** Response to Information Request #31 (IR-7.31.15-31 of CEAR Document #314) Response to Additional Information Request #31 (AIR-12.04.15-31 of CEAR Document #345)
DFN-4.12	Requested that the VFPA account for marine resource use in and around Swiftsure Bank in effects assessments (MSA Section 7.5.2.1 Light Effects Assessment, Temporal and Spatial Boundaries).	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#71):** Potential effects of marine shipping associated with the Project on marine fish and fish habitat are assessed in MSA Section 8.1. Potential effects on marine commercial use, including Indigenous fishing, are considered in MSA Section 9.2. The assessment of Current Use (MSA Section 9.5) describes how Current Use activities have been affected by other projects and activities that have been carried out and considers the effects of marine shipping associated with the Project in combination with the effects of other projects and activities (including marine shipping) that have been or will be carried out. **Addressed in MSA Section 7.5.2.1:** As noted in MSA Section 7.5.2.1, typical points of reception (PORs) include permanent or seasonal residences, hotels or motels, nursing or retirement homes, rental residences, hospitals, camp grounds, and buildings such as schools and places of worship, as well as light-sensitive locations such as urban star parks. The discrete PORs considered in this light	**MSA** Appendix 5-B Aboriginal Issues and Interests 7.5 Light 7.5.2.1 Temporal and Spatial Boundaries 9.2 Marine Commercial Use 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				assessment were selected in accordance with standard practice to be representative of the study area as a whole. **Additional information provided by the VFPA:** POR 25 (Juan de Fuca Provincial Park) is located in the western portion of Juan de Fuca Strait, though not in Ditidaht First Nation Traditional Territory.	
DFN-4.13	Stated that none of the Points of Reception (POR) selected are in western Juan de Fuca Strait or Ditidaht territory.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 7.5.2.1:** As noted in MSA Section 7.5.2.1, typical PORs include permanent or seasonal residences, hotels or motels, nursing or retirement homes, rental residences, hospitals, camp grounds, and buildings such as schools and places of worship, as well as light-sensitive locations such as urban star parks. The discrete PORs considered in this light assessment were selected in accordance with standard practice to be representative of the study area as a whole. **Additional information provided by the VFPA:** POR 25 (Juan de Fuca Provincial Park) is located in the western portion of Juan de Fuca Strait, though not in Ditidaht First Nation Traditional Territory.	**MSA** 7.5 Light
DFN-4.14	Requested an update to the rationale for excluding water and sediment quality as an indicator in the assessment of effects of marine shipping on marine mammals (MSA IR #1 Indicators in the Assessment of Marine Mammals).	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to MSA IR-02.24.16-1:** The VFPA has provided a rationale for excluding water and sediment quality as an indicator in the assessment of marine shipping on marine mammals. The assessment of marine mammals provided in the MSA did not include changes to water and sediment quality as an indicator because routine marine shipping associated with the Project is not anticipated to adversely affect water and sediment quality. Potential changes in water and sediment quality with the potential to affect marine mammals are anticipated during Project construction only and, therefore, this indicator was considered in EIS Section 14.6. As physical disturbances of the seabed, such as those proposed during Project construction, are not associated with marine shipping activities, routine marine shipping associated with the Project is not expected to adversely affect marine sediment or water quality, and therefore no potential interactions were identified. For more information, see MSA Section 7.3.1.	**EIS** 7.3.1 Water Quality 14.6 Marine Mammals **Information Requests** Response to Additional Information Request #1 (MSA IR-02.24.16-1 of CEAR Document #386)
DFN-4.15	With respect to the assessment of effects of the environment on marine shipping associated with the Project, requested clarification on which other environmental events besides extreme winds and waves were considered and how the International Maritime Organization (IMO) measures referred to account for these specific environmental conditions in and around Swiftsure Bank and Juan de Fuca Strait.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The MSA does not contain a stand-alone section considering effects of the environment as it relates to marine shipping associated with the Project. Ocean-going vessels are designed for and navigate regularly through challenging environmental conditions at sea (including extreme winds and waves). Although the *Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*) do not explicitly require separate consideration of the effects of the environment on transiting Project-associated vessels, environmental conditions were taken into consideration in the descriptions provided of the changes to the environment that may result from marine shipping associated with the Project. For example, tidal currents, especially near Race Rocks in Juan de	**MSA** 10.0 Potential Accidents and Malfunctions 10.4 Mitigation Measures Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				Fuca Strait, are considered (by the Pacific Pilotage Authority) to be large enough to influence deep sea vessel operations. The effects of extreme weather were also considered in the assessment of potential accidents and malfunctions. MSA Appendix 10-A notes severe weather is a contributor to potential foundering, but notes return periods of over 50,000 years, indicating an extremely unlikely event. Mitigation measures currently in place to address accidents and malfunctions in the marine shipping area are discussed in MSA Section 10.4.	
DFN-4.16	Stated that in regard to MSA IR #2 (Rationale for Effects Characterisation), the rationale supplied by the VFPA is insufficient because it does not explain how the categorisations used by the VFPA were determined without consideration of Ditidaht's understandings of risk and impact. Stated that the impacts of increased vessel traffic from other proposed and future projects must also be considered. Requested Indigenous thresholds and corresponding understandings of risk and impact that have been developed and validated with Indigenous communities.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to MSA IR-02.24.16-2:** MSA IR-02.24.16-2 provides an explanation of how potential effects and impacts were determined to be negligible or measurable in the MSA. The VFPA's engagement and consultation with Indigenous groups is described in MSA Section 5.0. **Additional information provided by the VFPA:** As noted in MSA Section 6.7, each assessment section in MSA Sections 7.0, 8.0, and 9.0 includes an assessment of potential additional future cumulative interactions between the residual effects anticipated for the VC (or residual changes for an IC), if any, and effects associated with additional marine shipping activity in the marine shipping area in 2030 related to reasonably foreseeable projects and activities. Projected future marine shipping traffic volumes are provided in MSA Table 4-7. These traffic volumes are associated with certain and reasonably foreseeable projects and activities listed in MSA Appendix 6-A. The significance determination for any residual cumulative effects is made using the same significance threshold as defined for the assessment of residual effects. Potential interactions with future certain or reasonably foreseeable marine-based projects are limited to increases in vessel traffic associated with those projects. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the cumulative effects of marine shipping.	**MSA** 4.0 Activity Description Table 4-7: 2030 Anticipated Movements by Vessel Type Through Segments A to D 5.0 Aboriginal Groups Engagement and Consultation 6.7 Cumulative Effects Assessment Appendix 6-A Certain and Reasonably Foreseeable Projects and Associated Activities Considered in the Marine Shipping Cumulative Effects Assessments 7.0 Physical Environment 8.0 Marine Biophysical Environment 9.0 Human Environment **Information Requests** Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 5: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-5.1	Stated that the current capacity funding amounts the CEA Agency and the proponent have offered will not cover the costs of obtaining this information. Requested that additional funding be made available to Ditidaht for this purpose. Criticised the terms of the funding agreement provided by the VFPA and of the amount proposed. Stated that the VFPA's consultation with Ditidaht has occurred on a compressed timeline with limited funding.	29-May-2015, Letter to the CEA Agency (CEAR Document #197) 16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**26-May-2015, Letter from the VFPA:** Offered to provide funding to Ditidaht to support input into the assessment and review of Current Use information. **22-Jun-2015, Letter from the CEA Agency (CEAR Document #265):** *"Funding is available from the Agency's Participant Funding Program to provide limited financial assistance to Aboriginal groups and the public to help them prepare for and participate in key stages of the environmental assessment process. I understand that Ditidaht has submitted a funding application to the Agency for the Roberts Bank Terminal 2 environmental assessment."* **16-Jul-2015, Email from the VFPA:** Increased funding as requested by Ditidaht. **31-Jul-2015:** Ditidaht accepted the funding. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses. **12-May-2016, Letter from the CEA Agency (CEAR Document #406):** *"Thank you for your comment. The Agency encourages Vancouver Fraser Port Authority (formerly PMV) to continue to work with Ditidaht throughout the environmental assessment process and for any outcomes from your work together to be brought forward to the Panel."*	**Addressed in MSA Appendix 5-B (#8):** Concern is noted. The VFPA considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** Appendix 5-B Aboriginal Issues and Interests
DFN-5.2	Concerned that 30-day comment period is not sufficient. [In reference to the CEA Agency's 30-day comment period on the MSA]	08-Sep-2015, Meeting	**08-Sep-2015, Meeting:** Committed to flagging this concern to the CEA Agency and suggested that Ditidaht speak directly to the CEA Agency about this matter. **27-Oct-2015, Email from the VFPA:** *"I have passed your concerns and contact information to the CEA Agency, so they may get in touch with you to discuss this comment. The contact at the CEA Agency on this file is Senior Policy Advisor, who can be reached at [contact information provided]."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#16):** The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#16).	**MSA** Appendix 5-B Aboriginal Issues and Interests
DFN-5.3	Interested in providing feedback with regards to mitigation measures on marine shipping.	08-Sep-2015, Meeting	**08-Sep-2015, Meeting:** Stated that the VFPA would request a meeting with the appropriate regulators. Stated that the VFPA would organise a follow-up meeting to discuss marine shipping results and mitigation with more specific information after the report is published. **18-Sept-2017, Letter from the VFPA:** *"The VFPA would like to further our understanding of the concerns raised by Ditidaht First Nation on Marine Shipping and work together to identify mitigations to potential impacts, where possible. The goal for this meeting is twofold:* *1. To develop a more fulsome understanding of the specific concerns raised by Ditidaht First Nation related to Marine Shipping.* *2. To develop, where possible, solutions to the concerns you raised. The VFPA is specifically interested in discussing what measures could be taken to address Ditidaht First Nation's concerns.* *The VFPA looks forward to learning more about Ditidaht First Nation's concerns and to working collaboratively to address these concerns regarding Marine Shipping.*	**Additional information provided by the VFPA:** Beyond the mitigation measures suggested in the EIS and MSA, the VFPA encourages Indigenous groups participating in the RBT2 environmental assessment to suggest specific mitigation measures for consideration.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			[Indigenous Affairs Advisor] will be in contact in the coming week to follow-up and arrange a meeting with Ditidaht First Nation." **23-Oct-2017, Meeting:** The VFPA met with Ditidaht First Nation and Pacheedaht First Nation along with representatives from the Canadian Environmental Assessment Agency, the BC Environmental Assessment Office, and the Canadian Coast Guard. In this meeting, Ditidaht First Nation and Pacheedaht First Nation expressed concerns around the location of the shipping lanes, vessel traffic around Swiftsure Bank, cumulative effects, and communications with Coast Guard. Discussions are ongoing.		

Table 6: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-6.1	Requested that the Draft Review Panel Terms of Reference explicitly include consideration of adverse impacts from the increase in marine traffic, and cumulative impacts to Aboriginal and treaty rights related.	22-Sep-2014, Letter to the CEA Agency (CEAR Document #125)	**17-Apr-2015, Letter from the CEA Agency (CEAR Document #279):** *"The Minister announced today that the Terms of Reference for the Review Panel assessing the proposed Roberts Bank Terminal 2 have been finalized. Based on feedback received during the comment period on the draft Terms of Reference, the Minister has identified two additional matters to be taken into account in the environmental assessment, [including] the potential effects on the environment of container ships coming and going from the proposed terminal through Juan de Fuca Strait and the Strait of Georgia. This is referred to as "the environmental effects of marine shipping associated with the project which is beyond the care and control of the proponent and within the 12 nautical mile limit of Canada's territorial sea. Consideration includes the environmental effects of malfunctions or accidents and any cumulative environmental effects, the significance of those effects, suggested mitigation measures and the possible requirements of any follow-up program that may be required."*		
DFN-6.2	Requested that the CEA Agency confirm: 1. The permits or approvals required for the marine shipping associated with the Project; 2. The federal department(s) responsible for assessing the environmental effects of the marine shipping associated with the Project and determining whether they are "significant"; 3. The decision maker's authority to address the marine shipping environmental effects; i.e., will the decision maker be able to impose conditions on the proponent? 4. How the information Ditidaht provides during the [environmental assessment] process will be considered, by whom, and when; and 5. The party ultimately responsible for consulting with Ditidaht about the Project's potential to adversely effect [*sic*] Ditidaht's rights and culture. Stated that if Canada intends to rely on the environmental assessment process to obtain information about the Project's potential adverse effects on Ditidaht's rights, it is essential such information is gathered from a rights-based perspective and that Ditidaht has an opportunity to identify key VCs and provide input into how the Nation's indigenous knowledge is incorporated into the final EIS.	29-May-2015, Letter to the CEA Agency (CEAR Document #197)	**22-Jun-2015, Letter from the CEA Agency (CEAR Document #265):** *"In response to the list of questions that you ask on behalf of Ditidaht First Nation, please consider:* *1. The permits or approvals required for the marine shipping associated with the Project will be identified as part of the environmental assessment.* *2. The Review Panel will be responsible for assessing the potential effects of marine shipping associated with the Project. The Minister of the Environment will determine whether the Project components under the care and control of the proponent are likely to cause significant adverse environmental effects. Marine shipping beyond the Port's care and control is a regulated activity within the jurisdiction of the federal government and inclusion of this matter in the environmental assessment will provide federal regulators such as Transport Canada with information on the potential effects of increased shipping associated with the Project to help inform programs and activities within federal jurisdiction.* *3. Under section 53 of* CEAA 2012*, the Minister has the authority to establish legally enforceable conditions in relation to the environmental effects of the designated project with which [the VFPA] must comply. Although marine shipping beyond the Port's care and control is not a component of the designated project, federal regulators such as Transport Canada will use the information collected in the environmental assessment as noted, above.* *4. Ditidaht First Nation will have an opportunity to provide comments to the Canadian Environmental Assessment Agency (the Agency) on the completeness of the marine addendum to the Environmental Impact Statement that will be submitted by the proponent, including the requirement of the Environmental Impact Statement Guidelines to consider Aboriginal traditional knowledge.* *Further, when the Review Panel is appointed, it will conduct a comment period during which review participants including the Ditidaht can provide their views on the sufficiency and technical merit of the environmental impact statement. When the Panel determines that it has sufficient information to do so, it will hold a public hearing in a manner that offers all interested parties an opportunity to participate.* *For the last phase of the environmental assessment, following submission of the Panel report and prior to the Minister's decision on the Project, the*		

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Agency will consult on the potential conditions related to the Project should it be allowed to proceed. *Note that all of the information submitted or generated throughout the environmental assessment will be considered by the Review Panel in the preparation of its report and in the Panel's conclusions and recommendations to the government as part of that report.* *5. The federal government is responsible for ensuring that the duty to consult is met regarding the potential impacts of the Project on Ditidaht First Nation's potential or established Aboriginal or Treaty rights. As indicated in our letter of April 17, 2015 to Ditidaht First Nation, the federal government will rely on the environmental assessment process to the extent possible to collect information on potential impacts of any increased marine shipping associated with the Project on the exercise of the potential or established Aboriginal or Treaty rights.* *The Agency is leading the coordination of consultation for this environmental assessment of the Project on behalf of the whole of government. Further information regarding the consultation approach the federal government has proposed is included in attachment #3 of our April 17, 2015 letter to Ditidaht. The Crown Consultation Coordinators for the Project are also available to meet with Ditidaht First Nation at any time to discuss the [environmental assessment] and consultation process."*		
DFN-6.3	Concerned that the marine shipping report is only in the VFPA's jurisdiction.	08-Sep-2015, Meeting	**08-Sep-2015, Meeting:** Explained the scope of the MSA. Stated that at a next meeting, the VFPA could arrange to have all parties at a meeting together to discuss (Transport Canada, Western Canada Marine Response Corporation (WCMRC), etc.). **27-Oct-2015, Email from the VFPA:** *"Request to have all relevant parties (WCMRC, Transport Canada, etc.) present at future meetings: I have passed your concerns and contact information to Transport Canada, so they may get in touch with you to discuss this request. The contact at [Transport Canada] on this file is [provided contact information]. I will also continue to raise this request with [Transport Canada]."* **23-Oct-2017, Meeting:** The VFPA met with Ditidaht First Nation and Pacheedaht First Nation along with representatives from the Canadian Environmental Assessment Agency, the BC Environmental Assessment Office, and the Canadian Coast Guard. Questions and concerns outside of the VPFA's jurisdiction (international shipping lanes, the Oceans Protection Plan, and communications with Coast Guard) were presented to the responsible agency.	**Addressed in MSA Section 1.0:** As directed by the CEA Agency in the *Updated EIS Guidelines*, this report is an assessment of the potential effects of marine shipping associated with the Project. This assessment is provided as a supplemental to the EIS (March 2015). The *EIS Guidelines* specified the scope of RBT2, which included marine traffic within the VFPA's jurisdiction. The *Updated EIS Guidelines* require consideration of marine shipping outside the VFPA's jurisdiction (beyond the VFPA's care and control) to the 12 nautical mile limit of the Canadian territorial sea, which is outside of VFPA jurisdiction. This report refers to this area as the marine shipping area (MSA Figure 1-1).	**MSA** 1.0 Purpose of the MSA ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (CEAR Document #177)**

Table 7: Environmental Management Program

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-7.1	Stated that there is insufficient information regarding monitoring and mitigation measures regarding marine shipping effects on the environment and on Indigenous interests (and a corresponding gap in information pertaining to jurisdictional issues regarding the development and enforcement of these issues).	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 11.0:** Consideration has been given to the need for and scope of follow-up to verify predicted effects related to marine shipping associated with the Project in the marine shipping area, as described in MSA Section 11.0. With respect to follow-up programs to verify predicted effects, these are generally proposed to address uncertainty, such as any gaps in knowledge or understanding related to key conclusions (as noted in EIS Section 8.1.10). This assessment has assigned moderate or high levels of confidence ratings to the residual effect predictions based on the following: • Robust comprehension of marine shipping in the marine shipping area, including vessel activities associated with RBT2; • Considerable scientific information concerning existing VCs; • A strong understanding of how Project-associated activities interact with VCs; • Appreciable knowledge of how the VC would respond to Project-associated marine shipping activities; and • Proven and established assessment methods. Because confidence in the residual effect predictions is moderate to high, no follow-up programs are suggested specifically related to the predicted effects of marine shipping associated with the Project in the MSA. With respect to follow-up programs to monitor the effectiveness of mitigation, mitigation measures are suggested only for Current Use (MSA Section 9.5). The mitigation measures suggested in MSA Section 9.5.6 address a potentially minor, possibly even unmeasurable, incremental effect on Current Use access and associated Current Use experience resulting from Project-associated shipping activities. Given the effect would be minor, may not be measurable, and confidence in the effectiveness of the mitigation (if applied) is high, a follow-up program is not suggested.	**MSA** 9.5.6 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights, Suggested Mitigation Measures 11.0 Follow-Up Program
DFN-7.2	Provide more clarity on the marine shipping mitigation measures proposed in the MSA and responses to information requests, including, at a minimum: a. What specific measures the VFPA has proposed in relation to Ditidaht territory, including Swiftsure Bank; b. More detail on the how the measures will mitigate potential adverse impacts to Aboriginal rights and title with respect to marine shipping and shipping lane location; c. How the measures will be monitored and enforced, including by whom; d. What mechanisms are in place or will be developed to monitor and compel compliance with relevant regulations; and e. What enhancement measures the VFPA proposes to address the deficiencies in the capabilities of WCMRC for responding to an emergency in and around Ditidaht territory and the VFPA's plan to implement those changes.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-17 to IR10-19:** The VFPA's responses to IR10-17, IR10-18, and IR10-19, as requested by the Review Panel, provide further information concerning mitigation measures related to the marine shipping area.	**Information Requests** Response to Sufficiency Information Requests #17 to #19 (IR10-17 to IR10-19)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-7.3	Given that many of the VFPA's mitigation measures rely on third parties or are otherwise outside of the VFPA's control, requested an effects assessment that does not take into consideration any of those marine shipping mitigation measures that the VFPA cannot guarantee or control.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR10-17:** The VFPA's response to IR10-17, as requested by the Review Panel, provides further information concerning mitigation measures related to the Marine Shipping Area.	**Information Requests** Response to Sufficiency Information Request #17 (IR10-17)

Table 8: Human Health – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-8.1	Requested an assessment that considers holistic understanding of health and wellbeing, including relationship to lands and waters. Requested that this section (9.1.4.1) be updated to include Nuu-chah-nulth peoples. Stated that the MSA's assessment of human health privileges biophysical factors.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 9.1 and MSA Executive Summary:** An assessment of potential effects of Project-associated marine vessel traffic on human health was conducted, focusing on exposure to air emissions from vessel transit activities, and on exposure to atmospheric noise from vessel transit activities. The health of communities in the LAA is generally good and comparable to provincial and national averages. The health of some Indigenous communities may diverge from that of the general population, in that the incidence of some illnesses is higher. This may make the health of Indigenous communities less resilient than that of non-Indigenous communities to future changes that affect environmental quality or social determinants of health. All potential incremental health effects related to routine Project-associated vessel transit activities that increase air and noise emissions were determined to be negligible because predicted changes are below thresholds for human health effects. Cumulative changes in air quality and noise due to Project-associated marine shipping, in combination with other existing and future marine shipping, are also not expected to result in any measurable human health effects. This finding applies to both Indigenous and non-Indigenous groups.	**MSA** Executive Summary 9.1 Human Health

Table 9: Marine Mammals – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-9.1	Concerned that marine shipping could potentially affect marine mammals, particularly in the vicinity of Swiftsure Bank, including their habitat, feeding grounds, breeding grounds, and migration patterns.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 8.2:** Potential effects on marine mammals related to incremental Project-associated vessel transit activities include behavioural disturbance and acoustic masking due to changes to the acoustic environment and physical disturbance from vessel strikes. These effects are expected to not be significant for marine mammals. Incremental marine shipping associated with the Project is not anticipated to have an adverse effect on either southern resident killer whales or North Pacific humpback whale critical habitat features when needed for life functions, or on the survival or recovery of southern resident killer whales, North Pacific humpback whales, or Steller sea lions. Cumulative effects are expected to be not significant for seals, sea lions, baleen whales, and toothed whales, other than southern resident killer whales. The VFPA has assumed that past activities and projects, including those described in the recovery strategy issued by Fisheries and Oceans Canada (DFO), have had a significant adverse effect on southern resident killer whales. As such, Project-associated vessel activity, in combination with existing and future vessel activity, is expected to continue to result in a significant cumulative effect to southern resident killer whales. **Addressed in Responses to IR5-41 and IR5-47:** The VFPA's responses to IR5-41 and IR5-47 further discuss marine mammal strike risk and potential underwater noise effects to southern resident killer whales at Swiftsure Bank, specifically. The overall effects assessment conclusions presented in the MSA remain the same. **Additional information from the VFPA:** In 2014, the VFPA-led Enhancing Cetacean Habitat and Observation (ECHO) Program was developed as a collaborative initiative aimed at better understanding and managing the impact of shipping activities on at-risk whales throughout the southern coast of B.C. The VFPA-led ECHO Program engages and involves key regional interested parties to maximise program success and help ensure that mitigation and management measures developed through the program are informed by social, cultural, economic, and environmental sustainability interests. The ECHO Program is guided by the advice and input of an advisory working group, and supported by a federal government advisory committee and associated technical committees. Through engagement and consultation with stakeholders, the ECHO Program has initiated or supported short-term projects, scientific studies, and educational initiatives to fill knowledge gaps necessary to inform the development of credible, science-based threat reduction solutions and management options to reduce cumulative effects of shipping to at-risk whales in the region.	**MSA** 8.2 Marine Mammals **Information Requests** Response to Sufficiency Information Request #41 (IR5-41 of CEAR Document #1159) Response to Sufficiency Information Request #47 (IR5-47 of CEAR Document #1145)

Table 10: Marine Shipping Addendum

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-10.1	Concerned that marine shipping could potentially affect fish habitat, migration patterns, or schooling behaviours, particularly in the vicinity of Swiftsure Bank, which is a critically important harvesting area for Ditidaht. Concerned that traffic, increased ship size, and wakes and waves will affect where the fish school and fish habitat and will affect where Ditidaht fishers are able to set their gear.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation 29-Jun-2015, Email 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#42):** Potential effects of marine shipping associated with the Project, including increased traffic and associated wake waves on marine fish and fish habitat, are assessed in MSA Section 8.1. **Addressed in MSA Section 8.1.6.1:** Available data suggest that predicted wake wave heights arriving at shorelines within the LAA are well within the range of natural wave conditions, and are not distinguishable from the spectrum of wind-generated waves, except in non-calm conditions. Therefore, regardless of increased frequency of wake-related waves, any disturbance to marine fish and fish habitat will not be distinguishable from existing conditions and, consequently, is considered to be negligible. Effects of underwater noise are considered negligible for marine fish and fish habitat because i) RBT2-associated shipping represents a minimal increase over existing conditions (i.e., 520 additional container ship movements per year); ii) modelled cumulative incremental changes in sound, which includes all new projects plus RBT2-associated vessel traffic, is slight (i.e., 0.08 and 0.06 dB re 1 µPa increase over existing conditions in January and July, respectively); iii) vessel noise is not impulsive and will not cause injury or mortality to marine fish; and iv) vessel noise will not reach the behavioural avoidance threshold (i.e., 90 dBht) for Pacific salmon and will only exceed 90 dBht for Pacific herring within the immediate vicinity of the vessel (i.e., within 20 m of the vessel) and for short durations (i.e., as the ship passes). As routine marine shipping associated with the Project is not expected to result in any measurable change in marine fish or fish habitat, no mitigation measures are suggested.	**MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 8.1.5.3 Intertidal Habitat 8.1.6 Potential Interactions and Effects 8.1.6.1 Negligible Effects ***Updated EIS Guidelines***
DFN-10.2	Concerned that air contaminants associated with marine shipping could affect Ditidaht fishers in carrying out their fishing activities or travelling throughout their traditional territory.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter)	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Section 9.1:** All potential incremental health effects related to routine Project-associated vessel transit activities that increase air and noise emissions were determined to be negligible because predicted changes are below thresholds for human health effects. Cumulative changes in air quality and noise due to Project-associated marine shipping, in combination with other existing and future marine shipping, are also not expected to result in any measurable human health effects. This finding applies to both Indigenous and non-Indigenous groups.	**MSA** 9.1 Human Health

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-10.3	Concerned that marine shipping could potentially affect Ditidaht's ability to access traditional harvesting grounds, such as Swiftsure Bank and traditional fishing sites near Carmanah and Bonilla Point. Concerned that marine shipping could potentially affect the ability of Ditidaht fishers to carry out their fishing rights. Requested that the VFPA take into account in its marine shipping assessment the effect of increased marine traffic on the ability of Ditidaht to practice marine harvesting (including fishing) rights.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 29-Jun-2015, Email 31-Jul-2015, Letter	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."*	**Addressed in MSA Section 9.5:** Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation, including development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. Considering the conclusions of the Current Use assessment, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. As noted above, suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Enhanced Maritime Situational Awareness and Proactive Vessel Management* initiative as well as information on the sharing of information of marine traffic with coastal communities.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-10.4	Concerned that marine shipping could potentially affect Ditidaht community members' ability to pass on Indigenous Knowledge to the next generation, including (but not limited to) the limiting of access to significant or preferred locations or limiting the use of particular techniques or traditional modes of transportation due to nearby traffic. Concerned that marine shipping could potentially affect Ditidaht's ability to use preferred maritime travel routes and traditional	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts*	**Addressed in MSA Appendix 5-B (#68):** The assessment of Current Use (MSA Section 9.5) considers cultural practices, such as use of travel routes and the use of waterways. MSA Section 9.5 includes an assessment of several aspects related to cultural practices, including potential changes to the following: access to preferred Current Use locations and quality of Current Use experience. **Addressed in MSA Section 9.5:** Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation, including development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5 Potential Interactions and Effects 9.5.5.2 Potential Effects of Vessel Transit on Current Use **Information Requests** Response to Sufficiency Information Request #15 (IR10-15)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	forms of transportation such as dugout canoes.		*of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in Response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project.	
DFN-10.5	Concerned that marine shipping could potentially affect Ditidaht's ability to carry out traditional and spiritual practices in its traditional territory, including visual or auditory disturbances during spiritual practices or in the transfer of knowledge to younger generations.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#83):** The assessment of Current Use (MSA Section 9.5) includes cultural considerations, such as cultural practices and sites of importance, as well as intangible cultural heritage considerations, such as the expression of cultural values or ways of knowing, and the formation and maintenance of cultural identity, in the assessment of quality of Current Use experience. The assessment describes how Current Use activities have been affected cumulatively by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. The assessment of potential adverse impacts on asserted or established Aboriginal and treaty rights is included in MSA Section 9.5. **Addressed in MSA Section 9.5:** Potential effects on Current Use as a result of Project-associated vessel transit activities are considered negligible before mitigation for access to preferred Current Use locations, due to Project-associated ship wake, the availability and quality of preferred Current Use resources, and the quality of the Current Use experience (i.e., cultural practices) tied to those aspects of Current Use. Residual effects on access to preferred Current Use locations due to Project-associated container ship pass-bys, and on cultural practices tied to that aspect of Current Use, are considered negligible after the implementation of mitigation, including development of a marine shipping activities communication plan and consultation with affected Indigenous groups concerning the outbound international shipping lane location. **Addressed in Response to IR10-15:** The VFPA's response to IR10-15, as requested by the Review Panel, further discusses potential effects to the quality of the Current Use experience resulting from marine shipping associated with the project.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.11 Potential Adverse Impact on Asserted or Established Aboriginal and Treaty Rights **Information Requests** Response to Sufficiency Information Request #15 (IR10-15)
DFN-10.6	Concerned that marine shipping could potentially affect Ditidaht's ability to exercise its Aboriginal rights and culture on shore, including how increased wave frequency and size may adversely affect harvesting and processing seafood, marine plants/vegetation, and fish. Concerned that marine shipping could potentially affect Ditidaht's ability to exercise its Aboriginal rights and culture on shore, including how increased wave frequency and size	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome*	**Addressed in MSA Appendix 5-B (#79):** The potential changes to the wave environment from ship wake (from Project-associated vessels) are assessed in MSA Section 7.2. This assessment informs the assessment of potential effects on fish and fish habitat, including marine vegetation and marine invertebrates (MSA Section 8.1), as well as the assessment of potential effects on marine mammals (MSA Section 8.2) and on marine birds (MSA Section 8.3). The wave assessment also informs the assessment of potential effects on archaeological and heritage resources (MSA Section 9.4). **Addressed in Response to IR7-21:** The VFPA's response to IR7-21, as requested by the Review Panel, notes that although their probability slightly increases from Project-associated vessels (0.034% during calm conditions), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in the marine shipping area due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves. **Addressed in Response to IR7-22:**	**MSA** Appendix 5-B Aboriginal Issues and Interests 7.2 Wave Environment 7.2.5 Incremental Changes to the Wave Environment 8.1 Marine Fish and Fish Habitat 8.1.6.1 Negligible Effects – *Vessel Wake* 8.2 Marine Mammals 8.2.6.1 Negligible Effects – Habitat Degradation - Vessel Wake 8.3 Coastal Birds

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	may adversely affect sensitive spiritual and cultural sites, such as burial caves located on shore. Concerned that marine shipping could potentially affect Ditidaht's ability to exercise its Aboriginal rights and culture on shore, including how increased wave frequency and size may adversely affect areas of refuge.		*the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The VFPA's response to IR7-22, as requested by the Review Panel, discusses the potential effects of waves generated by Project-associated vessels during calm conditions on small craft engaged in activities in open water at various points and various distances from shore throughout the marine shipping area, including fishing activities in the vicinity of Swiftsure Bank. For all segments discussed in the marine shipping area, vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators. The vessel wakes from Project-associated vessels are not expected to introduce new navigational hazards for small-craft operators at Swiftsure Bank, including operators undertaking fishing activities, because of the existing energetic wave climate. **Addressed in Response to IR10-23:** The VFPA's response to IR10-23, as requested by the Review Panel, discusses potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm.	8.3.6.1 Negligible Effects - Vessel Wake 9.4 Archaeological and Heritage Resources 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use **Information Requests** Response to Sufficiency Information Request #21 (IR7-21 of CEAR Document #1049) Response to Sufficiency Information Request #22 (IR7-22 of CEAR Document #1049) Response to Sufficiency Information Request #23 (IR10-23)
DFN-10.7	Concerned that marine shipping could potentially interfere with access to fish and fish habitat, and in turn the health and wellbeing of Ditidaht community members who rely on fish for a substantial part of their diet.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#52):** The assessment of potential effects of marine shipping associated with the Project on marine fish and fish habitat (MSA Section 8.1) addresses potential effects on the availability of marine resources. **Addressed in MSA Section 8.1:** Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2% of coastline in the LAA is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioural threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 metres of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the LAA.	**MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat
DFN-10.8	Concerned that marine shipping could potentially affect Ditidaht's ability to benefit economically from its interests related to	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal	**24-Aug-2015: Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the*	**Addressed in MSA Appendix 5-B (#5):** The assessment of potential effects on marine commercial use (MSA Section 9.2) considers potential effects on relevant economic interests of Indigenous groups that	**MSA** Appendix 5-B Aboriginal Issues and Interests 8.2 Marine Commercial Use

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Aboriginal title, including visual and auditory disturbances during eco-tourism activities or other effects on the wilderness character of Ditidaht's territory.	Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	have been identified through a review of existing information as well as information provided directly to the VFPA by Indigenous groups engaged in consultation. **Addressed in MSA Section 9.2:** As potential adverse effects due to vessel transit from Project-associated shipping on marine area displacement, access, presence of SRKWs and marine birds, and environmental conditions are considered to be negligible, potential effects on activities and revenue from marine-based tourism are also considered to be negligible. When all lines of evidence are considered, a negligible effect is expected for the marine-based tourism sub-component. **Addressed in Response to IR10-27:** The VFPA's response to IR10-27, as requested by the Review Panel, discusses potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups.	**Information Requests** Response to Sufficiency Information Request #27 (IR10-27)
DFN-10.9	Concerned about the shipping activities' potential adverse effects, both on their own and together with the other existing and proposed shipping projects, can be organised into two main categories: 1. Increased shipping may potentially affect the marine environment and resources in Ditidaht's territory and Ditidaht's ability to access them to exercise their rights; and 2. The corresponding increased risk of an oil, fuel, or other cargo contaminant spill in Ditidaht's territory, which would profoundly alter the environment and have long-lasting impacts on Ditidaht's rights.	31-Jul-2015, Letter	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."*	**Additional information provided by the VFPA:** The VFPA's responses to IR10-13 through IR10-20, as requested by the Review Panel, provide additional information concerning the rationale for the effects assessment conclusions in the MSA with regard to Current Use, in alignment with the mandate of the Review Panel (refer to CEAR Document #1137). As relayed to the VFPA by the CEA Agency (refer to CEAR Document #1137), the assessment of the seriousness of potential impacts on the exercise of Aboriginal rights and title from marine shipping associated with the Project is the responsibility of the Crown. With regard to the second bullet, the assessment in MSA Section 10.5.13 predicts a significant residual adverse effect on Current Use as a result of a hypothetical heavy fuel oil spill, and a serious impact on the ability of Indigenous groups to exercise marine-based Aboriginal or treaty rights within the marine shipping area. In both cases, the identified residual adverse effects are unlikely to occur because of the very low probability of the accident scenarios. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**MSA** 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **Information Requests** Responses to Sufficiency Information Requests #13 to #20 (IR10-13 to IR10-20) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-10.10	Stated that there is incomplete information respecting conditions in Juan de Fuca Strait and Ditidaht territory causing deficiencies in the marine	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The environmental assessment for marine shipping associated with the Project was developed to meet the requirements specified in the *Updated EIS Guidelines* and is consistent with existing guidance documents. Descriptions of existing pre-Project conditions relevant to each VC and IC were developed based on existing information, data analysis, and modelling as	**MSA** 8.0 Marine Biophysical Environment

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	shipping effects assessment.			appropriate. The description of existing conditions considered how ICs and VCs have been already affected by other projects and activities that have been carried out. Expected conditions were also determined where substantial changes are expected to occur to a VC or IC in the future prior to Project construction or operation, such as from changes in regulation or as a result of other projects or activities currently underway.	
DFN-10.11	Stated that there is deficient incorporation of Indigenous perspectives and traditional knowledge into the marine shipping effects assessment and, in other places, lack of clarity around how Indigenous perspectives and traditional knowledge have been incorporated.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to MSA IR-02.24.16-4:** Response to MSA IR-02.24.16-4 discusses the application of Indigenous Traditional Knowledge in the MSA. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #10 (IR10-02)
DFN-10.12	Requested detailed discussion and assessment of disruption of routine vessel activities in situations of inclement weather in the specific context of western Juan de Fuca Strait or Ditidaht territory, including whether inclement weather could result in more traffic per day than currently calculated.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 4.2.2.2:** Inclement weather may, in exceptional circumstances, require RBT2-associated container ships to anchor in protected areas and thus increase the number of ships operating in the marine shipping area temporarily; however, there are no established anchorages in the western portion of Juan de Fuca Strait.	**MSA** 4.0 Activity Description 4.2.2.2 Anchorage

Table 11: Marine Vegetation – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-11.1	Concerned that marine shipping could potentially affect marine vegetation, including through the introduction of pollutants or invasive species (such as through the exchange of ballast water or other releases).	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in EIS Appendix 7.2-B (#100):** The VFPA was the first port in North America to prohibit in-port ballast water exchange without prior mid-ocean exchange, a practice which became the basis of government requirements now enforced by Transport Canada. To prevent the invasion of foreign species into local waters, international regulations, through the IMO, are managed by Transport Canada. All commercial deep sea vessels are required to carry out a ballast water exchange prior to entering Canadian waters. This is done outside the exclusive economic zone of 200 nautical miles (nm) and in water deeper than 2,000 metres. By requiring vessels to complete this ballast 'flush' well outside Canadian waters, the aim is to prevent any foreign organisms from entering into the local ecosystem. The U.S.A. has similar requirements, and vessels arriving from the Puget Sound area need to forward the completed U.S. forms to Canadian authorities prior to entry into Canadian waters. **Addressed in MSA Appendix 5-B (#33):** Information on ballasting is provided in MSA Sections 3.0 and 4.0. Transport Canada enforces Canadian regulations and international conventions implemented by Canada governing matters such as ballast water management. Since ballasting is not permitted within the marine shipping area, it is not assessed as an activity of marine shipping associated with the Project. Further rationale is provided in MSA Section 7.3. Other types of releases are also described in MSA Section 4.0, and the assessment of potential effects on marine vegetation and other marine resources as a result of a spill is included in MSA Section 10.0. **Addressed in Transport Canada Information Requests (TC IR-02 to TC IR-06):** In its response to the Review Panel's Information Requests of May 10, 2017, Transport Canada has indicated that with respect to chronic oiling, the use of anti-fouling agents, and discharges of ballast water, bilge water, and sewage, that marine water quality in the marine shipping area is not expected to change because these potential contributors are regulated by the *Canada Shipping Act,* 2001, and in particular the Vessel Pollution and Dangerous Chemicals Regulations (VPDCR) under this act. Furthermore, Transport Canada states that "In relation to the Project, the technical requirements of the VPDCR apply to all vessels over 400 gross tonnage. As such, all container ships and most tugs serving container ships that would call at the proposed RBT2 would be subject to these requirements."	**EIS** 4.0 Project Description 4.4.2 Operation-phase Activities Appendix 7.2-B Aboriginal Issues and Interests 9.7 Marine Water Quality 9.7.8 Future Conditions with the Project **MSA** 3.0 Regulatory Framework and Role of Government 4.0 Activity Description Appendix 5-B Aboriginal Issues and Interests 7.3 Marine Water Quality 10.0 Potential Accidents or Malfunctions **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Document #954)**

Table 12: Port Operations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-12.1	Asked what cargo is typically carried in ships travelling to and from the Project. Asked what the requirements are for securing cargo and how compliance is monitored and enforced.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#109):** The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. Details on the types of hazardous materials shipped in containers are provided in EIS Appendix 30-A (Table G-3 in Appendix G). Regulations for securing containers and for the transport of dangerous goods are set by the IMO at http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS),-1974.aspx The International Maritime Dangerous Goods Code is the international code that establishes where dangerous goods should be loaded on a ship. Some should be loaded below deck, others should be loaded on deck, some dangerous goods need to be separated by certain distances from other types of goods, and some dangerous goods need to be segregated in different holds from other goods. The implementation of the Code is mandatory under the International Convention for the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78). **Additional information provided by the VFPA:** In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction and materials; industrial, auto and vehicle parts; basic metals; meat, fish, and poultry; and waste paper.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters **VFPA Statistics Overview 2017** https://www.portvancouver.com/wp-content/uploads/2018/03/2017-Stats-Overview-1.pdf
DFN-12.2	Requested a discussion of the specific context of western Juan de Fuca Strait or Ditidaht territory in terms of anchorage (MSA Section 4.2.2.2 Anchorage).	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Marine shipping activities considered within the marine shipping area are those that take place within the international shipping lanes utilised by marine traffic associated with the Project, from VFPA jurisdiction to the 12 nautical mile limit of Canada's territorial sea at the west end of Juan de Fuca Strait. This area is referred to as the marine shipping area, which has been sub-divided into segments as shown in MSA Section 4.0 (MSA Figure 4-1). Segment D includes the western Juan de Fuca Strait, and potential effects to the area are discussed throughout the IC and VC sections.	**MSA** 4.0 Activity Description

Table 13: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-13.1	Asked how contaminants contained in cargo would affect fish, seafood, birds, and other animals on shore and in or near to adjacent water bodies. Concerned with the potential for an oil, fuel, or other cargo contaminant spill or leakage to adversely affect marine and other resources Ditidaht relies upon, including any marine resources, animals, and vegetation on the shore, and any other animals up the food chain that may consume contaminated animals or vegetation.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#103):** The potential effects of an oil spill on marine resources, including marine birds, marine mammals, and marine fish and fish habitat are considered within the assessment of potential accidents or malfunctions (MSA Section 10.0). This section also considers the potential effects on Current Use, and related impacts on rights, resulting from effects on marine resources. MSA Section 10.0 also considers the probability of an incident involving loss of containers overboard. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. A description of spill response protocols is also included in MSA Section 10.0 **Addressed in EIS Appendix 30-A:** As reported in the EIS, 0.7% of containers moving through Deltaport currently contain hazardous and noxious substances (2012 data; see EIS Appendix 30-A). As containers are either stuffed or destuffed away from the terminal in the Lower Mainland, or simply loaded onto inland-bound trains, the probability of containers carrying hazardous and noxious substances affecting vegetation on shore is exceedingly low. **Additional information provided by the VFPA:** As a marine based project, interactions with cargo and the Project are not predicted to have an effect on the vegetation on shore.	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment **MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.5.6 Marine Fish and Fish Habitat 10.5.7 Marine Mammals 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **VFPA Statistics Overview 2017** https://www.portvancouver.com/wp-content/uploads/2018/03/2017-Stats-Overview-1.pdf

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-13.2	Concerned with marine shipping vessels in inclement weather and rough seas, which are common and spontaneous occurrences in Ditidaht's territory, and whether this will have an adverse impact on the safety of Ditidaht boaters. Concerned that marine shipping could potentially increase the risk of a Ditidaht boat colliding with a ship.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#73):** The assessment of Current Use (MSA Section 9.5) considers the risk of collision and perceptions of safety in the assessments of access to preferred Current Use locations, and quality of Current Use experience. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of a plausible worst-case collision scenario between a container ship and a smaller vessel such as a fishing vessel. Potential effects of such an event are assessed for the following VCs: marine commercial use, outdoor recreation, and human health, as well as Current Use. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The assessment of Current Use (MSA Section 9.5) considers cultural practices, such as the acquisition of traditional foods and the transmission of traditional knowledge. Perceptions of safety, as well as access to preferred harvesting locations and visual or auditory disturbances, are covered in the assessment of potential changes to the following: access to preferred Current Use locations and quality of Current Use experience. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Enhanced Maritime Situational Awareness and Proactive Vessel Management* initiative as well as information on the sharing of information of marine traffic with coastal communities.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes, and Aboriginal and Treaty Rights 10.0 Potential Accidents and Malfunctions **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-13.3	Concerned with the potential for an oil, fuel, or other cargo contaminant spill or leakage to adversely affect Ditidaht's ability to participate in ceremonial practices. Concerned with the potential for an oil,	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter)	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out*	**Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil.	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights. 10.0 Potential Accidents and Malfunctions 10.5.9.4 Potential Interactions and Effects **From Transport Canada to the Review Panel re: Overview of the**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	fuel, or other cargo contaminant spill or leakage to adversely affect Ditidaht members' health, as they would either be at risk of consuming contaminated marine resources, or would be forced to consume other food sources instead, which is neither their preferred traditional diet, nor as healthy.	31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	*traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. A description of spill response protocols is also included in MSA Section 10.0. The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of potential effects of accidents or malfunctions arising from marine shipping associated with the Project on human health. As discussed in MSA Section 10.5.9, Coastal Indigenous peoples generally have a greater reliance on the harvesting and consumption of seafoods than the general population in the marine shipping area. This could result in a greater potential for contaminant exposures among communities and greater magnitude of exposures for some individuals, to the extent that harvesting and consumption continues following a spill event, and in absence of specific testing and risk management measures to directly assess the safety of the marine resource(s) affected. Thus, a greater proportion of Indigenous community members might be affected, with greater contaminant exposure potential initially. However, the effects are still expected to be short-term, reversible, and geographically localised. **Addressed in EIS Appendix 30-A:** As reported in the EIS, 0.7% of containers moving through Deltaport currently contain hazardous and noxious substances (2012 data; see EIS Appendix 30-A). As containers are either stuffed or destuffed away from the terminal in the Lower Mainland, or simply loaded onto inland-bound trains, the probability of containers carrying hazardous and noxious substances affecting vegetation on shore is exceedingly low. **Additional response provided by the VFPA:** In 2017, the top ten container cargos accounting for approximately 73% of total inbound and outbound container cargo were household goods; lumber; woodpulp; specialty crops, construction and materials; industrial, auto and vehicle parts; basic metals; meat, fish, and poultry; and waste paper. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-13.4	Concerned that if an accident or spill occurred during a storm, the clean-up efforts may be hampered by weather. Asked what emergency response plans are in place for travel in bad weather. Asked how Ditidaht will be notified in	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 24-Aug-2015, Preliminary Issues and Concerns	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#99):** The effects of tides and currents in the dispersion of spilled material are considered within the assessment of potential accidents and malfunctions (MSA Section 10.0), and in particular within the technical analysis of the marine fate of shipping spill-type accidents (MSA Appendix 10-B). A description of spill response protocols is included in MSA Section 10.0. **Addressed in MSA Appendix 5-B (#102):** Details on spill response, including responsibilities of various parties, response timelines, and equipment requirements, are provided in the mitigation section of the assessment of potential accidents or malfunctions (MSA Section 10.0).	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures Appendix 10-B Marine Fate of Shipping Spill-type Accidents **From Transport Canada to the Review Panel re: Overview of the**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	event of an emergency. Asked what the emergency communication procedures are in the event of an accident, malfunction, or spill. Asked if the emergency response plans account for the types of conditions typical of Ditidaht's marine territory. Asked if they account for the unique geography and topography of Ditidaht's territory or for the fact that road access to Ditidaht's territory is extremely limited. Asked who is responsible for carrying out, monitoring and enforcing emergency response plans. Asked what steps have been taken to ensure that Ditidaht has sufficient equipment at Nitinat or near the coast to deal with any spills.	Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project		Detailed Oil Spill Response Plans are prepared and executed by the WCMRC, and submitted to Transport Canada. Additional information is available here: http://wcmrc.com/ **Additional information provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to the WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-13.5	Asked what information is available about the various contaminant pathways for cargo typically carried to and from the Project. Asked how long it would typically take to reach the shore and nearby bodies of freshwater in Ditidaht's territory (particularly given the strong tides and currents in this area).	31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** Responded that in terms of Ditidaht First Nation's request for detailed information, a presentation to Ditidaht First Nation may be the most effective way to provide information while offering the opportunity to raise questions and identify any issues which require further exploration. **08-Sep-2015, Meeting:** The VFPA met with Ditidaht First Nation to discuss the Project and its associated Marine Shipping. The VFPA provided the group with an introduction to the environmental assessment process and an introduction to the RBT2 Project, including a description of the Project and causeway design, distance from the shoreline, and total area of footprint. **09-Nov-2015, Letter from the VFPA:**	**Addressed in MSA Section 10.3.2.1:** Containers may be lost overboard in the event of a collision or grounding and could conceivably release hazardous and noxious substances (HNS) to the environment. While removal of containers lost overboard would involve a salvage operation, the combination of low collision or grounding accident frequencies with the low percentage of HNS containers at risk of being lost overboard (approximately 0.7% for Deltaport in 2012; see EIS Appendix 30-A), and the requirement for the container being compromised to release its contents, led to the assessment that the frequency of spills of HNS substances from containers lost overboard is low enough to not require further consideration as a plausible accident or malfunction arising from marine shipping associated with the Project. **Addressed in Response to IR11-03:** The VFPA's forthcoming response to IR11-03, as requested by the Review Panel, will provide additional information related to the volume,	**MSA** 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters **Information Requests** Sufficiency Information Request #03 (IR11-03)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	rate, and pathways of effects for fuel spills (or releases of hazardous and noxious substances from containers) to the marine environment in the Project area and in the marine shipping area.	
DFN-13.6	Requested that the VFPA take into account in its marine shipping assessment the effect of accidents and malfunctions on the marine environment and species (including marine birds) and on Ditidaht's ability to practice marine harvesting rights. Concerned with the potential for an oil, fuel, or other cargo contaminant spill or leakage to adversely affect Ditidaht's ability to exercise its harvesting rights (if the marine resources are not safe to consume).	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 29-Jun-2015, Email 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#103):** The potential effects of an oil spill on marine resources, including marine birds, marine mammals, and marine fish and fish habitat are considered within the assessment of potential accidents or malfunctions (MSA Section 10.0). This section also considers the potential effects on Current Use, and related impacts on rights, resulting from effects on marine resources. MSA Section 10.0 also considers the probability of an incident involving loss of containers overboard. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all VCs. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. Identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenario. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**MSA** 10.0 Potential Accidents or Malfunctions **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-13.7	Concerned with ships travelling during storms as South Easterly winds would direct a ship wreck to Ditidaht's lands.	08-Sep-2015, Meeting	**08-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#93):** The assessment of potential accidents and malfunctions (MSA Section 10.0) considers a plausible worst-case spill scenario, located in Boundary Passage. Boundary Passage is considered a higher risk area due to the relatively narrow passage, potential navigational hazards, and prevailing wind directions. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The assessment also describes the locations that fuel	**MSA** 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case 10.4 Mitigation Measures

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				from such a spill could travel to, including Ditidaht First Nation territory, based on wind directions and currents. The effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios.	Appendix 10-B Marine Fate of Shipping Spill-type Accidents **Information Requests** Response to Sufficiency Information Request #01 (IR5-01 as of CEAR Document #1078)
DFN-13.8	Requested the opportunity to have input on the marine shipping report with regards to emergency response. Recommended that the VFPA have Transport Canada and WCMRC present at future meetings to discuss an emergency response plan that all parties agree to.	08-Sep-2015, Meeting	**08-Sep-2015:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses. **23-Oct-2017, Meeting:** The VFPA met with Ditidaht First Nation and Pacheedaht First Nation along with representatives from the Canadian Environmental Assessment Agency, the BC Environmental Assessment Office, and the Canadian Coast Guard. In this meeting, Ditidaht First Nation and Pacheedaht First Nation expressed concerns around the location of the shipping lanes, vessel traffic around Swiftsure Bank, cumulative effects, and communications with Coast Guard.	**Addressed in MSA Appendix 5-B (#14):** The existing mitigation framework for spill response is described in MSA Section 10.0. The request to establish a response protocol with Indigenous groups has been shared with Transport Canada. **Additional information provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats, and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-13.9	Concerned with potential areas at risk from accidents and spills (West	08-Sep-2015, Meeting	**08-Sep-2015, Meeting:** Recorded comment for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:**	**Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.3 Outdoor Recreation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Coast Trail, Pacific Rim National Park Reserve).		Provided a copy of the MSA, which included MSA Section 10.0 the assessment of potential accidents or malfunctions.	selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	9.3.4.4 Outdoor Recreation in Juan de Fuca Strait (Segments C and D of the MSA) 9.3.5 Potential Interactions and Effects 10.0 Potential Accidents or Malfunctions 10.5.11 Outdoor Recreation **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
DFN-13.10	Concerned with impacts to Nitinat Lake: A spill could spread into Nitinat Lake, and Ditidaht feels it should be considered in the marine shipping report. Stated that the VFPA must gather information on marine shipping activities in Juan de Fuca Strait near Ditidaht's territory, so that it can fully understand impacts to Ditidaht.	08-Sep-2015, Meeting 18-Sep-2015, Letter	**08-Sep-2015, Meeting:** Recorded comment for consideration by the Project team. **27-Oct-2015, Email from the VFPA:** Comment regarding inclusion of Nitinat Lake in the marine shipping area. This comment will be addressed in the MSA, in the Aboriginal Issues and Interests table. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#61):** The assessment of potential accidents or malfunctions (MSA Section 10.0) considers the effects of a plausible worst-case spill scenario on the environment. Mitigation for the spill scenario would be applicable to the Nitinat lake area, if the effects of the spill extended to this area.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures
DFN-13.11	Interested in the VFPA and Transport Canada working together to agree on liability and response.	08-Sep-2015, Meeting	**08-Sep-2015, Meeting:** Committed to sending a Transport Canada document detailing the Canada-U.S.A. protocol regarding emergency response. **27-Oct-2015, Email from the VFPA:** *"What is the process for responding to spills along the US-Canada border? Please see page 11 of the Western Canada Marine Response Corporation (WCMRC) Handbook (http://wcmrc.com/wp-content/uploads/2013/06/WCMRC-Information-Handbook-2012.pdf) for a discussion of the mutual aid agreement between Canada and the United States, allowing both parties to work together in responding to an incident. Detailed information on the topic can be found in the Canada-United States Joint Marine Pollution Contingency Plan, at the following link: http://www.ec.gc.ca/international/default.asp?lang=En&n=0DEBF8A7-1."*	**Addressed in MSA Appendix 5-B (#1):** The regulatory framework for spill response is described in MSA Section 3.0. The regulatory requirement for maritime insurance is established under the *Marine Liability Act*, S.C. 2001, c. 6 and administered by Transport Canada. Additional information about the roles of various parties in spill response is provided in MSA Section 10.0. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the polluter-pay principle.	**MSA** 3.0 Regulatory Framework and Role of Government 3.4 Marine Emergency Response Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.4 Mitigation Measures **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Document #954)**
DFN-13.12	Concerned with the potential for an oil,	16-Jun-2015, Letter from	**24-Aug-2015, Letter from the VFPA:**	**Addressed in MSA Appendix 5-B (#78):**	**MSA**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	fuel, or other cargo contaminant spill or leakage to adversely affect Ditidaht's ability to pass on intergenerational knowledge through the harvesting of marine resources, especially where such knowledge is tied to specific places, like Swiftsure Bank.	Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	*"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	The assessment of potential accidents or malfunctions (MSA Section 10.0) considers potential effects of a spill on Current Use, including cultural practices, such as the transmission of traditional knowledge, in the assessments of access to preferred Current Use locations, and quality of Current Use experience. The assessment is based on a plausible worst-case spill scenario that occurs in Boundary Passage at the south end of South Pender Island. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario.	Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
DFN-13.13	Concerned with the potential for an oil, fuel, or other cargo contaminant spill or leakage to adversely affect Ditidaht's ability to benefit from its Aboriginal title in its lands, as it would interfere with Ditidaht's ability to develop and maintain its ecotourism industry, which is a major source of economic development for Ditidaht.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Addressed in MSA Appendix 5-B (#60):** The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of potential effects of a spill on marine commercial use, as well as outdoor recreation, including ecotourism. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur because of the very low probability of the accident scenarios.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.5.10 Marine Commercial Use 10.5.11 Outdoor Recreation
DFN-13.14	Asked if contaminants contained in cargo would affect water quality of freshwater bodies in Ditidaht's territory and Ditidaht's water for domestic or other purposes related to the exercise of Aboriginal rights, title and culture.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to*	**Addressed in MSA Appendix 5-B (#108):** The assessment of the plausible worst-case spill scenario (MSA Section 10.0) includes consideration of oiling of the shoreline, including estuarine environments, marine vegetation, and effects on archaeological and heritage resources at the shoreline. The assessment also includes an analysis of potential effects of a plausible worst-case spill scenario on marine water quality. The potential for these effects to result in impact(s) to Aboriginal rights is also considered within the assessment. The potential for an accident involving a spilled container, and hazardous contents of containers, is addressed in MSA Section 10.0. **Addressed in MSA Section 10.0:**	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters 10.5.2 Marine Water Quality 10.5.6 Marine Fish and Fish Habitat

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
		24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	*discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Section 10.0 the assessment of potential accidents or malfunctions.	The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur because of the very low probability of the accident scenarios. **Addressed in MSA Section 10.3.2.1:** Containers may be lost overboard in the event of a collision or grounding and could conceivably release HNS to the environment. While removal of containers lost overboard would involve a salvage operation, the combination of low collision or grounding accident frequencies with the low percentage of HNS containers at risk of being lost overboard (approximately 0.7% for Deltaport in 2012; see EIS Appendix 30-A), and the requirement for the container being compromised to release its contents, led to the assessment that the frequency of spills of HNS substances from containers lost overboard is low enough to not require further consideration as a plausible accident or malfunction arising from marine shipping associated with the Project.	10.5.12 Archaeological and Heritage Resources 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
DFN-13.15	Asked how contaminants contained in cargo would affect in-stream habitat for fish and other wildlife.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	**Additional information provided by the VFPA:** The Project is located in the marine environment and therefore any resulting cargo would not impact in-stream habitat for fish and other wildlife.	
DFN-13.16	Asked what steps are taken to ensure that ships travelling to and from the Project are able to safely navigate through Juan de Fuca Strait generally and	31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's	**24-Aug-2015, Letter from the VFPA:** *"The assessment of the potential effects of marine shipping associate with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts*	**Additional information provided by the VFPA:** As outlined in Transport Canada's letter to the Review Panel of June 24, 2016 (CEAR Document #464), marine shipping associated with the Project is governed by Canada's marine safety and security (MSS) regime, which is a compliance-based regime. On December 20, 2017, Transport Canada provided the Review Panel information on Oceans Protection Plan (OPP) initiatives relevant to the Project, including the Enhanced Maritime Situational Awareness and Proactive Vessel Management initiatives (CEAR Document #1133). The	**EIS** 4.4.2.1 Container Ship Manoeuvres **MSA** 4.2.2.7 Tugboat Escort **Participation of Transport Canada in the Roberts Bank Terminal 2 Project Review Panel Process (Orientation Session**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Ditidaht's marine territory in particular. Asked who is responsible for monitoring this and ensuring that navigation requirements are followed. Asked if escort and rescue tugs are required. When and where? If not, why not? Asked if there are circumstances under which a ship will not travel.	Roberts Bank Terminal 2 Project	*to Ditidaht First Nation, Including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such potential impacts of increased marine shipping with Ditidaht First Nation."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included MSA Appendix 5-B that summarised Indigenous issues and interests and provided the VFPA's responses.	Enhanced Maritime Situational Awareness initiative will increase maritime awareness and meet Indigenous partners', coastal community, and stakeholder needs through the development of a user-friendly system that increases access to local maritime data, including vessel traffic. The Proactive Vessel Management initiative will develop a national framework to help guide how to manage local marine traffic issues in the future. As noted in MSA Section 4.2.2.7, container ships do not require tugboat escort while transiting through Segments A to D. It is anticipated that the same will apply to the additional container ships associated with RBT2. All tugboat activity for the Project-associated container ships will be near the terminal as described in EIS Section 4.4.2.1. Circumstances when ships will not travel are related to safety reasons, or to accommodate unexpected ship-specific maintenance, personnel, or operation issues that may arise.	**Presentation) (CEAR Document #464)** **Transport Canada Response to the Review Panel's December 19, 2017 Information Requests (CEAR Document # 1147)**
DFN-13.17	Stated that VFPA's worst-case scenario case study is inappropriate as the conditions in Juan de Fuca Strait generally, and Ditidaht territory specifically, are not represented by those in Boundary Passage and Haro Strait. Stated that the VFPA has not provided a clear rationale for whether or how its analysis of this particular case study can be reliably applied to Juan de Fuca Strait. Stated that the VFPA has cited evidence regarding higher numbers of vessel incidents in Juan de Fuca Strait than Boundary Passage and Haro Strait (see MSA Section 10.3.1, Vessel Incident Overview, page 10-4). These statistics, along with Ditidaht's knowledge and concerns regarding	15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**12-May-2016, Letter from the CEA Agency:** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Additional information provided by the VFPA:** The assessment is based on a plausible worst-case spill scenario that occurs in Boundary Passage at the south end of South Pender Island. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario.	**MSA** 10.0 Accidents and Malfunctions 10.3.2.2 Collisions In-transit 10.3.3.1 Plausible Accident or Malfunction #1: Hard Grounding Resulting in a Spill

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	the existing safety risks, cumulative effects, and their impacts on Ditidaht's Aboriginal rights, title, and culture (particularly at Swiftsure Bank) support Ditidaht's view that a specific analysis of the potential impacts of accidents or malfunctions in this area is required.				
DFN-13.18	Stated that increased shipping traffic from RBT2 and other proposed and future projects may increase likelihood of an accident or malfunction in Juan de Fuca Strait and around Swiftsure Bank and must be considered.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The potential magnitude of environmental risk associated with a particular accident or malfunction is a function of the event's probability and its anticipated consequences (including environmental effects). In this assessment, the probabilities and consequences of marine accidents or malfunctions arising from marine shipping associated with the Project are based on the findings presented in MSA Appendices 10-A and 10-B, and are applicable to environmental conditions in and around Swiftsure Bank and Juan de Fuca Strait. The likelihood of marine shipping accidents is considered in *Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment*, which extends the geographical scope of the initial assessment contained in EIS Appendix 30-A and is provided as MSA Appendix 10-A.	**MSA** 10.0 Potential Accidents and Malfunctions Appendix 10-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment Appendix 10-B Marine Fate of Shipping Spill-type Accidents
DFN-13.19	Concerned that the assessment of accidents and malfunctions relating to marine shipping is inadequate.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The assessment of accidents and malfunctions presented in MSA Section 10.0 reflects requirements as set out in the *Updated EIS Guidelines*. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality, and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios.	**MSA** 10.0 Potential Accidents or Malfunctions ***Updated EIS Guidelines***

Table 14: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-14.1	Expressed concern about the use of materials from the National Energy Board Review of the Trans Mountain Expansion Project to compile Current Use information for Ditidaht First Nation. Requested that the VFPA incorporate Ditidaht's Indigenous perspective and input into the assessment. Stated that the Current Use Summary was deficient. Requested to review the Revised Current Use Summary prior to submission to the CEA Agency. Asked if or how impacts will be addressed in Current Use Summary. Provided some additional comments on the Current Use Summary. Stated that Ditidaht was content with the Report. Stated that there is inaccurate & unsupported statements regarding Indigenous marine activities, historical resources, current use activities and concerns.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Letter 08-Sep-2015, Meeting 18-Sep-2015, Letter 05-Oct-2015, Email 10-Oct-2015, Email 28-Oct-2016, Letter to Panel (CEAR Document #636)	**16-Jul-2015, Email from the VFPA:** Agreed to provide Ditidaht with funding requested to support Ditidaht's input into the assessment and review of Current Use information. **20-Jul-2015, Letter from the VFPA:** Provided Ditidaht with a draft of the existing conditions section for "Ditidaht First Nation Current Use of Lands and Resources for Traditional Purposes" for the MSA and requested that Ditidaht confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. **30-Sep-2015, Letter from the VFPA:** Attached the draft updated summary of existing conditions for Ditidaht, which was updated to incorporate the report provided to the VFPA by Ditidaht in the summer, as well was feedback and information provided in our meeting earlier this month. **06-Oct-2015, Email from the VFPA:** Explained that the Summary is not meant to include a discussion about impacts, but just Current Use. Stated that the VFPA has compiled issues and concerns expressed by Ditidaht First Nation in letters, in our meeting, or in phone calls, and all will be addressed in the final version of the marine shipping report to be submitted to the CEA Agency.	**Addressed in *EIS Updated Guidelines*:** On April 17, 2015, the CEA Agency issued *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. The VFPA understands that marine shipping associated with the Project outside of Port of Vancouver's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction. Section 17 of the *Updated EIS Guidelines* notes: "To the degree possible, the proponent should maximise the use of existing material that is relevant to marine shipping activities associated with the Project which is beyond proponent's care and control and within the 12 nautical mile limit of the territorial sea. Existing material may be utilised from academic studies, work of government and non-government working groups, past or ongoing environmental assessments, Aboriginal traditional knowledge reports or any other source the proponent deems appropriate for its presentation of this material." The use of information from the National Energy Board Review of the Trans Mountain Expansion Project therefore is consistent with CEA Agency direction. **Additional information provided by the VFPA:** As part of the Current Use assessment for the MSA, a review of existing information was conducted, including the EIS. Previous studies and information used to support the characterisation of existing and future conditions of Current Use are itemised and described in MSA Section 9.5.3. In preparation of the MSA, the VFPA requested information regarding Current Use, including fishing, cultural practices, and sites of importance, and information regarding asserted or established Aboriginal or treaty rights in the marine shipping area. A letter was sent in July 2015 to provide Ditidaht First Nation with the opportunity to review and comment on draft existing conditions information regarding these topics as they pertained to Ditidaht First Nation. Subsequent feedback resulted in the VFPA commissioning a Ditidaht First Nation Indigenous Knowledge Summary Report which was then considered and incorporated into the MSA (see MSA Section). The VFPA arranged a subsequent meeting to discuss marine shipping and the Current Use profile in September 2015. MSA Appendix 5-A includes a	**MSA** 9.5.3 Information Sources ***Updated EIS Guidelines***

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				table listing engagement and consultation activities for Ditidaht First Nation as part of the MSA. Information provided by Ditidaht First Nation through consultation and engagement activities, including meeting summaries and written communication, informed the integration of Indigenous traditional knowledge into the MSA. Integration of Indigenous traditional knowledge also relied on existing literature relevant to the marine shipping area for Ditidaht First Nation.	
DFN-14.2	Expressed interest in establishing sites of importance in the Current Use summary. Provided some additional comments on the Current Use Summary. Stated that Ditidaht was content with the Report.	08-Sep-2015, Meeting 10-Oct-2015, Email	**08-Sep-2015, Meeting:** Responded that the VFPA is open to suggestions about the inclusion of sites of importance.	**Addressed in MSA Appendix 5-B (#83):** The assessment of Current Use (MSA Section 9.5) includes cultural considerations, such as cultural practices and sites of importance, as well as intangible cultural heritage considerations, such as the expression of cultural values or ways of knowing, and the formation and maintenance of cultural identity, in the assessment of quality of Current Use experience. The assessment describes how Current Use activities have been affected cumulatively by other projects and activities that have been carried out. As residual effects to Current Use as a result of marine shipping associated with the Project are not predicted, an assessment of future cumulative effects was not carried out. The assessment of potential adverse impacts on asserted or established Aboriginal and treaty rights is included in MSA Section 9.5.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.4 Existing Conditions 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.11 Potential Adverse Impacts on Asserted or Established Aboriginal and Treaty Rights
DFN-14.3	Requested a rights-based impact assessment (including rights, title, and culture). Commented that the VFPA's narrow focus on Current Use and biophysical factors goes against the Court's determination that Indigenous perspective must be taken into account.	16-Jun-2015, Letter from Chief / 22-Jun-2015, Letter from JFK Law, Legal Counsel for Ditidaht First Nation (same letter) 31-Jul-2015, Letter 24-Aug-2015, Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project	**24-Aug-2015, Letter from the VFPA:** *"With respect to the methodology for the assessment, we agree that we are required to assess the potential effects on specific VCs, consider the potential effects of those changes to the environment on Indigenous rights, and assess potential cumulative effects of marine shipping associated with the Project.* *The assessment of the potential effects of marine shipping associated with the Project will meet the direction provided by the Canadian Environmental Assessment Agency in the* Updated Guidelines *issued April 17, 2015, and as such it will include potential impacts on the components of the environment which Ditidaht First Nation have identified in the Preliminary Issues and Concerns, namely fish and fish habitat, marine mammals, marine vegetation and air quality. The Preliminary Issues and Concerns document identifies potential impacts to Ditidaht First Nation, including the ability to access traditional harvesting grounds, the quality of experience and ability to carry out traditional and spiritual practices and the health and wellbeing of community members. We very much welcome the opportunity to discuss such*	**Addressed in MSA Section 9.5:** MSA Section 9.5 considers potential impacts on the ability to exercise asserted or established Aboriginal or treaty rights in the marine shipping area (assessed in MSA Section 9.5.11).	**MSA** 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
			potential impacts of increased marine shipping with Ditidaht First Nation." **09-Nov-2015, Letter from the VFPA:** Provided a copy of the Marine Shipping Addendum (MSA), which included MSA Section 9.5 on Current Use.		
DFN-14.4	Stated that Ditidaht knowledge and concerns are discussed in the [MSA], but the VFPA does not demonstrate how it considered this information in its impact assessment. Stated that the VFPA concludes that RBT2-associated shipping will have little-to-no impact on Ditidaht traditional use and rights, but does not demonstrate how it arrived at its conclusion. Stated that a credible and reliable assessment must account for Ditidaht knowledge and concerns, including risk tolerance and thresholds from Ditidaht's perspective and must identify how the VFPA proposes to address Ditidaht's concerns.	15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**12-May-2016, Letter from the CEA Agency (CEAR Document #406)**: *"The Agency requested additional information on [the VFPA]'s assessment methodology in AIR #2 Rationale for Effects Characterisation. In addition, the Agency requested additional information on how Aboriginal Traditional Knowledge was used in the MSA in AIR #4 Aboriginal Traditional Knowledge."*	**Addressed in Response to MSA IR-02.24.16-2:** MSA IR-02.24.16-2 further discusses assessment of potential effects of marine shipping associated with the Project on the Current Use by Indigenous groups and potential adverse impacts on their exercise of Aboriginal and treaty rights. It does so by identifying the receptors of these potential effects and impacts, and provides an explanation of how these potential effects and impacts were determined to be negligible or measurable in the MSA. **Addressed in Response to MSA IR-02.24.16-4:** MSA IR-02.24.16-4 discusses the application of Indigenous Traditional Knowledge in the MSA. **Addressed in Response to IR10-02:** The VFPA's response to IR10-02, as requested by the Review Panel, provides further information concerning how available Indigenous knowledge was incorporated into the EIS and MSA.	**Information Requests** Response to Additional Information Request #2 (MSA IR-02.24.16-2 of CEAR Document #386) Response to Additional Information Request #4 (MSA IR-02.24.16-4 of CEAR Document #386) Response to Sufficiency Information Request #02 (IR10-02)
DFN-14.5	Requested an assessment of impacts to Current Use activities regardless of whether the activities take place in Canadian waters (MSA IR #12 Current Use Activities Outside of Traditional Territories). Stated that the assessment of potential effects of marine shipping associated with the Project on Current Use is incomplete as it has only addressed those effects which occur in Canada even though some activities connected to Indigenous rights and culture take place outside that boundary.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to MSA IR-02.24.16-12:** As noted in the response to MSA IR-02.24.16-12, some of the Current Use locations described in MSA Section 9.5.4 as lying within the marine shipping area, but outside traditional territorial boundaries, were identified in the U.S.A. As stated in MSA Section 9.5.5.3, the "assessment of potential effects of marine shipping associated with the Project on Current Use has only addressed those effects which occur in Canada, in accordance with the requirements of *CEAA 2012*" (p. 9.5-145), and specifically subsection 5(1)(c) of that legislation, which states, "with respect to aboriginal peoples, an effect occurring in Canada of any change that may be caused to the environment on …" and subsection 5(1)(c)(iii), which continues, "the current use of lands and resources for traditional purposes."	**Information Requests** Response to Additional Information Request #12 (MSA IR-02.24.16-12 of CEAR Document #386)
DFN-14.6	Stated that the VFPA has not specifically assessed the Project's potential adverse effects on Ditidaht's asserted or established Aboriginal rights (see MSA Section 9.5.11). Rather, its assessment "relies on the summary of existing Current Use conditions of each Aboriginal group presented in Section 9.5.4." Stated that while the VFPA does acknowledge the Project may have an adverse effect on fishing rights in a general sense (p. 9.5-151), it does not identify specific factors or thresholds it considered or otherwise	15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**12-May-2016, Letter from the CEA Agency (CEAR Document #406):** *"The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review.* *The Crown will be using the Review Panel process to the extent possible to collect information about potential impacts to the exercise of Ditidaht Nation's rights from marine shipping associated with the Project and we encourage you to provide your*	**Additional information provided by the VFPA:** MSA Section 9.5.4.11 contains information on Ditidaht Current Use and Ditidaht's perspectives on their Aboriginal rights and title. The factors considered in the VFPA's approach to the assessment of potential impacts on the exercise of rights as a result of marine shipping associated with the Project is presented in MSA Section 9.5.11.1. MSA IR-02.24.16-12 further discusses assessment of potential effects of marine shipping associated with the Project on the Current Use by Indigenous groups and	**MSA** 9.5.11.1 Approach to the Rights Assessment **Information Requests** Response to Additional Information Request #12 (MSA IR-02.24.16-12 of CEAR Document #386) Responses to Sufficiency Information Requests #13 to #20 (IR10-13 to IR10-20)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	demonstrate how it considered this information as it specifically relates to Ditidaht's Aboriginal rights. Stated that the VFPA does not describe how its assessment accounts for VCs that the VFPA analysed separately from "Current Use" (for example, human health; marine commercial use; archaeological and heritage resources). These still relate to Ditidaht's rights and culture but are not discussed clearly by the VFPA.		*perspective on this topic to the Review Panel, including any suggested methodologies for the assessment of impacts to rights."*	potential adverse impacts on their exercise of Aboriginal and treaty rights. It does so by identifying the receptors of these potential effects and impacts, and provides an explanation of how these potential effects and impacts were determined to be negligible or measurable in the MSA. **Addressed in Responses to IR10-13 to IR10-20:** The VFPA's responses to IR10-13 through IR10-20, as requested by the Review Panel, provide additional information concerning the rationale for the effects assessment conclusions in the MSA with regard to Current Use, in alignment with the mandate of the Review Panel (refer to CEAR Document #1137). As relayed to the VFPA by the CEA Agency (refer to CEAR Document #1137), the assessment of the seriousness of potential impacts on the exercise of Aboriginal rights and title from marine shipping associated with the Project is the responsibility of the Crown.	
DFN-14.7	Stated that consultation on the full range of potential impacts and concerns (not just "Current Use," the main focus of consultation between the VFPA and Ditidaht to date) is required.	15-Dec-2015, Letter to the CEA Agency (CEAR Document #355)	**12-May-2016, Letter from the CEA Agency (CEAR Document #406):** *"Thank you for your comment. The Agency encourages Vancouver Fraser Port Authority (formerly PMV) to continue to work with Ditidaht throughout the environmental assessment process and for any outcomes from your work together to be brought forward to the Panel."*		
DFN-14.8	Stated that Ditidaht is of the view that the VFPA has erred in concluding that the marine shipping activities associated with the Project will have negligible impacts on the rights, title, culture, and Current Use of Ditidaht members. Stated that the information provided by the VFPA to the Review Panel is incomplete and insufficient at this time.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Responses to IR10-06 and IR10-13:** The VFPA's responses to IR10-06 and IR10-13, as requested by the Review Panel, provide additional information concerning the rationale for the current use effects assessment conclusions.	**Information Requests** Response to Sufficiency Information Request #06 (IR10-06) Response to Sufficiency Information Request #13 (IR10-13)

Table 15: Social and Economic Setting

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
DFN-15.1	Concerned that a socio-economic report is being completed without anyone communicating with Ditidaht.	08-Sep-2015, Meeting	**08-Sep-2015, Meeting:** Recorded comment for follow-up. **11-Sep-2015, Email from the VFPA:** The VFPA shared Ditidaht's contact with the socio-economic specialist so they could follow-up directly with Ditidaht. **18-Sep-2015, Phone call and email:** Discussed Ditidaht's economic interests, regarding tourism, land development, and aquaculture. Committed to review this information and incorporate where relevant into the MSA.	**Addressed in MSA Section 9.2.4.1:** The MSA notes the following economic interests of Ditidaht First Nation and considers them in the marine commercial use assessment. The Ditidaht Development Corporation indicated they are developing a proposal for a commercial aquiculture operation. The Ditidaht Development Corporation also indicated that Ditidaht First Nation members are directly employed with DFO fish hatcheries and that Ditidaht Fisheries department partners work with DFO hatcheries on restoration work and data collection (Ditidaht Development Corporation Representative 2015). Ditidaht First Nation has indicated that they have sport fishing commercial operations (Ditidaht Development Corporation Representative 2015). Ditidaht First Nation has indicated that they have a number of marine-based tourism businesses, including windsurfer park tourism, water sports, and camping operations. They also operate a crab shack located on a floating dock on Nitinat Lake. The crab shack sells fresh crab, targeted to users of the West Coast Trail (Ditidaht Development Corporation Representative 2015).	**MSA** 9.2.4.1 Overview of Marine Commercial Use in the Regional Assessment Area
DFN-15.2	Stated that the VFPA's approach of obscuring Aboriginal rights, title, history, and culture by assessing impacts only at the level of the "general population" in the socio-economic assessment is bad practice. Stated that the VFPA has provided a deficient rationale for not considering socio-economic impacts beyond marine commercial use and outdoor recreation.	28-Oct-2016, Letter to Panel (CEAR Document #636)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to MSA IR-02.24.16-9:** The VFPA's response to MSA IR-02.24.16-9 notes that Indigenous and non-Indigenous commercial users operating in the identified marine shipping area are expected to experience similar negligible effects due to Project-associated vessel transit. This conclusion is based on existing information pertaining to the number of users, type of use, and general location of marine commercial use by the general population and Indigenous peoples and groups in the LAAs for the four identified VC sub-components, and available information on specific locations and amount or frequency of commercial use by Indigenous groups versus the general population in the LAAs.	**Information Requests** Response to Additional Information Request #9 (MSA IR-02.24.16-9 of CEAR Document #386)

APPENDIX IR10-01-C24

MAA-NULTH FIRST NATIONS: ISSUES, VIEWS, AND CONCERNS RELATED TO THE PROPOSED PROJECT AND MARINE SHIPPING ASSOCIATED WITH THE PROJECT

Maa-nulth First Nations

Table 1: Alternative Means of Carrying out the Project

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-1.1	Concerned that the proponent's market projections may be unrealistic, and thus that there may be no need for the Project. Requested that Canada conduct a rigorous assessment of the proponent's market projections. Stated that if Canada concludes that the proponent's market projections are reasonable and that there is indeed a need for the Project, Maa-nulth First Nations seeks written rationale for that conclusion. Requested that Canada conduct a rigorous assessment of all potentially viable alternatives to this Project, including the PATH Project, and should consult with Maa-nulth First Nations both during and regarding the outcome of that assessment. Stated that the submissions in the Canadian Environmental Assessment Agency (CEA Agency) process to date suggest there is no need for the Project.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The Vancouver Fraser Port Authority (VFPA) has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** All levels of government have plans to capitalize on a growing global economy, which requires Canada to be prepared for the trade that will come to Canadian ports. At the Port of Vancouver, we handled a record 3.25 million 20-foot-equivalent unit containers (also called TEUs) in 2017. Historical trade figures and third-party forecasts have long signaled that the ability of West Coast ports to serve this growth is becoming constrained, and by the mid-2020s we won't have the capacity to handle anticipated future growth of trade in containers at the Port of Vancouver The role of the Vancouver Fraser Port Authority is to ensure the port is ready for Canada's trading future. As we plan, we must consider how to provide needed port facilities within a growing metropolitan area. To date, we have partnered with industry, governments and communities to improve road and rail networks, investing to help goods flow smoothly throughout our region. We have also consulted with local governments, Aboriginal groups and residents on the ways we can grow responsibly. Investments in increased size and improved efficiency are being, or have been, made to West Coast container terminals, including recent improvements at the Port of Vancouver's Deltaport, Canada's largest container terminal, and Fairview in Prince Rupert. However, even with these investments, we won't have enough space to accommodate the shortfall in needed capacity. The Roberts Bank Terminal 2 Project represents the best option to accommodate growth and is needed to deliver the capacity we need as demand for goods shipped in containers continue to grow. **Additional information provided by the VFPA in regards to independent container capacity forecasts:** Since 2011, the port authority has commissioned independent forecasts which consider many factors that influence container traffic demand, including: • Gross Domestic Product growth; • World demand for Canadian resources; • Increased consumer demand for trade with Asia; • Opening of the expanded Panama Canal; • Planned container terminal expansion at the Port of Prince Rupert; • Macroeconomic trends in North America; • North American container port demand and competitive developments; • Trends in container shipping; and • Vancouver's competitive position compared to other North American ports. The 2016 Ocean Shipping Consultants forecast shows continued growth in container trade through the west coast of Canada at a compound annual growth rate of about 4%, and reinforces the need for planned increases of capacity to ship goods in containers through the existing container terminals in Vancouver and the Fairview Terminal in Prince Rupert. The 2016 Ocean Shipping Consultants forecast also confirms that the proposed Project will be needed by the mid-2020s. **Addressed in Response to IR1-06:** For each marine terminal alternative location considered in EIS Section 5.3, Table IR1-06-1 in Appendix IR1-06-A summarises the criteria used to assess technical feasibility and provides the conclusion of the feasibility assessment along with supporting rationale. To be considered technically feasible, potential alternatives to the location of the marine terminal within B.C. needed to first meet all technical criteria (as stated in EIS Section 5.2), which included the following:	**EIS** 4.0 Project Description 5.0 Alternative Means of Carrying out the Project Description 5.7 Identification of the Preferred Means Table 5-10 Summary of Preferred Alternative Means **Information Requests** Response to Sufficiency Information Request #06 (IR1-06 of CEAR Document #897) **Ocean Shipping Consultants 2016 Container Traffic Forecast Report** http://www.robertsbankterminal2.com/wp-content/uploads/2016-Ocean-Shipping-Consultants-Container-Forecast.pdf

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				• Meeting the long-term container capacity growth by the mid-2020s, through operating efficiencies and a sufficient land base to accommodate growth; • Meeting the requirement for the necessary road and rail connections to efficiently transport containers to and from the market; and • Providing the ability for larger container ships to safely navigate the waterways. Safe navigation includes a minimum berth depth requirement of approximately 18.4 m and the ability to safely turn the vessel around, even in situations of sufficient draught. In addition, consideration was given to terminals with other uses (e.g., serving bulk or break-bulk markets) and if they could retain these capabilities if conversion to container handling was undertaken. The marine terminal location alternatives evaluated (including a combination of these alternatives) were determined not to be technically feasible, and therefore, an evaluation of economic feasibility was not conducted, and an assessment of environmental effects was not required. Based on the analyses of the location alternatives (see Table IR1-06-1), RBT2 was deemed to be the only viable option to meet the anticipated long-term growth and demand of containerised trade on the west coast of Canada, and a full assessment of environmental effects on this preferred alternative was conducted and is described in the EIS. **Further information provided by the VFPA in response to alternative supply chain concepts:** Several options for how containers move through the supply chain beyond the main container terminals, such as inland ports, have been proposed as a way to increase container capacity and/or improve efficiency. Shippers will ultimately decide how best to contract supply chain options for moving cargo, and the VFPA supports any opportunity for greater efficiency. However, these options could only ever be complementary to a new container terminal, rather than replacing it, because capacity is needed to manage ship-to-shore container movements.	

Table 2: Coastal Birds – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-2.1	Concerned that an accident or malfunction involving a Project container ship may impact both the Wildlife Harvest Area and the Migratory Birds Harvest Area, as well as other areas that may be utilised or relied upon by Wildlife or Migratory Birds that the Maa-nulth First Nations have a right to harvest.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#78):** The assessment of potential accidents or malfunctions (MSA Section 10.0) considers potential effects of a spill on current use of lands and resources for traditional purposes (Current Use), including cultural practices, such as the transmission of traditional knowledge, in the assessments of access to preferred Current Use locations, and quality of Current Use experience. The assessment is based on a plausible worst-case spill scenario that occurs in in Boundary Passage at the south end of South Pender Island. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario. **Addressed in MSA Section 10.5.13.6:** MSA Section 10.5.13.6 specifically discusses the potential impacts on asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment concludes that considering the conclusions of the Current Use assessment relating to potential accidents or malfunctions, marine shipping associated with the Project is expected to result, after mitigation referred to in MSA Section 10.5.13.3, in a serious impact on the ability of Indigenous groups to exercise marine-based Aboriginal or treaty rights within the marine shipping area as a result of a hypothetical fuel spill, and a minor to serious impact on these rights as a result of a collision between a vessel engaged in traditional use activities and a Project-associated container ship. In either case, the residual effect is unlikely to occur, due to the very low probability of a fuel oil spill or collision occurring. Confidence in this prediction is high, based on knowledge of Indigenous group perspectives on the potential effects of an oil spill or a collision on the ability to exercise Aboriginal and treaty rights.	**Marine Shipping Addendum (MSA, CEAR Document #316)** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.5.13.6 Aboriginal and Treaty Rights Assessment

Table 3: Economic Development – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-3.1	Stated that Maa-nulth First Nations businesses and economic development potential are either directly or indirectly reliant upon the marine environment for their success. Concerned their businesses and economic development opportunities may be impacted in the event of an accident or malfunction involving a Project container ship.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.5.10:** MSA Section 10.5.10 includes an assessment of the potential effects on marine commercial use resulting from accidents or malfunctions arising from marine shipping associated with the Project, including potential effects to marine fish and seafood harvesting, guided sport fishing, marine-based tourism, and marine transportation. Two plausible worst-case scenarios were selected for the assessment, based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects to marine commercial use are unlikely to occur, because of the very low probability of the accident scenarios.	**MSA** 10.5.10 Potential Accidents or Malfunctions, Marine Commercial Use

Table 4: Effects Assessment Methods (including Cumulative Effects)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-4.1	Stated that they share concerns raised by other parties that the proponent's cumulative impacts assessment fails to include several projects that should have been assessed. Stated that the Panel should require the proponent to expand the projects included in its cumulative effects assessment to include projects that are reasonably foreseeable, and are either not mentioned in or are mentioned in the proponent's EIS but excluded from the cumulative effects assessment, including the following projects: • the Wespac Tilbury Marine Jetty Project (a proposed LNG marine jetty), • the Woodfibre LNG Project, and • the BURNCO Aggregate Project.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in Response to IR4-09:** In responding to IR4-09, updated project status and vessel movement information was provided as available for the projects listed in the EIS and MSA (north of Segment B), plus other new projects considered to be certain or reasonably foreseeable (as of July 1, 2017). As part of this update, Woodfibre LNG Project and Wespac Tilbury Marine Jetty Project vessel projections were updated. However, because the Burnco Aggregate project's activities fall outside the marine shipping area, it was not updated as part of the response.	**Information Requests** Response to Sufficiency Information Request #09 (IR4-09 of CEAR Document #1051)
MNFN-4.2	Concerned with cumulative impacts of development on the Salish Sea, including the proposed Project, and the long-term health of the Salish Sea as a result of that development. Recommended establishing a Salish Sea Environmental Foundation. To better understand the cumulative impacts of development on the Salish Sea and take steps to monitor its health and recommend policy changes aimed at ensuring its long-term health.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA acknowledges concerns about cumulative effects of development on the Salish Sea. Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is leading and encouraging several regional environmental initiatives that enhance the cumulative environmental performance of the shipping industry and port operations in and around the Salish Sea. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan, which includes information on the cumulative effects of marine shipping.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 5: Engagement and Consultation

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-5.1	Stated that funding offered is insufficient to conduct a meaningful review of the Current Use Summary or engage in discussions with the VFPA outside the CEA Agency process.	16-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** The VFPA offered funding to the Maa-nulth Treaty Society in May 2015 and this funding was accepted by the Maa-nulth Treaty Society. Where specific requests were made to the VFPA for additional funding, these requests have been considered and responses were provided. Based on the guidance provided in the *Updated EIS Guidelines*, the MSA is to rely on information from publicly available sources where possible. <u>Huu-ay-aaht First Nations:</u> 26-May-2015: Offered funding for engagement regarding marine shipping associated with the Project. 31-August-2015: Accepted funding. <u>Ka:'yu:k't'h'/Che:k'tles7et'h' First Nations:</u> 26-May-2015: Offered funding for engagement regarding marine shipping associated with the Project. 06-August-2015: Accepted funding. <u>Toquaht Nation:</u> 26-May-2015: Offered funding for engagement regarding marine shipping associated with the Project. 25-June-2015: Accepted funding. <u>Uchucklesaht Tribe:</u> 26-May-2015: Offered funding for engagement regarding marine shipping associated with the Project. 25-June-2015: Accepted funding. <u>Ucluelet (YUUŁU?IŁ?ATH) First Nation:</u> 26-May-2015: Offered funding for engagement regarding marine shipping associated with the Project. 23-July-2015: Accepted funding. <u>Maa-nulth Treaty Society:</u> 18-Sep-2017, Letter from the VFPA: Offered funding to the Maa-nulth Treaty Society for further engagement regarding marine shipping associated with the Project. 22-Dec-2017: Accepted funding.	**Addressed in MSA Appendix 5-B (#67):** The VFPA has engaged with each of the Indigenous groups listed in the issued *Updated Guidelines for the Preparation of an Environmental Impact Statement* (*Updated EIS Guidelines*) and provide drafts of Current Use existing conditions sections, and to request any additional Current Use information that the Indigenous group may wish to provide. The revised Current Use summary, following incorporation of any additional input from Indigenous groups is provided in the assessment of Current Use (MSA Section 9.5). The VFPA has acknowledged the challenges of participating in consultation during summer months, and has extended timelines to accommodate the provision of additional information from Indigenous groups. The VFPA has provided funding to Indigenous groups participating in consultation, and considers the amount of funding offered to be adequate and proportionate to the level of effort required by each Indigenous group to participate, given the scope of work. The VFPA increased the funding provided in some circumstances in response to specific requests.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights ***Updated Guidelines for the Preparation of an Environmental Impact Statement* (CEAR Document #177)**
MNFN-5.2	Stated that the efforts to engage in meaningful, good faith consultation has been minimal.	04-Aug-2017, Letter	**18-Sep-2017, Letter from the VFPA:** Stated that the VFPA is committed to meaningful consultation and summarised the VFPA's consultation efforts to date.	**Additional information provided by the VFPA:** A summary of consultation undertaken with the Maa-nulth First Nations can be found in MSA Table 5A-18. The VFPA will continue to consult with the Maa-Nulth Treaty Society regarding marine shipping associated with the Project outside of the jurisdiction of the VFPA in accordance with direction from the CEA Agency.	**MSA** Table 5A-18 Consultation Activities with Maa-nulth Treaty Society (Ka:'yu:'k't'h'/Che:k'tles7et'h, Toquaht, Uchucklesaht Tribe, Ucluelet)
MNFN-5.3	Interested in better understanding the various mandates of the federal agencies.	28-Nov-2017, Meeting	**28-Nov-2017:** The VFPA committed to provide Maa-nulth Treaty Society with a link to the Transport Canada's submission, which discusses roles and responsibilities. **15-Jan-2018, Email from the VFPA:** Provided a link to Transport Canada's submission to the Panel that summarises roles and responsibilities: http://www.ceaa-acee.gc.ca/050/documents/p80054/114803E.pdf (CEAR Document #464)		**CEAR Document #464 From Transport Canada to the Review Panel re: Review Panel Orientation Session Submission**

Table 6: Environmental Assessment and Permitting Process

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-6.1	Expressed concern with the exclusion of marine shipping from the Project and stated it is not consistent with *Canadian Environmental Assessment Act* (*CEAA*)*, 2012*. Requested that the Minister amend the 'designated project' to include marine shipping.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#17):** The VFPA advised the CEA Agency of this concern through MSA Appendix 5-B (#17). **Addressed in *Updated EIS Guidelines*:** On April 17, 2015, the CEA Agency issued the *Updated EIS Guidelines* that included the addition of environmental effects of marine shipping associated with the Project, beyond the scope of the Project (VFPA jurisdiction) to the 12 nautical mile limit of Canada's territorial sea. In October 2015, the VFPA submitted to the CEA Agency the MSA. **Additional information provided by the VFPA:** The VFPA understands that marine shipping associated with the Project outside of the VFPA's jurisdiction is not formally considered to be part of the Project for the purposes of the Minister's decision whether the Project is likely to cause significant adverse environmental effects. However, the MSA provides information to the federal government regarding the potential effects of marine shipping associated with the Project, which can be used to inform programs or activities within federal jurisdiction.	**MSA** 1.0 Introduction Appendix 5-B Aboriginal Issues and Interests ***Updated EIS Guidelines***
MNFN-6.2	Concerned with allegations made by the Corporation of Delta and Roger Emsley, the Executive Director of the Against Port Expansion Community Group that federal and provincial agencies are engaging in private meetings with the proponent while the environmental assessment is underway. Stated that they seek an explanation from British Columbia and Canada regarding these allegations, and a commitment to make public any discussions with the proponent outside the CEA Agency process.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in CEAR Document #489:** The VFPA requested guidance from the Review Panel Manager with respect to continuing vital inter-departmental engagement and coordination with other federal and provincial agencies and departments concerning RBT2. The VFPA asked for confirmation from the Panel regarding the appropriateness of the proposed approach to ongoing engagement and requested the Panel to (a) advise the VFPA regarding its potential needs or preferences for documentation of such engagement and (b) advise other federal and provincial agencies and departments that they may continue to engage with the VFPA on these matters while the panel process is underway. **Addressed in CEAR Document #498:** The Review Panel indicated that interaction between participants—especially between the VFPA and bodies that may have legislative authority regarding the Project—can take place during the sufficiency review period of the environmental assessment. The Review Panel Manager stated that transparency must be maintained and emphasised that the Panel and the participants in the environmental assessment must be informed of the substance of any interactions that are relevant to the environmental assessment as the process proceeds.	**CEAR Document #489 From the Vancouver Fraser Port Authority to the Review Panel re: Inter-departmental engagement and coordination** **CEAR Document #498 From the Review Panel to the Vancouver Fraser Port Authority re: Inter-departmental engagement and coordination**

Table 7: Marine Commercial Use – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-7.1	Stated that the geographic location in which the Maa-nulth First Nations' Commercial Harvesting Rights may be exercised corresponds to the type of commercial fishing licence held, some of which overlap the marine shipping lanes for the Project and which the Maa-nulth First Nations are concerned may be impacted in the event of an oil spill involving a Project container ship.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.5.10:** Assesses the potential effects on marine commercial use resulting from accidents or malfunctions arising from marine shipping associated with the Project, including potential effects to marine fish and seafood harvesting. Two plausible worst-case scenarios were selected for the assessment, based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects to marine commercial use are unlikely to occur, because of the very low probability of the accident scenarios. MSA Section 10.5.13.6 specifically discusses the potential impacts on asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment concludes that considering the conclusions of the Current Use assessment relating to potential accidents or malfunctions, marine shipping associated with the Project is expected to result, after mitigation referred to in MSA Section 10.5.13.3, in a serious impact on the ability of Indigenous groups to exercise marine-based Aboriginal or treaty rights within the marine shipping area as a result of hypothetical fuel spill, and a minor to serious impact on these rights as a result of a collision between a vessel engaged in traditional use activities and a Project-associated container ship. In either case, the residual effect is unlikely to occur, due to the very low probability of a fuel oil spill or collision occurring. Confidence in this prediction is high, based on knowledge of Indigenous group perspectives on the potential effects of an oil spill or a collision on the ability to exercise Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**MSA** 10.5.10 Marine Commercial Use 10.5.13.6 Aboriginal and Treaty Rights Assessment **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Table 8: Marine Fish – Valued Component

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-8.1	Stated that the Maa-nulth First Nations treaty allocation includes Fraser River Salmon that migrate to the Maa-nulth First Nations domestic fishing area. Concerned with effects from the Project to the health of Fraser River Salmon, and their safe return. Stated that freighters will pass through Maa-nulth First Nations' Domestic Fishing Area. Stated that Maa-nulth First Nations has a treaty right to harvest salmon whose migration route passes near the proposed terminal.	18-Jun-2015, Meeting 04-Aug-2017, Letter	**18-Jun-2015:** Recorded comment for consideration by Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 8.1 the assessment of potential effects of marine shipping associated with Project on salmon. **04-Aug-2017:** Recorded comment for consideration by the Project team. **18-Sep-2017, Letter from the VFPA:** Requested to meet with the Maa-nulth First Nations to discuss concerns raised regarding Marine Shipping associated with the Project. **28-Nov-2017, Meeting:** The VFPA met with the Maa-nulth Treaty Society to discuss concerns and issues raised in regards to Marine Shipping associated with the project. Maa-nulth requested to see how their concerns were addressed in the MSA. The VFPA committed to send information on mitigation measures. **15-Jan-2018, Email from the VFPA:** Provided a link to the suggested mitigation measures regarding the marine shipping area outlined in the MSA. Stated that each assessment section, where applicable, describes suggested measures intended to mitigate potential adverse effects.	**Addressed in MSA Section 8.1:** The assessment of potential effects of marine shipping associated with the Project on salmon, including potential effects to spawning and migration, is included in MSA Section 8.1. Potential effects of vessel wake-generated waves on marine fish and fish habitat were characterised as negligible, because only 2%of coastline in the local assessment area is within the wake-related zone of influence, and because wake-generated wave heights at shorelines are predicted to be well within the range of natural wave conditions. Fish and fish habitat are already adapted to the natural conditions; therefore, any wake-related influences would not be distinguishable from existing conditions. Similarly, potential effects of underwater noise were also considered to be negligible because noise associated with Project-associated marine vessel activity and future cumulative shipping activities would not exceed injury thresholds for fish species or the Pacific salmon species behavioral threshold. Further, while noise-induced behavioural changes are possible for Pacific herring, potential effects would be localised to within 20 metres of a container ship and of short duration (as the ship passes by) and are therefore not anticipated to affect the integrity of populations within the local assessment area. **Addressed in EIS Section 13.0:** EIS Section 13.0 includes an assessment of effects from the Project on Fraser River salmon. Overall, marine fish are expected to experience a minor decrease in productivity in the future with the Project. Minor decreases in productivity are anticipated during the construction and operation phases for all marine fish sub-components, with the exceptions of negligible changes in productivity for certain species, including adult Chinook and chum salmon (representative species for sockeye and other Pacific salmon species) and lingcod, and an increase in productivity for shiner perch during the operation phase. Productivity decreases can be partially mitigated through the implementation of environmental management plans and the creation of habitat. Residual effects are anticipated for flat fish and forage fish as a result of permanent loss of subtidal sand habitat associated with the terminal footprint and disturbance from underwater noise. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish.	**EIS** 13.0 Marine Fish **MSA** Appendix 5-B Aboriginal Issues and Interests 8.1 Marine Fish and Fish Habitat 8.1.6 Potential Interactions and Effects 8.1.6.1 Negligible Effects
MNFN-8.2	Concerned about impacts to Maa-nulth Treaty allocations for Fraser River sockeye salmon, ocean Chinook salmon and ocean coho salmon.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in EIS Section 13.0:** Potential Project-related effects on marine fish, including all five species of Pacific salmon, are considered in EIS Section 13.0. The assessment concludes there are no significant adverse effects from the Project, as marine fish productivity or long-term integrity would not be compromised. The Project is not expected to result in measurable incremental adverse cumulative effects to marine fish. In addition, the potential effects of the	**EIS** 13.0 Marine Fish **MSA** Appendix 5-B Aboriginal Issues and Interests 9.1 Human Health

Maa-nulth First Nations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
		Document #640)		Project with respect to the ongoing productivity of commercial, recreational, and Aboriginal fisheries are evaluated in the EIS.	9.2 Marine Commercial Use 9.3 Outdoor Recreation 9.4 Archaeological and Heritage Resources 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights

Table 9: Mitigation for Marine Biophysical Valued Components (including Onsite Habitat Concepts)

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-9.1	Requested more information on those potential impacts and mitigation measures the VFPA is proposing. Stated that certain additional measures should be implemented to better mitigate potential impacts on the environment and the Maa-nulth First Nations. Requested more information on the mitigation measures to address potential accidents and malfunctions.	16-Sep-2015, Letter 28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640) 28-Nov-2017, Meeting	**09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 12.0 that summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects. **18-Sep-2017, Letter from the VFPA:** *"VFPA would like to further our understanding of the concerns raised by Maa-nulth Treaty Society and work together to identify mitigations to potential impacts, where possible. We are interested in meeting with the Maa-nulth Treaty Society this fall…* *The goal for this meeting is twofold:* *1. To develop a more fulsome understanding of the specific concerns raised by the Maa-nulth Treaty Society related to Marine Shipping.* *2. To identify, where possible, solutions to the concerns raised. VFPA is specifically interested in discussing what measures could be taken to address Maa-nulth Treaty Society's concerns."* **28-Nov-2017, Meeting:** Committed to provide information on mitigation measures. **15-Jan-2018, Email from the VFPA:** Provided a link to the suggested mitigation measures regarding the marine shipping area outlined in the MSA. Stated that each assessment section, where applicable, describes suggested measures intended to mitigate potential adverse effects.	**Addressed in EIS Section 35.0 and MSA Section 12.0:** EIS Section 35.0 (EIS Table 35-2) presents mitigation measures and commitments proposed as part of RBT2. MSA Section 12.0 summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects. **Addressed in Response to IR-15.07.31-12:** Response to IR-15.07.31-12 further discusses proposed mitigation related to the EIS; specifically, Appendix IR12-A presents a summary of proposed mitigation and anticipated effectiveness, and Appendix IR12-B presents summary of other mitigation considered and rationale for rejection. **Additional information provided by the VFPA:** Beyond the mitigation measures suggested in the EIS and MSA, the VFPA encourages Indigenous groups participating in the RBT2 environmental assessment to suggest specific mitigation measures for consideration. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on environmental protection.	**EIS** 35.0 Effects Assessment Summaries **MSA** 12.0 Summary of Changes to the Environment and Effects of Change to the Environment: Marine Shipping Associated with RBT2 **Information Requests** Response to Information Request #12 (IR-15.07.31-12 of CEAR Document #314) **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
MNFN-9.2	Stated that, if approved, the mitigations proposed by the proponent must be implemented, as well the recommendation by the Washington State Department of Ecology and van Dorp and Merrick that the speed for container ships be reduced to enhance situational awareness. Stated that in the event the Project proceeds and these measures prove to be inadequate, Maa-nulth First Nations reserves the right to demand that additional measures be implemented, for example	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#10):** Where relevant, the VFPA has proposed mitigation, which serves to address measurable potential effects of marine shipping associated with the Project, to be considered by those regulators with jurisdiction in the area. **Addressed in EIS Section 35.0 and MSA Section 12.0:** EIS Section 35.0 (EIS Table 35-2) presents mitigation measures and commitments proposed as part of RBT2. MSA Section 12.0 summarises potential environmental effects of marine shipping associated with the Project, suggested mitigation to be considered, residual effects, and cumulative effects in relation to the categories of environmental effects. **Additional information provided by the VFPA:** Should the Project be approved, the VFPA will be legally bound to the conditions (including any mitigation measures) set out in the federal Environment Minister's Decision Statement.	**EIS** 35.0 Effects Assessment Summaries **MSA** Appendix 5-B Aboriginal Issues and Interests 12.0 Summary of Changes to the Environment and Effects of Change to the Environment: Marine Shipping Associated with RBT2

Maa-nulth First Nations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	altering the location of the marine shipping lanes for the Project.			Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside of its jurisdiction.	

Table 10: Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-10.1	Concerned with the effects of an accident or spill to the shoreline where the Maa-nulth First Nations have bivalve and wildlife harvesting rights. Stated that the marine shipping route passes through the Maa-nulth First Nations domestic fishing area. Concerned with the potential impacts from an accident, fuel, or container spill to fish stocks. Concerned that an accident or malfunction involving a Project container ship may reach the Barkley Sound Domestic Fishing Area, the Kyuquot Sound Domestic Fishing Area, and/or the Inter-tidal Bivalve Harvest Areas.	18-Jun-2015, Meeting 28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	**18-Jun-2015, Meeting:** Recorded for consideration by the Project team. **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Section 10.0 that assesses the potential effects of accidents or malfunctions related to marine shipping associated with the Project.	**Addressed in MSA Appendix 5-B (#103):** The potential effects of an oil spill on marine resources, including marine birds, marine mammals, and marine fish and fish habitat are considered within the assessment of potential accidents or malfunctions (MSA Section 10.0). This section also considers the potential effects on Current Use, and related impacts on rights, resulting from effects on marine resources. **Addressed in MSA Section 10.3.2.1:** Containers may be lost overboard in the event of a collision or grounding and could conceivably release hazardous and noxious substances (HNS) to the environment. While removal of containers lost overboard would involve a salvage operation, the combination of low collision or grounding accident frequencies with the low percentage of HNS containers at risk of being lost overboard (approximately 0.7% for Deltaport in 2012; see EIS Appendix 30-A), and the requirement for the container being compromised to release its contents, led to the assessment that the frequency of spills of HNS substances from containers lost overboard is low enough to not require further consideration as a plausible accident or malfunction arising from marine shipping associated with the Project. **Additional information provided by the VFPA:** There is limited overlap in the Barkley Sound Domestic Fishing Area and the marine shipping area assessed by the MSA, and no overlap with the Kyuquot Sound Domestic Fishing Area and/or the Inter-tidal Bivalve Harvest Areas. MSA Section 10.4, however, describes mitigation measures relevant to the prevention of or response to potential accidents or malfunctions arising from marine shipping in the marine shipping area that are also applicable to potential accidents and malfunctions beyond the assessed area. As noted in MSA Section 10.4, the southern B.C. coast is a mature marine vessel traffic area that is regularly used by deep-sea vessels. Risk mitigation measures currently being implemented in the marine shipping area include a vessel traffic management system (using radar surveillance and traffic separation zones), mandatory pilotage for large vessels, navigational aids, and precautionary areas. Around Roberts Bank, large ships underway have radio communication with BC Ferries and have the option to use anchorages if inclement weather makes berthing unsafe. Federal legislation provides a regulatory framework for the prevention and management of, and response to, shipping-related accidents and malfunctions in the marine shipping area, including fires, spills, and collisions. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents or Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios 10.4 Mitigation Measures (Potential Accidents and Malfunctions) 10.5.6 Marine Fish and Fish Habitat 10.5.7 Marine Mammals 10.5.13 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	
MNFN-10.2	Stated that the MSA is incomplete as it does not sufficiently evaluate the potential effects accidents and malfunctions arising from Project-related traffic may have on the environment and Maa-nulth First Nations' rights and interests.	16-Dec-2015, Letter to the CEA Agency from the Ka:'yu :'k't'h'/Che:k'tles7et'h' First Nations, the Toquaht Nation, the Uchucklesaht Tribe and the Yuutu7it7ath First Nation (CEAR Document #354)	**12-May-2016, Letter from the CEA Agency:** *"This is a question that is appropriate for the Panel's sufficiency review, rather than a completeness review, thus the Agency did not require the information at this point in the process.* *The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	**Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality; and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all valued components. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The	**MSA** 10.0 Potential Accidents and Malfunctions **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	
MNFN-10.3	Concerned with the potential for an accident or malfunction at the terminal or involving a Project container ship as it has the potential to impact the environment, the Maa-nulth First Nations' harvesting rights within the Barkley Sound Domestic Fishing Area and other treaty protected harvesting areas, the Maa-nulth First Nations' economic development interests in and around their respective treaty lands, and the Maa-nulth First Nations' culture.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#103):** The potential effects of an oil spill on marine resources, including marine birds, marine mammals, and marine fish and fish habitat are considered within the assessment of potential accidents or malfunctions (MSA Section 10.0). This section also considers the potential effects on Current Use, and related impacts on rights, resulting from effects on marine resources. MSA Section 10.0 also considers the probability of an incident involving loss of containers overboard. **Addressed in MSA Appendix 5-B (#60):** The assessment of potential accidents or malfunctions (MSA Section 10.0) includes consideration of potential effects of a spill on marine commercial use, as well as outdoor recreation, including ecotourism. **Addressed in MSA Section 10.0:** The assessment of potential accidents or malfunctions considers a variety of potential effects related to two plausible worst-case scenarios selected based on the analysed probabilities of occurrence, higher risk areas, and possible consequences: • A collision between a container ship and a small vessel within an existing shipping lane, resulting in damage to the vessel and/or gear as well a serious injury or fatality, and • A powered grounding of a container ship on a hard substrate, resulting in a spill of 7,500 m^3 of heavy fuel oil. In both cases, the identified residual adverse effects are unlikely to occur, because of the very low probability of the accident scenarios.	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents and Malfunctions
MNFN-10.4	Stated that by focusing its evaluation of the potential effects of accidents and malfunctions on two hypothetical scenarios, namely a grounding and spill in Boundary Passage and a collision between a container ship and a small vessel, the MSA fails to sufficiently evaluate the potentially significant effects an accident or malfunction closer to the head of Juan de Fuca Strait may have on the environment within Barkley Sound and the Maa-nulth First Nations' Domestic Fishing Area, and	16-Dec-2015, Letter to the CEA Agency from the Ka:'yu :'k't'h'/Che:k'tles7et'h' First Nations, the Toquaht Nation, the Uchucklesaht Tribe and the Yuutu7it7ath First Nation (CEAR Document #354) 28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	**12-May-2016, Letter from the CEA Agency:** *"This is a question that is appropriate for the Panel's sufficiency review, rather than a completeness review, thus the Agency did not require the information at this point in the process.*	**Addressed in MSA Appendix 5-B (#78):** The assessment is based on a plausible worst-case spill scenario that occurs in Boundary Passage at the south end of South Pender Island. The plausible worst-case spill scenario was selected based on probability of occurrence, likely locations, and potential effects. The effects from a spill on Current Use would not be identical if the spill occurred in a different location; however, the risk reduction and spill response measures would be similar to those applicable to the plausible worst-case scenario assessed, and the	**MSA** Appendix 5-B Aboriginal Issues and Interests 10.0 Potential Accidents and Malfunctions 10.3.3 Identification of Plausible Worst-case Accident or Malfunction Scenarios ***Updated EIS Guidelines*** **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	the Maa-nulth First Nations' rights and interests within and adjacent to those areas. Requested that the MSA be expanded to include a hypothetical spill at least one additional location along the marine shipping lane, at or near the head of Juan de Fuca Strait. Requested that, when evaluating the potential effects of any spill, including one at or near the head of Juan de Fuca Strait, the possibility of oil or other contaminants reaching Barkley Sound be considered and discussed. Raised a concern about the MSA's assessment of a potential spill involving a Project container ship being limited to: 1. One location (Boundary Passage), 2. One season (spring), and 3. One type of accident or malfunction (a hard grounding). Stated that these limitations fail to to adequately assess the potential impacts of accidents and malfunctions on the environment and the Maa-nulth First Nations. Stated that the Panel should require the VFPA to revise the MSA to include the following: • A hypothetical spill at least one additional location along the marine shipping lane, at or near the head of Juan de Fuca Strait; • For each hypothetical spill, an assessment of the potential impacts of that spill in at least two seasons (for example spring and summer); • For each hypothetical spill and season, an assessment of the possibility of heavy fuel reaching Barkley Sound and Kyuquot Sound; • A discussion on how the spill response for and potential impacts from an allision, a collision, a soft grounding or an explosion may differ from a spill resulting from a hard grounding, and how the spill response for and potential impacts may differ if the vessel sinks as a result of the allision, collision, grounding, or explosion, as applicable; • An assessment of potential impacts in the event one or more containers carrying hazardous materials fall off a		*The Panel will determine whether it requires additional information or clarification with respect to this information to inform its sufficiency review."*	likelihood of residual effects from a spill is lower in other areas than the location of the plausible worst-case scenario. **Addressed in MSA Appendix 5-B (#92):** The assessment of potential accidents and malfunctions (MSA Section 10.0) considers a plausible worst-case spill scenario, located in Segment B of the marine shipping area, in Boundary Passage at the south end of South Pender Island. This location is near Turn Point. Boundary Passage is considered a higher risk area due to the relatively narrow passage, potential navigational hazards, and prevailing wind directions. The assessment also includes a description of applicable mitigation. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	Project container ship near the head of Juan de Fuca Strait; and • That the Maa-nulth First Nations should be consulted by the proponent and Canada regarding those revisions.				
MNFN-10.5	Concerned that the routine operation of Project container ships may impact their Domestic Harvesting Rights and Commercial Harvesting Rights, for example by: • Restricting the times and locations in which those rights can be exercised; • Disrupting travelways utilised by Maa-nulth First Nations citizens to exercise those rights; and • Increasing the likelihood of a collision between a container ship and a vessel owned or operated by Maa-nulth First Nations or a Maa-nulth First Nations citizen.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Appendix 5-B (#4):** The MSA addresses potential effects from routine (day-to-day) marine shipping associated with the Project outside of VFPA jurisdiction, as well as potential accidents or malfunctions on components of the physical, biophysical, and social environment. Potential effects to Indigenous groups are described in the assessments of human health (MSA Section 9.1), marine commercial use (MSA Section 9.2), outdoor recreation (MSA Section 9.3), archaeological and heritage resources (MSA Section 9.4), and Current Use and Aboriginal and treaty rights (MSA Section 9.5). Where relevant, the VFPA has proposed mitigation to be considered by those regulators with jurisdiction in the area. **Addressed in MSA Section 9.5:** As noted in MSA Section 9.5, taking a precautionary approach, the assessment of potential impacts to Indigenous groups' ability to exercise asserted or established Aboriginal and treaty rights as a result of Project-associated shipping was based on the assumption that traditional use presently occurring in the marine shipping area (i.e., Current Use) is an expression of the exercise of Aboriginal or treaty rights. Where traditional use was not identified as occurring at present within the marine shipping area, but similar use was identified as practised in the past in the marine shipping area, asserted as an Aboriginal right, or protected under treaty, this use was assumed to be potentially exercisable as an Aboriginal or treaty right, and subject to potential impacts as a result of Project-associated shipping in much the same way as potential effects on Current Use. Considering the conclusions of the Current Use assessment presented in MSA Section 9.5, marine shipping associated with the Project is expected to result in a minor incremental adverse impact on the ability of Indigenous groups to exercise Aboriginal or treaty rights within the marine shipping area without mitigation. This minor impact is expected because of the potential overlap of asserted or established rights-based activities with the incremental increase in Project-associated container ship pass-bys. Suggested mitigation includes development of a marine shipping activities communication plan and consultation with affected Indigenous groups to identify measures that would reduce the impact of the international shipping lanes to fishing by Indigenous groups. These mitigation measures for addressing potential incremental effects on Current Use are expected to also be effective at addressing the potential	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.1 Human Health 9.2 Marine Commercial Use 9.3 Outdoor Recreation 9.4 Archaeological and Heritage Resources 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
				incremental impact to the exercise of Aboriginal and treaty rights. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on the *Enhanced Maritime Situational Awareness and Proactive Vessel Management* initiative as well as information on the sharing of information of marine traffic with coastal communities.	
MNFN-10.6	Stated that potential impacts an accident or malfunction may have on Maa-nulth First Nations include the following: • May restrict the times and locations in which Maa-nulth First Nations can exercise their Domestic Harvesting and Commercial Harvesting Rights due to regulated or voluntary spill-related closures; • May reduce the quantity and quality of Fish, Aquatic Plants, Wildlife and Migratory Birds the Maa-nulth First Nations have a right to harvest under their Domestic Harvesting Rights and Commercial Harvesting Rights, and economic benefits to the Maa-nulth First Nations from those resources; • May damage the habitat and food sources that Fish, Aquatic Plants, Wildlife and Migratory Birds require to survive and reproduce; • May damage vessels or gear utilised to exercise the Maa-nulth First Nations' Domestic Harvesting Rights and Commercial Harvesting Rights; • May restrict the times and locations in which Maa-nulth First Nations citizens can engage in traditional ceremonies due to contamination of waters, shorelines, or marine resources used in those ceremonies; • May damage burial sites, archaeological remains, and other areas of cultural or spiritual significance to the Maa-nulth First Nations; • May result in negative human health impacts to Maa-nulth First Nations citizens; • May result in a loss in property value, loss in revenues from, or loss of an opportunity to develop treaty lands or	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.0:** MSA Section 10.5.13 assesses the potential effects on Current Use and potential impacts on the ability to exercise asserted or established Aboriginal and treaty rights resulting from accidents or malfunctions arising from marine shipping associated with the Project. The assessment for the plausible worst-case spill scenario concluded that, with the exception of human health, measurable residual adverse effects are predicted for all valued components. In all cases, the identified residual adverse effects of a spill are unlikely to occur, because of the very low probability of an accident or malfunction that could result in a spill. With the exceptions of residual effects on marine mammals (southern resident killer whale), marine commercial use (guided sport fishing and marine-based tourism sub-components), outdoor recreation, archaeological and heritage resources, and Current Use, adverse residual effects were considered not significant. A serious residual adverse impact on the ability of Indigenous groups to exercise Aboriginal and treaty rights in areas overlapping or near the hypothetical spill area would be expected in the event of such a spill. The plausible worst-case collision scenario has the potential to result in measurable residual adverse effects on human health, marine commercial use, outdoor recreation, Current Use, and asserted or established Aboriginal and treaty rights. In all cases, the identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision. The assessment concluded that residual adverse effects are expected to be not significant for marine commercial use and outdoor recreation, but significant for human health. For Current Use, the residual effect could range from not significant to significant, depending on the capacity of the affected Indigenous group to continue to undertake Current Use. In the event of a collision between a vessel engaged in traditional use activities and a container ship, a minor to serious adverse residual impact on the ability of the affected Indigenous group to exercise Aboriginal and treaty rights associated with those activities would be expected. The	**MSA** 10.0 Potential Accidents or Malfunctions

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
	other lands a Maa-nulth First Nations currently has or acquires an interest in; and • May result in a loss of revenues from businesses a Maa-nulth First Nations currently has or acquires an interest in.			identified residual adverse effects of a collision are unlikely to occur, because of the very low probability of collision.	
MNFN-10.7	Stated that regardless of whether or not the Project is approved, Canada should implement the following measures: • A requirement that one or more emergency response towing vessels be stationed at strategic locations along the marine shipping route; • A requirement that a resident salvor and personnel as well as salvage equipment be stationed at strategic locations along the marine shipping route; and • A requirement that, at least by 2030 and sooner if possible, only container ships with double hulled fuel tanks be allowed in Canadian waters.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** Although the regulated care and control of vessels calling at the Port of Vancouver is limited to its marine jurisdiction, the VFPA is supportive of initiatives by other agencies and authorities in reducing marine shipping-related risks outside of its jurisdiction. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on emergency response.	https://www.portvancouver.com/about-us/topics-of-interest/emergencies-and-spill-response/ http://wcmrc.com/ **From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
MNFN-10.8	In reference to MARPOL, asked whether it is possible to implement it in Canada sooner than 2030, for example if container ship owners divert container ships that do not have double hulled fuel tanks to other countries that do not yet require all container ships to be double hulled.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA does not have the ability to direct container ship owners to divert ships in the suggested fashion. As is described in EIS Appendix 30-A, Section 2.2.2, it is noted that virtually all container ships calling at a fully-operational RBT2 (in 2030) would be in compliance with the IMO 2010 MARPOL convention concerning double hulled container ships.	**EIS** Appendix 30-A Marine Vessel Incidence Prediction Inputs to the Quantitative Risk Assessment
MNFN-10.9	Stated that Canada should conduct a review of existing research regarding the fate and behavior of heavy fuel and, if necessary, either conduct or require the proponent to conduct additional research to fill any gaps in existing research.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The VFPA supports Canada's leadership in advancing spill preparedness and response in the Salish Sea, including its recently announced ongoing research initiatives as a part of the federal Oceans Protection Plan (OPP). Other organisations such as Clear Seas are also contributing to research considering risks, mitigation measures, and best practices for marine shipping on Canada's west coast. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**

Maa-nulth First Nations

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-10.10	Requested that a spill response base should be established in Ucluelet and the Maa-nulth First Nations should continue to be consulted regarding the establishment of that base. Stated that there may be benefit in training one or more Maa-nulth First Nations citizens in spill response measures, including shoreline clean-up and wildlife response, so that those members may assist in responding to a spill within the Maa-nulth First Nations' respective traditional territory. Stated that Canada should assess any deficiencies in the responses to the Esquimalt Harbour and English Bay spills and either implement or recommend improvements to address those deficiencies, and that Canada and/or Western Canada Marine Response Corporation (WCMRC) should consult with Maa-nulth First Nations regarding the possibility of training one or more Maa-nulth First Nations citizens in spill response measures. Concerned that they may have difficulty securing compensation for damages to its culture and Aboriginal and Treaty Harvesting Rights in the event of a spill involving a Project container ship. As such, Maa-nulth First Nations seek further information from Canada on how damages to their culture and Domestic Harvesting Rights would be compensated under the spill compensation regime and, if the compensation process for these matters is inadequate, a commitment from Canada to address that inadequacy.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Additional information provided by the VFPA:** The *Canada Shipping Act, 2001* is Transport Canada's regulatory framework surrounding marine pollution and its enforcement. In the case of a report of pollution in the water, including oil or fuel spills, Canada operates under the National Spill Response Protocol, which specifies that the Canadian Coast Guard is responsible for ensuring the clean-up of ship sourced spills of oil and other pollutants. While the VFPA is not the lead agency when it comes to spill response, it provides assistance often in the form of working with first responders and other agencies, providing information on a situation through the 24/7 operations centre, security cameras, patrol boats and drone. As per a 2009 letter of understanding, the VFPA can be called upon by the Coast Guard to conduct an initial inspection in response to a pollution report in our federal jurisdiction. On the west coast, the Canadian Coast Guard contracts spill clean-up to WCMRC. This is also the agency that ships or terminal operators are required to call if they discover they have been the source of a spill. **Additional information provided by the VFPA:** Transport Canada's letter to the Review Panel dated April 7, 2017 (CEAR Document #954), as well as, letter to the Review Panel dated December 20, 2017 (CEAR Document #1133) provides additional information on the Government of Canada's Oceans Protection Plan which includes information on spill response and environmental protection.	**From Transport Canada to the Review Panel re: Overview of the Government of Canada's Oceans Protection Plan (CEAR Documents #954 and #1133)**
MNFN-10.11	Stated that they seek further information from the proponent and/or Canada regarding the compensation regime in the event a contaminant other than oil is released from a Project container ship, for example if a container carrying hazardous materials falls overboard.	28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640)	The VFPA has reviewed this letter and provides the following additional information.	**Addressed in MSA Section 10.3.2.1:** MSA Section 10.3.2.1 discusses the likelihood of containers carrying hazardous materials falling overboard. The 2010 HNS Convention sets out a shared liability regime to compensate claimants for damages arising from the international or domestic carriage of HNS by seagoing vessels. The HNS Convention follows the two-tier model of compensation of the international oil pollution liability and compensation regime (Civil Liability Convention (CLC) and the International Oil Pollution Compensation (IOPC) Fund), which Canada adopted in 1989. The Convention differs from the oil pollution regime mainly in that it covers many more substances and combines the shipowner liability regime and the HNS Fund into one instrument. Further information is available on Transport Canada's website.	**MSA** 10.3.2.1 Loss Overboard of Containers from Ships In-transit in Semi-protected Waters **Transport Canada: Overview of the 2010 Hazardous and Noxious Substances Convention** https://www.tc.gc.ca/eng/policy/acf-acfi-hns-overview-2609.htm

Table 11: Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-11.1	Confirmed that the Summary of Existing Conditions document shared with Huu-ay-aht First Nations was accurate. Asked for three specific changes to the document.	27-Aug-2015, Letter – Huu-ay-aht First Nations	**18-Sep-2015, Letter from the VFPA:** *"VFPA will incorporate your suggestions into the final version of the Marine Shipping Addendum, to be submitted to the Canadian Environmental Assessment Agency this fall."*	**Addressed in MSA Appendix 5-B (#12):** The VFPA has engaged with Indigenous groups with the objective of obtaining the views of Indigenous groups on potential effects of changes to the environment on Indigenous peoples, and potential adverse impacts of the Project on potential or established Aboriginal or treaty rights. The VFPA has also provided the opportunity to review the summary of Current Use existing conditions information specific to each Indigenous group prior to completing the assessment. Feedback received on these summaries has been considered and incorporated, as has additional information provided by Indigenous groups. The CEA Agency will provide Indigenous groups an opportunity to review the environmental studies following the submission of the MSA.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights
MNFN-11.2	Stated that the Current Use Summary does not reflect concerns regarding potential impacts from the day-to-day operations or potential impacts from an accident or malfunction involving Project-related marine traffic. Identified some inaccuracies in the Summary and requested a number of changes.	16-Sep-2015, Letter	**29-Oct-2015, Letter from the VFPA:** *"Comments on the contents of the draft summary of Maa-nulth Nations' Current Use of Lands and Resources for Traditional Purposes will be considered and incorporated into Marine Shipping Addendum."*	**Addressed in MSA Appendix 5-B (#20):** The MSA addresses potential effects from routine (day-to-day) marine shipping associated with the Project on components of the physical, biophysical, and social environment. **Addressed in MSA Appendix 5-B (#4):** The MSA addresses potential effects from routine (day-to-day) marine shipping associated with the Project outside of VFPA jurisdiction, as well as potential accidents or malfunctions on components of the physical, biophysical, and social environment. Potential effects on Indigenous groups are described in the assessments of human health (MSA Section 9.1), marine commercial use (MSA Section 9.2), outdoor recreation (MSA Section 9.3), archaeological and heritage resources (MSA Section 9.4), and current use of lands and resources for traditional purposes (MSA Section 9.5). Where relevant, the VFPA has proposed mitigation to be considered by those regulators with jurisdiction in the area.	**MSA** Appendix 5-B Aboriginal Issues and Interests 7.1 through 9.4 (All intermediate and valued component assessments) 9.1 Human Health 9.1.5 Potential Interactions and Effects 9.2 Marine Commercial Use 9.2.4 Existing Conditions 9.2.5 Potential Interactions and Effects 9.3 Outdoor Recreation 9.3.5 Potential Interactions and Effects 9.4 Archaeological and Heritage Resources 9.4.6.1 Negligible Effect #1 – Disturbance from Vessel Wake 9.5 Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights 9.5.5.1 Negligible Effects of Vessel Transit on Current Use 9.5.5.2 Potential Effects of Vessel Transit on Current Use 9.5.6 Suggested Mitigation Measures 9.5.7 Residual Effects Assessment and Significance Determination

Table 12: Project Benefits

#	Interest / Concern Raised	Date(s) and Method(s) Raised	Response	Additional Information	Document(s) and Section(s) providing Additional Information
MNFN-12.1	Stated that Current Use Summary also did not reflect concerns that the Maa-nulth First Nations have regarding their economic interests, and stated their opposition to the Project unless they share in the economic benefits of the Project. Stated that the port representatives lacked authority to engage in mutual benefit agreement discussions. Stated that there has been no willingness of the VFPA to widen its mandate to negotiate a mutual benefit agreement. Reiterated request to enter into a mutual benefit agreement with the VFPA on the Project. Stated that they should be granted an equitable share of the economic benefits from the Project. Stated that they have not secured a commitment from the proponent or the federal or provincial governments to share in any economic benefits of the Project in the event it proceeds. Stated that Canada must not approve the Project unless and until an economic benefits package satisfactory to the Maa-nulth First Nations has been secured. Concerned about the lack of commitment from the VFPA, the federal, or provincial governments to share economic benefits with Maa-nulth First Nations. Expressed the fundamental connection between the sharing of wealth within their traditional territory and their constitutionally protected rights. Indicated that there is a fundamental legal right to share in the wealth that is generated in, on, and by the use of the waters within their territorial sea with regards to the Project. Expressed that without the sharing of wealth generated by the Project, there can be no true reconciliation, and, without that, there can be no free, prior, and informed consent to the Project by the Maa-nulth First Nations.	16-Sep-2015, Letter 28-Oct-2016, Letter to Panel from the First Nations of the Maa-nulth Treaty Society (CEAR Document #640) 04-Aug-2017, Letter 15-Nov-2017, Letter to Panel (CEAR Document #1097) 28-Nov-2017, Meeting	**29-Oct-2015, Letter from the VFPA:** *"Comments on the contents of the draft summary of Maa-nulth Nations' Current Use of Lands and Resources for Traditional Purposes will be considered and incorporated into the [MSA]. [The VFPA] will additionally respond to each of these concerns directly in a letter at a later date."* **09-Nov-2015, Letter from the VFPA:** Provided a copy of the MSA, which included Appendix 5-B Aboriginal Issues and Interests. **25-Apr-2016, Letter from the VFPA:** *"The VFPA responded to those issues and concerns related to marine shipping and the draft summary in a letter dated October 29, 2015. Those concerns were also included and addressed within the MSA: a tracking table of concerns raised by Aboriginal groups with respect to the potential impacts of future marine shipping associated with RBT2 can be found in Section 5.0 Aboriginal Groups Engagement and Consultation of the MSA.* *Comments provided by the Maa-nulth Nations related to the draft summary were considered and changes were made to the MSA as appropriate. The comment tracking table enclosed includes the comments provided by the Maa-nulth Nations, the VFPA's response to those comments, and a description of any subsequent changes made to the MSA in response."* **28-Nov-2017, Meeting:** Committed to following up on the request for a mutual benefit agreement. **18-Jan-2018, Letter from the VFPA:** Provided an explanation of the VFPA's mandate and mitigation measures related to marine shipping associated with the Project as well as provided clarification regarding economic benefits. Explained that regarding potential impacts of marine shipping, which is beyond the VFPA's jurisdiction, the VFPA's approach has been to work with government departments and agencies that do have jurisdiction over marine shipping to determine feasible measures to reduce or avoid the impacts that marine shipping associated with the Project may have on Aboriginal and treaty rights. Stated that taking into account proposed mitigation, the Project is not likely to impact Maa-nulth First Nations' rights. For this reason, as well as the fact that marine shipping associated with the Project is outside of the VFPA's care and control, the VFPA is not prepared at this time to negotiate a mutual benefit agreement. That being said, the VFPA recognises that there are many potential economic benefits arising from the Project—both direct and indirect—and the VFPA is always open to further discussions with Maa-nulth First Nations in this regard.	**Addressed in MSA Appendix 5-B (#6):** This topic is not within the scope of assessment for the MSA, as defined by the *Updated EIS Guidelines*. An assessment of potential economic effects of the Project is included in EIS Section 20.0.	**MSA** Appendix 5-B Aboriginal Issues and Interests 9.2 Marine Commercial Use 9.2.4 Existing Conditions 9.2.4.1 Overview of Marine Commercial Use in the Regional Assessment Area 9.2.4.2 Strait of Georgia (Segment A of the [Marine Shipping Area]) 9.2.4.3 Haro Strait and Southern Gulf Islands (Segment B of the [Marine Shipping Area]) 9.2.4.4 Juan de Fuca Strait (Segments C and D of the [Marine Shipping Area])

IR10-02 Current Use of Lands and Resources for Traditional Purposes – Indigenous Traditional Knowledge

Information Source(s)

EIS Guidelines: Section 4.4.2; Section 10.2; Section 11.2.

Proponent Response to Additional Information Requirements of July 31, 2015 (CEAR Doc#314): IR8

Proponent Response to Additional Information Requirements of February 24, 2016 (CEAR Doc#391): IR4

Proponent Response to Additional Information Requirements of January 13, 2016 (CEAR Doc#572): Table 9-1

Proponent Response to Additional Information Requirements of January 13, 2016 (CEAR Doc#930): Table 9-1

Context

The EIS Guidelines required the Proponent to describe and summarize where Indigenous Knowledge was incorporated into the selection of valued components, baseline descriptions, the assessment of the potential effects of the proposed Project and marine shipping associated with the Project, as well as any measures proposed to mitigate or avoid those environmental effects.

In Tables 9.1 of CEAR Doc#572 and CEAR Doc# 930, the Proponent presented additional Indigenous Knowledge pertaining to Musqueam Indian Band, Tsleil-Waututh Nation and the WSÁNEĆ Nations, derived from information within the two documents. The tables included a description of what was informed by the Indigenous Knowledge, and which part of the environmental assessment was supplemented by this Knowledge.

However, no information concerning mitigation measures was included. Group-specific tables using the format presented in Tables 9.1 of CEAR Doc#572 and CEAR Doc#930 which include mitigation measures are required.

Information Request

Provide tables similar to those presented in CEAR Doc#572 and CEAR Doc#930 to summarize how all available Indigenous Knowledge was incorporated into the Proponent's environmental assessment of the proposed Project and marine shipping associated with the Project for the Indigenous groups listed in Tables 1-A and 1-C. The tables must be group-specific.

When addressing input from Indigenous groups regarding proposed mitigation measures, include all the groups listed in Tables 1-A, 1-B, 1-C, and 1-D of Attachment 2.

VFPA Response

As stated in the VFPA's response to MSA IR-02.24.16-4 of CEAR Document #391[1] and IR-7.31.15-08 of CEAR Document #314[2], the Canadian Environmental Assessment Agency's (CEA Agency's) reference guide on *Considering Aboriginal Traditional Knowledge in Environmental Assessments Conducted under the Canadian Environmental Assessment Act, 2012* (CEA Agency 2015) was considered in the development of the EIS and Marine Shipping Addendum (MSA), Additional Information to the EIS for *W*SÁNEĆ Nation (AIEIS; CEAR Document #930[3]), and Additional Information to the Marine Shipping Addendum for Musqueam First Nation and Tsleil-Waututh Nation (AIMSA; CEAR Document #572[4]), as well as in the development of this response. As stated in the reference guide, there is no one universally accepted definition of Indigenous (Aboriginal) traditional knowledge (ITK). The reference guide refers to ITK generally as 'knowledge that is held by, and unique to, Aboriginal peoples'. ITK is also described as 'a body of knowledge, built up by a group of people through generations of living in close contact with nature. ITK is cumulative and dynamic. It builds upon the historic experiences of a people and adapts to social, economic, environmental, spiritual, and political change'. The term traditional ecological knowledge (TEK) refers to a subset of ITK that is primarily concerned with the environment (CEA Agency 2015).

In the absence of an official definition of ITK, the EIS and MSA were developed based on the CEA Agency's reference guide (previously published as interim principles). For the purposes of the EIS and MSA, ITK (termed ATK in CEAR Documents #314, #391, #572, and #930) refers to knowledge about the natural environment, is synonymous with TEK, and refers to information provided by Indigenous groups specifically about an intermediate component (IC) or a valued component (VC). This is distinguished from other types of information provided by Indigenous groups, such as information about the traditional use of a resource or component by Indigenous groups (considered in the current use of lands and resources for traditional purposes ('Current Use') assessment and potential or established Aboriginal or treaty rights assessment), and concerns about effects to a resource or component, expressed by Indigenous groups in consultation or other documentation regarding the Project or marine shipping associated with the Project (considered to be 'interests and issues').[5]

[1] CEAR Document #391 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Marine Shipping Addendum Completeness Review - Responses to Additional Information Requirements (See Reference Document #386).
[2] CEAR Document #314 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements (See reference document # 271) for the Environmental Impact Statement.
[3] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).
[4] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).
[5] For clarity, concerns expressed by Indigenous groups regarding cumulative effects to date on a resource or component were included in the 'existing conditions' descriptions of applicable assessments.

The overall approach taken for integration of ITK is described in EIS Section 7.2.1.7 and in MSA Section 5.1.4. All relevant ITK that was available was incorporated into the EIS and the MSA. When ITK is used in the assessment of an IC or VC (most often informing existing conditions), the source of ITK is cited directly. When information about the use of lands and resources for traditional purposes by Indigenous groups is included in an assessment of an IC or VC for context purposes, a cross reference to the Current Use and rights assessments (EIS Section 32.0 and MSA Section 9.5) is generally provided. When information is included in an assessment of an IC or VC about the importance of a resource to Indigenous groups, or about concerns raised by Indigenous groups about potential effects to the IC or VC (often as rationale for selection of the IC, VC, or sub-components), a cross reference to the consultation and engagement section (EIS Section 7.2 and MSA Section 5.0) is provided.

Table IR10-02-A1 and Table IR10-02-A2 of **Appendix IR10-02-A** relate to the EIS and the MSA respectively and summarise how all available ITK was incorporated into the Proponent's environmental assessment of the proposed Project and marine shipping associated with the Project. The tables are specific to each Indigenous group listed in Tables 1-A and 1-C (Attachment 2 of Information Request Package 10 from the Review Panel (CEAR Document #1130[6]), and list each IC and VC assessment section (left column); indicate where and how ITK was used in the assessment (centre column); and identify the source of ITK for each IC and VC assessment section by Indigenous group (right column).

As Table IR10-02-A1 and Table IR10-02-A2 of **Appendix IR10-02-A** indicate, ITK provided by a number of Indigenous groups has been incorporated into the EIS and the MSA and considered in the description of existing conditions, definition of study areas, selection of ICs and VCs, effects assessment determination, as well as measures proposed to mitigate or avoid environmental effects. Suggested mitigation measures by Indigenous groups has been provided in previous filings (see sections below for specific references). Further input from Indigenous groups, including ITK, to support the development of mitigation measures, is currently being sought by the VFPA.

One of the purposes of the VFPA's Indigenous engagement and consultation process in advance of submission of the EIS was to "facilitate the identification and collection of ITK", including the consideration and incorporation of ITK into the EIS (EIS Section 7.2.1.1). EIS Section 7.2.1.7 describes the process for collecting ITK that included literature reviews, meetings and workshops, specific ITK questions and interviews, and sponsorship of additional studies. MSA Section 5.1.4 describes a similar process for the marine shipping area, which includes consultation and engagement activities, including meeting summaries and written communication, and review of existing relevant literature.

[6] CEAR Document #1130 From the Review Panel to the Vancouver Fraser Port Authority re: Information Request Package 10.

Indigenous Traditional Knowledge within the EIS by Indigenous group

Table IR10-02-A1 of **Appendix IR10-02-A** outlines where and how ITK is included in the EIS by IC/VC section and Indigenous group (as listed in Attachment 2, Table 1-A of Information Request Package 10 from the Review Panel (CEAR Document #1130)).

In summary, ITK that the VFPA had access to or acquired through engagement activities was incorporated into the EIS in the following ways:

1. Establishment of spatial boundaries for the following:
    - Marine fish (EIS Section 13.3): local assessment area boundaries in terms of marine fish species locations; and
    - Archaeological and heritage resources (EIS Section 28.3): local assessment boundaries in terms of potential locations of archaeological resources.
2. Description of existing conditions for the following:
    - Surficial geology (EIS Section 9.6): surficial sediments;
    - Marine vegetation (EIS Section 11.5): eelgrass location and characteristics, harvestable plants abundance and availability, intertidal marsh abiotic factors, and spatial and temporal variation;
    - Marine invertebrates (EIS Section 12.5): bivalve shellfish locations, Dungeness crab historical abundance and decline, and location, abundance and seasonality;
    - Marine fish (EIS Section 13.5): location of Pacific salmon species, herring, and starry flounder;
    - Marine mammals (EIS Section 14.0): historical abundance of Steller sea lions;
    - Coastal birds (EIS Section 15.5): locations of waterfowl, piscivorous species, and sea duck species; abundance and location of dabbling ducks and geese; abundance of peregrine falcon; presence and location of bald eagle, passerines, and barn swallow;
    - Commercial, recreational, and Aboriginal (CRA) fisheries (EIS Section 16.5): current and historical Indigenous fishing access to Dungeness crab as well as quality of resource;
    - Human health (EIS Section 27.5): food security in terms of health of Indigenous people and importance of traditional food sources;
    - Archaeological and heritage resources (EIS Section 28.5): ethnography, past uses of area, and archaeological potential; and
    - Potential or established Aboriginal and treaty rights and related interests, including Current Use (EIS Section 32.2.4): group-specific context about past use for traditional purposes and changes in this use over time, including group-specific information on cumulative effects to date.
3. Assessment of potential effects:
    - Archaeological and heritage resources (EIS Sections 28.6 and 28.8.4): location of potential fish trap stakes; and
    - Various ICs and VCs and potential or established Aboriginal and treaty rights and related interests, including Current Use (EIS Sections 32.2.6 and 32.3.2):

To the extent that ITK informed existing conditions (2. above) it also informed the assessment of effects.

4. Determination of significance:
    - Archaeological and heritage resources (EIS Section 28.9): definition of significance.

Mitigation measures for marine vegetation (EIS Section 11.0), marine invertebrates (EIS Section 12.0), marine fish (EIS Section 13.0), marine mammals (EIS Section 14.0), coastal birds (EIS Section 15.0), human health (EIS Section 27.0), and archaeological and heritage resources (EIS Section 28.0) were informed by other types of Indigenous information, but relevant ITK was not available.

A summary of mitigation measures suggested by the Indigenous groups listed in Table 1-A (Attachment 2 of CEAR Document #1130) is provided by Indigenous group in EIS Section 32.3.3.2. A summary of mitigation measures suggested by the Indigenous groups listed in Table 1-B (Attachment 2 of CEAR Document #1130) is provided by Indigenous group in AIEIS Section 7.3.3.2 (CEAR Document #930).

Indigenous Knowledge within the MSA by Aboriginal group

Table IR10-02-A2 of **Appendix IR10-02-A** outlines where and how ITK is included in the MSA by IC/VC section and by Indigenous group (as listed in Attachment 2, Table 1-C of CEAR Document #1130).

In summary, ITK that the VFPA had access to or acquired through engagement activities was incorporated into the MSA in the following ways:

1. IC-VC selection for the following:
    - Light (MSA Section 7.5): selection of light as an IC, specifically knowledge that oral traditions and sacred practices are reliant on stars and unimpaired visibility of night sky;
    - Marine mammals (MSA Section 8.2): selection of marine mammals as a VC;
    - Human health (MSA Section 9.1): selection of human health as a VC; and
    - Archaeological and heritage resources (MSA Section 9.4): selection of archaeological and heritage resources as a VC and archaeology as a sub-component;
2. Description of existing conditions for the following:
    - Wave environment (MSA Section 7.2): wind-generated and wake-related wave climates;
    - Marine fish and fish habitat (MSA Section 8.1): intertidal habitat, specifically types of marine vegetation (kelp) and characterisation of intertidal marshes; marine invertebrates; Pacific herring (proximity indicators); and Pacific salmon (timing of migrations);
    - Marine mammals (MSA Section 8.2): characterisation of existing conditions for marine mammals;

- Marine birds (MSA Section 8.3): ecology, habitat preferences, abundance, and distribution;
- Human health (MSA Section 9.1): characterisation of existing conditions for human health;
- Archaeological and heritage resources (MSA Section 28.5): characterisation of existing conditions, including ethnography, regional archaeology and heritage, and archaeological sites and potential; and
- Current Use (MSA Section 9.5.4): group-specific context about past use for traditional purposes and changes in this use over time, including group-specific information on cumulative effects to date.

3. Assessment of potential effects:
    - Various ICs and VCs and Current Use (MSA Section 9.5.5): To the extent that ITK informed existing conditions (2. above), it also informed the assessment of effects.
4. Residual effects assessment and significance determination:
    - Marine mammals (MSA Section 8.2): To the extent that ITK informed existing conditions (2. above), and the determination that existing conditions reflect significant cumulative effects that have already occurred, ITK informed the significance determination.
5. Cumulative effects assessment:
    - Marine mammals (MSA Section 8.2): To the extent that ITK informed existing conditions (2. above), ITK also informed the assessment of potential cumulative effects on the VC.

A summary of mitigation measures suggested by Indigenous groups listed in Table 1-C (Attachment 2 of CEAR Document #1130) is provided by Indigenous group in Table MSA IR13-1 of CEAR Document #391). A summary of mitigation measures suggested by Indigenous groups listed in Table 1-D (Attachment 2 of CEAR Document #1130) is provided in AIMSA Sections 7.4 and 7.8.3 (CEAR Document #572).

References

Canadian Environmental Assessment Agency (CEA Agency). 2015. Reference Guide Considering Aboriginal Traditional Knowledge in Environmental Assessments Conducted under the *Canadian Environmental Assessment Act, 2012*. Available at https://www.canada.ca/content/dam/ceaa-acee/documents/policy-guidance/considering-aboriginal-traditional-knowledge/considering-aboriginal-traditional-knowledge-environmental-assessments-2015.pdf. Accessed June 2018.

Appendices

Appendix IR10-02-A Supporting Tables

APPENDIX IR10-02-A
SUPPORTING TABLES

Table IR10-02-1 Updated Table IR8-1 (CEAR Document #314) – Indigenous Traditional Knowledge in the EIS (June 2018)

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
Surficial Geology and Marine Sediment Section 9.6	• **Description of existing conditions:** ○ ITK informed the description of surficial sediments in the Fraser River estuary and local study area (Section 9.6.6.2), including changes observed in grain size since recent developments.	**Tsawwassen First Nation** Tsawwassen First Nation (Elders). 2014. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: Aboriginal Traditional Knowledge.
	• **Assessment of potential effects:** ○ To the extent that ITK informed existing conditions, it also informed the assessment of effects.	
Marine Vegetation Section 11.0	• **Description of Existing Conditions:** ○ ITK informed the description of the location and characteristics of eelgrass (Section 11.5.1), as well as its spatial and temporal variation (Section 11.5.1.5).	**Lake Cowichan First Nation** Chuuchkamalthnii. 2014. Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use. **Tsawwassen First Nation** Quadra Planning Consultants and P.M. Ruby Consulting Inc. 1995. Incremental and Cumulative Effects of the Roberts Bank Superport and Container Terminal on the Tsawwassen First Nation.
	○ ITK informed the description of the abundance and availability of harvestable plants (Section 11.5.2.1), abiotic factors (Section 11.5.2.3), and spatial and temporal variation (Section 11.5.2.5) of intertidal marsh. ○ This section was also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	**Hwlitsum First Nation** Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2009. The Hwlitsum First Nation's Traditional Use and Occupation in the Area Now Known as British Columbia, Volume 2. Hwlitsum Marine Traditional Use Study. **Musqueam First Nation** Musqueam Band Council. 1984. Musqueam Comprehensive Land Claim. Presented to Office of Native Claims. Musqueam Indian Band. 2013. January 18, 2013 TEK Workshop: Fish, Invertebrates, Vegetation. Interview. **Saanich First Nations (Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, and Tseycum First Nation)** Turner, M.J. and R.J. Hebda. 2012. Saanich Ethnobotany: Culturally Important Plants of the WSANEC People. Royal British Columbia Museum. **Tsawwassen First Nation** Quadra Planning Consultants and P.M. Ruby Consulting Inc. 1995. Incremental and Cumulative Effects of the Roberts Bank Superport and Container Terminal on the Tsawwassen First Nation. Tsawwassen First Nation (Elders). 2014. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: Aboriginal Traditional Knowledge.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects on these conditions of the VC.	
Marine Invertebrates Section 12.0	• **Description of Existing Conditions:** ○ ITK informed the description of bivalve shellfish in terms of location and traditional names of various harvested species (Section 12.5.2.6).	**Hwlitsum First Nation** Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2013. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now Known as British Columbia, Volume 2: Hwlitsum Marine Traditional Use Study. **Lyackson First Nation** Candler, C., M. Malone, C. Whittaker, and the Firelight Group Research Cooperative with Lyackson First Nation. 2014. Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. **Métis Nation British Columbia** Métis Nation BC. 2014. Métis Use & Occupancy Study Port Metro Vancouver Roberts Bank Terminal 2 Project 2014. Prepared for Métis Nation British Columbia Natural Resources. **Musqueam First Nation** Ham, L. 2014. Traditional Musqueam Use of the Southern Fraser Delta. Overview Report, Prepared for Musqueam Indian Band, Delta, B. C. Salas, S., J.-A. Archibald, and N. Haggan. 1988. Aboriginal Knowledge and Ecosystem Reconstruction. Back to the Future: Reconstructing the Strait of Georgia Ecosystem, Part 2: Cultural Inputs to the Strait of Georgia Ecosystem Reconstruction, Fisheries Centre Research Reports 6(5), UBC Fisheries Centre, Vancouver, B.C. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft. Prepared for Musqueam Indian Band, Vancouver, B.C.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		Tsawwassen First Nation LGL Limited, and Tsawwassen Fisheries Department. 2013. Tsawwassen First Nation Post-Season Fisheries Report, 2012. Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. Tsawwassen First Nation Elders. 2012. September 6, 2012 Elders TEK Workshop re: Marine Invertebrates.
	○ ITK informed the description of population characteristics of Dungeness crabs, in terms of historical abundance and observed declines (Sections 12.5.3.3 and 12.5.3.6).	**Hwlitsum First Nation** Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2013. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now Known as British Columbia, Volume 2: Hwlitsum Marine Traditional Use Study. **Lake Cowichan First Nation** Chuuchkamalthnii. 2014. Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use. **Métis Nation British Columbia** Métis Nation BC. 2014. Métis Use & Occupancy Study Port Metro Vancouver Roberts Bank Terminal 2 Project 2014. Prepared for Métis Nation British Columbia Natural Resources. **Musqueam First Nation** Musqueam First Nation. 2013. January 18, 2013 TEK Workshop - re Fish, Invertebrates, Vegetation. Salas, S., J.-A. Archibald, and N. Haggan. 1988. Aboriginal Knowledge and Ecosystem Reconstruction. Back to the Future: Reconstructing the Strait of Georgia Ecosystem, Part 2: Cultural Inputs to the Strait of Georgia Ecosystem Reconstruction, Fisheries Centre Research Reports 6(5), UBC Fisheries Centre, Vancouver, B.C. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft. Prepared for Musqueam Indian Band, Vancouver, B.C. **Tsawwassen First Nation** Quadra Planning Consultants and P.M. Ruby Consulting Inc. 1995. Incremental and Cumulative Effects of the Roberts Bank Superport and Container Terminal on the Tsawwassen First Nation. Tsawwassen First Nation Elders. 2012. September 6, 2012 Elders TEK Workshop re: Marine Invertebrates. Tsawwassen First Nation Fishers. 2012. December 12, 2012 TEK Workshop with Crabbers - Dialogue Bullet-Form Summary.
	○ ITK informed the description of key habitat features of Dungeness crabs, in terms of location, abundance, and seasonality (Section 12.5.3.4). ○ This section was also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	**Musqueam First Nation** Musqueam First Nation. 2013. January 18, 2013 TEK Workshop - re Fish, Invertebrates, Vegetation. **Tsawwassen First Nation** Tsawwassen First Nation Fishers. 2012. December 12, 2012 TEK Workshop with Crabbers - Dialogue Bullet-Form Summary.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects on these conditions of the VC. ○ This section is also informed by other types of Aboriginal information, including Current Use information and issues and interests raised.	
Marine Fish Section 13.0	• **Establishment of Spatial Boundaries:** ○ ITK informed the establishment of the local assessment area in terms of the location of various marine fish species (Section 13.3.1).	**Musqueam First Nation** Musqueam First Nation. 2013. January 18, 2013 TEK Workshop - re Fish, Invertebrates, Vegetation. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft. Prepared for Musqueam Indian Band, Vancouver, B.C. **Tsawwassen First Nation** LGL Limited, and Tsawwassen Fisheries Department. 2012. Tsawwassen First Nation Post-Season Fisheries Report, 2011. Final Report, Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. LGL Limited, and Tsawwassen Fisheries Department. 2013. Tsawwassen First Nation Post-Season Fisheries Report, 2012. Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. Tsawwassen First Nation (Elders). 2014. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: Aboriginal Traditional Knowledge.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
	• **Description of Existing Conditions**: ○ ITK informed the description of the location of Pacific salmon (Section 13.5.1), chum salmon (Section 13.5.1.1), Chinook salmon (Section 13.5.1.2), Pacific herring (Section 13.5.3.3), and starry flounder (Section 13.5.4.2). ○ This section is also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	**Hwlitsum First Nation** Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2013. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now Known as British Columbia, Volume 2: Hwlitsum Marine Traditional Use Study. **Lyackson First Nation** Candler, C., M. Malone, C. Whittaker, and the Firelight Group Research Cooperative with Lyackson First Nation. 2014. Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. **Métis Nation British Columbia** Métis Nation BC. 2014. Métis Use & Occupancy Study Port Metro Vancouver Roberts Bank Terminal 2 Project 2014. Prepared for Métis Nation British Columbia Natural Resources. **Musqueam First Nation** Musqueam First Nation. 2013. January 18, 2013 TEK Workshop - re Fish, Invertebrates, Vegetation. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft. Prepared for Musqueam Indian Band, Vancouver, B.C. **Saanich First Nations (Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, and Tseycum First Nation)** Claxton, E. S., and J. S. Elliott. 1984. Reef Net Technology of the Saltwater People. Saanich Indian School Board. Turner, N. J., and F. Berkes. 2006. Coming to Understanding: Developing Conservation through Incremental Learning in the Pacific Northwest. Human Ecology 34:495–513. **Semiahmoo First Nation** Semiahmoo First Nation. 2014. An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project Port Metro Vancouver (PMV), British Columbia DRAFT. **Sencot'en Alliance (Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, and Semiahmoo First Nation)** Sencot'en Alliance. 2006. Deltaport Third Berth Project: An Assessment of Effects & Recommendations for Follow-up. Submission No. 4 to the BC Environmental Assessment Office, Final Report, Prepared on behalf of the Sencot'en Alliance (Pauquachin, Tsartlip, Tsawout, Semiahmoo First Nations), Saanichton, B.C. **Tsawwassen First Nation** Tsawwassen First Nation Elders. 2012. September 6, 2012 Elders TEK Workshop re: Marine Invertebrates. Tsawwassen First Nation (Elders). 2014. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: Aboriginal Traditional Knowledge. **Tsleil-Waututh Nation** Tsleil-Waututh Nation. 2014. Tsleil-Waututh Nation Knowledge Study: Roberts Bank Terminal 2 Project.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects, and cumulative effects, on these conditions of the VC. ○ This section is also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	
Marine Mammals Section 14.0	• **Description of Existing Conditions**: ○ ITK informed the description of Steller sea lions, in terms of historical abundance (Section 14.5.3.4). ○ This section is also informed by other types of Indigenous information, including Current Use information.	**British Columbia Indigenous Groups (individual Indigenous groups not specified)** Bigg, M.A. 1985. Status of Steller sea lion (Eumetopias jubatus) and California sea lion (Zalophus californianus) in British Columbia. Can. Spec. Publ. Fish. Aquat. Sci. 77: 1-20. LGL Limited, KS Biological Services, and Pottinger Gaherty Environmental Consultants. 2009. Technical Volume 7 of the Environmental Assessment Application for the Naikun Offshore Wind Energy Project, Marine Mammals in the Naikun Offshore Wind Energy Project Area.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects, and cumulative effects, on these conditions of the VC. ○ This section is also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
Coastal Birds Section 15.0	• **Description of Existing Conditions:** ○ ITK informed the description of the location (current and historical) of waterfowl (Section 15.5.1), piscivorous species (Section 15.5.6.2), and sea duck species (Section 15.5.6.3).	**Lyackson First Nation** Candler, C., M. Malone, C. Whittaker, and the Firelight Group Research Cooperative with Lyackson First Nation. 2014. Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. **Musqueam First Nation** Musqueam Band Council. 1984. Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy. Presented to Office of Native Claims. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft. Prepared for Musqueam Indian Band, Vancouver, B.C. **Tsawwassen First Nation** Quadra Planning Consultants, and P.M. Ruby Consulting Inc. 1995. Incremental and Cumulative Effects of the Roberts Bank Superport and Container Terminal on the Tsawwassen First Nation.
	○ ITK informed the description of historical abundance and location of dabbling ducks (Section 15.5.4.2) and geese (Section 15.5.4.3).	**Lake Cowichan First Nation** Chuuchkamalthnii. 2014. Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use. **Lyackson First Nation** Candler, C., M. Malone, C. Whittaker, and the Firelight Group Research Cooperative with Lyackson First Nation. 2014. Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. **Métis Nation British Columbia** Métis Nation BC. 2014. Métis Use & Occupancy Study Port Metro Vancouver Roberts Bank Terminal 2 Project 2014. Prepared for Métis Nation British Columbia Natural Resources. **Musqueam First Nation** Ham, L. 2014. Traditional Musqueam Use of the Southern Fraser Delta. Overview Report, Prepared for Musqueam Indian Band, Delta, B. C. Musqueam Band Council. 1984. Musqueam Comprehensive Land Claim: Preliminary Report on Musqueam Land Use and Occupancy. Presented to Office of Native Claims. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft. Prepared for Musqueam Indian Band, Vancouver, B.C. **Tsawwassen First Nation** Tsawwassen First Nation Hunters. 2014a. Personal communication. June 3, 2014 Interview with Hunter Harold Williams re: Current Use for Traditional Purposes. Tsawwassen First Nation Hunters. 2014b. Personal communication. May 1, 2014 Traditional Use Meeting - Hunters. Tsawwassen First Nation Elders. 2014. Personal communication. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: Aboriginal Traditional Knowledge.
	○ ITK informed the description of abundance (present and historical) of peregrine falcon (Section 15.5.7.2).	**Tsawwassen First Nation** Tsawwassen First Nation Elders. 2014. Personal communication. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: Aboriginal Traditional Knowledge.
	○ ITK informed the description of presence and location of bald eagle (Section 15.5.7.4), passerines (Section 15.5.9.1), and barn swallow (Section 15.5.9.2). ○ This section is also informed by other types of Indigenous information, including Current Use information.	**Tsawwassen First Nation** Tsawwassen First Nation Hunters. 2014b. Personal communication. May 1, 2014 Traditional Use Meeting - Hunters. Tsawwassen First Nation Elders. 2014. Personal communication. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: Aboriginal Traditional Knowledge.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects, and cumulative effects, on these conditions of the VC. ○ This section is also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
Ongoing Productivity of Commercial, Recreational, and Aboriginal (CRA) Fisheries Section 16.0	• **Description of Existing Conditions:** ○ ITK informed the description of Indigenous fishing of Dungeness crab in terms of current and historical access to resources, as well as quality of resources (Section 16.5.3.4). ○ This section is also informed by other types of Indigenous information, including Current Use information.	**Cowichan Tribes** Bouchard and Kennedy Research Consultants. 2014. Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Occupation and Use. Opinion Report, Prepared for David Robbins of Woodward and Co., Counsel for the Cowichan Tribes, on behalf of the Cowichan Tribes. **Lyackson First Nation** Candler, C., M. Malone, C. Whittaker, and the Firelight Group Research Cooperative with Lyackson First Nation. 2014. Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. **Musqueam First Nation** Musqueam First Nation. 2013. January 18, 2013 TEK Workshop - re Fish, Invertebrates, Vegetation. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft. Prepared for Musqueam Indian Band, Vancouver, B.C. **Tsawwassen First Nation** Tsawwassen First Nation Elders. 2012. September 6, 2012 Elders TEK Workshop re: Marine Invertebrates. Tsawwassen First Nation Elders. 2014. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: ATK. Tsawwassen First Nation Fishers. 2012. December 12, 2012 TEK Workshop with Crabbers - Dialogue Bullet-Form Summary. Tsawwassen First Nation Fishers. 2013. February 25, 2013 TEK Workshop re: Finfish. Tsawwassen First Nation Representative. 2014. Tsawwassen First Nation Key Informant Interviews. **Tsleil-Waututh Nation** Tsleil-Waututh Nation. 2014. Tsleil-Waututh Nation Knowledge Study: Roberts Bank Terminal 2 Project.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects on these conditions of the VC. ○ This section is also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	
Human Health Section 27.0	• **Description of Existing Conditions:** ○ ITK informed the description of food security in terms of the concept of health for Indigenous people, and the importance of traditional food sources to the health of Indigenous people (Section 27.5.7.1).	**British Columbia Indigenous Groups (individual Indigenous groups not specified)** Chan, L., O. Receveur, D. Sharp, H. Schwartz, A. Ing, and C. Tikhonov. 2011. First Nations Food, Nutrition, and Environment Study: Results from B.C. (2008/2009). Prince George, B.C.: University of Northern B.C. Chandler, M.J., and C. Lalonde. 1998. Cultural Continuity as a Hedge against Suicide in Canada's First Nations. Transcultural Psychiatry 35: 191–219. Earle, L. 2011. Traditional Aboriginal Diets and Health. Prince George, (B.C.): National Collaborating Centre for Aboriginal Health. University of Northern British Columbia. First Nations Health Authority. 2012. Healthy Children, Healthy Families, Healthy Communities: BC Provincial Results 2008-10 First Nations Regional Health Survey. Kuhnlein, H. V., and O. Receveur. 1996. Dietary Change and Traditional Food Systems of Indigenous Peoples. Annual Review of Nutrition. 16, 417–442. Vancouver Island and Coastal Communities Indigenous Foods Network (VICCIFN). 2012. Sharing Our Voices – Report and Recommendations. 2012/2013.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects, and cumulative effects, on these conditions of the VC. ○ This section is also informed by other types of Indigenous information, including Current Use information and issues and interests raised.	
Archaeological and Heritage Resources Section 28.0	• **Establishment of Spatial Boundaries:** ○ ITK informed the establishment of the local study area boundary in terms of the location of potential archaeological resources (Section 28.3.1).	**Tsawwassen First Nation** Bouchard, R., and D. Kennedy. 1991. Tsawwassen Ethnography and Ethnohistory. Archaeological Investigations at Tsawwassen, B.C. Vol. I, Permit Report. Prepared for Ministry of Transportation and Highways by Arcas Archaeological Consultants Ltd., Victoria, B.C.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
	• **Description of Existing Conditions:** ○ ITK informed the description of ethnography and past uses of the area (Section 28.5.1.2) and archaeological potential (Section 28.5.2.2).	**Coast Salish Indigenous Groups (individual Indigenous groups not specified)** Suttles, W. 1951. Economic Life of the Coast Salish of Haro and Rosario Strait. Ph.D. Dissertation, University of Washington, Seattle, Washington, U.S.A. **Saanich Indigenous Groups (Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, Tseycum First Nation)** Saanich Claxton, E. S., and J. S. Elliott. 1994. Reef Net Technology of the Saltwater People. Saanich Indian School Board. Brentwood Bay, B.C. Claxton, N. 2003. The Douglas Treaty and WSÁNEC Traditional Fisheries: A Model for Saanich Peoples Governance. A Community Governance Project Report Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Arts in Indigenous Governance. University of Victoria, Victoria, B.C. **Tsawwassen First Nation** Bouchard, R., and D. Kennedy. 1991. Tsawwassen Ethnography and Ethnohistory. Archaeological Investigations at Tsawwassen, B.C. Vol. I, Permit Report. Prepared for Ministry of Transportation and Highways by Arcas Archaeological Consultants Ltd., Victoria, B.C.
	• **Assessment of Potential Effects:** ○ ITK informed the assessment of potential effects, and context of residual effects, in terms of the location of potential fish trap stakes (Sections 28.6 and 28.8.4).	**Coast Salish Indigenous Groups (individual Indigenous groups not specified)** Suttles, W. 1951. Economic Life of the Coast Salish of Haro and Rosario Strait. Ph.D. Dissertation, University of Washington, Seattle, Washington, U.S.A. **Saanich Indigenous Groups (Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, and Tseycum First Nation)** Saanich Claxton, E. S., and J. S. Elliott. 1994. Reef Net Technology of the Saltwater People. Saanich Indian School Board. Brentwood Bay, B.C. Claxton, N. 2003. The Douglas Treaty and WSÁNEC Traditional Fisheries: A Model for Saanich Peoples Governance. A Community Governance Project Report Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Arts in Indigenous Governance. University of Victoria, Victoria, B.C. **Tsawwassen First Nation** Bouchard, R., and D. Kennedy. 1991. Tsawwassen Ethnography and Ethnohistory. Archaeological Investigations at Tsawwassen, B.C. Vol. I, Permit Report. Prepared for Ministry of Transportation and Highways by Arcas Archaeological Consultants Ltd., Victoria, B.C.
	• **Determination of Significance:** ○ ITK informed the definition of significance, in terms of scientific significance (informing the scientific record) and ethnic significance (past use of the area) (Section 28.9.1).	**Tsawwassen First Nation** Bouchard, R., and D. Kennedy. 1991. Tsawwassen Ethnography and Ethnohistory. Archaeological Investigations at Tsawwassen, B.C. Vol. I, Permit Report. Prepared for Ministry of Transportation and Highways by Arcas Archaeological Consultants Ltd., Victoria, B.C.
Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes Section 32.0	• **Description of Existing Conditions:** ○ Group-specific ITK and information about past use for traditional purposes and changes in this use over time, including cumulative effects to date, provided context for the description of existing conditions (Sections 32.2.4.1 through 32.2.4.10). ○ This section was also informed by other Indigenous information, including group-specific knowledge related to historical and current use techniques and practices, traditional use locations, language, and other cultural considerations (Sections 32.2.4.1 through 32.2.4.10). • **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential Project-related effects on the use of lands and resources for traditional purposes and the exercise of rights. ○ To the extent that ITK informed the assessments of the resources considered in this assessment, ITK also informed the assessment of effects on the use of these	**Cowichan Nation Alliance (Cowichan Tribes, Halalt First Nation, Penelakut First Nation, and Stz'uminus First Nation)** Cowichan Nation Alliance. 2011. Cowichan Nation Alliance Preliminary Comments, Questions and Requests to the VAFFC (Vancouver Airport Fuel Facilities Corporation)-Prepared "Environmental Assessment Application for the Vancouver Airport Fuel Delivery Project – Highway 99 Pipeline Route Assessment Addendum, 3 November 2011. Cowichan Nation Alliance. 2014. December 11, 2014 Meeting with Cowichan Nation Alliance re: Current Use and Human Health. Cowichan Nation Alliance. 2015. Letter from Cowichan Nation Alliance to Port Metro Vancouver, Re: Proposed RBT2 Project - Draft Environmental Impact Statement section re: Potential or Established Aboriginal and Treaty Rights and Relations Interests. Woodward and Company. 2011. Letter Sent on Behalf of the Cowichan Nation Alliance to Port Metro Vancouver, Environmental Assessment Office, and VAFFC re: Assessment of Heritage Effects', Chapter 7 of VAFFC [Vancouver Airport Fuel Facilities Corporation] Application of February 18, 2011." Dated June 21, 2011. Hwitsum Consulting. 2014. Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use. Prepared for Cowichan Nation Alliance. **Cowichan Tribes** Bouchard and Kennedy Research Consultants. 2014. Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Occupation and Use. Opinion Report, Prepared for David Robbins of Woodward and Co., Counsel for the Cowichan Tribes, on behalf of the Cowichan Tribes. Cowichan Tribes. 2013. Cowichan Tribes Territory and Ownership. Cowichan Tribes: Origins. **Lake Cowichan First Nation** Chuuchkamalthnii. 2014. Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
	resources for traditional purposes and the exercise of rights. ○ This section was also informed by other information provided by Indigenous groups to the VFPA during consultation meetings and in written documentation. • **Mitigation Measures:** ○ For group-specific information, refer to EIS Section 32.3.3.3 (Table 1-A groups) and AIEIS Section 7.3.3 (CEAR Document #930; Table 1-B groups).	Lake Cowichan First Nation, and Province of BC. 2011. Lake Cowichan First Nation Forest and Range Consultation and Revenue Sharing Agreement Lake Cowichan First Nation. 2014. Lake Cowichan First Nation: Traditional Territory of Lake Cowichan. **Lyackson First Nation** Candler, C., M. Malone, C. Whittaker, and the Firelight Group Research Cooperative with Lyackson First Nation. 2014. Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. **Halalt First Nation** Halalt First Nation. n.d. Welcome to Halalt First Nation. Available at http://halalt.org/. Accessed April 2014. **Hul'qumi'num Treaty Group** Hul'qumi'num Treaty Group. 2005a. Deltaport Third Berth Expansion Project: Hul'qumi'num Mustimuhw's Use and Occupancy of the Roberts Bank and Lower Fraser River Estuary, British Columbia. Hul'qumi'num Treaty Group. 2005b. Hul'qumi'num Treaty Group Vancouver Port Authority Deltaport Berth 3 Expansion: Preliminary Comments. Submission to the Environmental Assessment Office, July 21, 2005. Hul'qumi'num Treaty Group. n.d. Hul'qumi'num People - Chemainus. Hul'qumi'num Treaty Group - six First Nations working as one. Hul'qumi'num Treaty Group. n.d. Hul'qumi'num People - Lake Cowichan. Hul'qumi'num Treaty Group - six First Nations working as one. **Lyackson First Nation** Lyackson First Nation. 2014. Lyackson Mustimuhw - Our People « Lyackson First Nation. Available at http://lyackson.bc.ca/about/lyackson-mustimuhw/. Accessed July 2014. **Métis Nation British Columbia** Métis Nation BC. 2014. Métis Use & Occupancy Study Port Metro Vancouver Roberts Bank Terminal 2 Project 2014. Prepared for Métis Nation British Columbia Natural Resources. Métis Provincial Council of British Columbia. 2014. Welcome - Métis Nation British Columbia - MNBC. Available at http://www.mnbc.ca/. Accessed April 2014. Métis Nation BC. 2015. Draft RBT2 EIS Section for Métis Nation British Columbia Review and Comment. **Musqueam First Nation** Ham, L. 2014. Traditional Musqueam Use of the Southern Fraser Delta. Overview Report, Prepared for Musqueam Indian Band, Delta, B.C. Musqueam Band Council. 1984. Musqueam Comprehensive Land Claim; Preliminary Report on Musqueam Land Use and Occupancy. Presented to Office of Native Claims. Musqueam First Nation Representative. 2014. May 23, 2014 Interview with Musqueam First Nation Representatives. Musqueam First Nation. 2011. Musqueam First Nation A Comprehensive Sustainable Community Development Plan. Musqueam First Nation. 2013. January 18, 2013 TEK Workshop - re Fish, Invertebrates, Vegetation. Musqueam First Nation. 2015a. Comments from Musqueam First Nation (LS) Re: Roberts Bank Terminal 2 Project- Draft RBT2 EIS (Section 32) for Review. Musqueam First Nation. 2015b. Comments from Musqueam First Nation (JW) Re: Roberts Bank Terminal 2 Project- Draft RBT2 EIS (Section 32) for Review. Musqueam Indian Band. 1976. Musqueam Declaration. Musqueam Indian Band. 2006. Musqueam; A Living Culture. Musqueam Indian Band and Coppermoon Communications Inc., Vancouver, B.C. and Victoria, B.C. ▪ Norman, E. S. n.d. Boundless Water and Bounded People: The Cultural and Social Implications of Shellfish Closure in Boundary Bay. ▪ Rozen, D. L. 1985. Place-Names of the Island Halkomelem Indian People. Master of Arts, University of British Columbia, Vancouver, B.C. Available at http://circle.ubc.ca/handle/2429/25517. Accessed April 2014. Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft, Prepared for Musqueam Indian Band, Vancouver, B.C. **Saanich Indigenous Groups (Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, and Tseycum First Nation) and Semiahmoo First Nation** Sencot'en Alliance. 2002. Sencot'en Place Names and Reef Net Sites, Map 9.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		Sencot'en Alliance. 2006. Deltaport Third Berth Project: An Assessment of Effects & Recommendations for Follow-up. Submission No. 4 to the BC Environmental Assessment Office. Submission No. 4 to the BC Environmental Assessment Office, Final Report, Prepared on behalf of the Sencot'en Alliance (Pauquachin, Tsartlip, Tsawout, Semiahmoo First Nations), Saanichton, B.C. **Semiahmoo First Nation** Charles, J. 2011. Semiahmoo First Nation: Our Rights Include Food Security. Powerpoint presentation (pdf), Vancouver. Semiahmoo First Nation. 2014a. An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project Port Metro Vancouver (PMV), British Columbia DRAFT. Semiahmoo First Nation. 2014b. Semiahmoo First Nation, RBT2 Update Meeting Notes. **Stó:lō Nation and Stó:lō Tribal Council** Carlson, K., editor. 2001. A Stó:lō Coast Salish Historical Atlas. Douglas & McIntyre and Stó:lō Heritage Trust, Vancouver, B.C. **Tsawwassen First Nation** LGL Limited, and Tsawwassen Fisheries Department. 2010. Tsawwassen First Nation Post-Season Fisheries Report, 2009. Final Report, Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. LGL Limited, and Tsawwassen Fisheries Department. 2011. Tsawwassen First Nation Post-Season Fisheries Report, 2010. Final Report, Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. LGL Limited, and Tsawwassen Fisheries Department. 2012. Tsawwassen First Nation Post-Season Fisheries Report, 2011. Final Report, Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. LGL Limited, and Tsawwassen Fisheries Department. 2013. Tsawwassen First Nation Post-Season Fisheries Report, 2012. Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. Tsawwassen First Nation and VPA. 2004. Tsawwassen First Nation and Vancouver Port Authority Roberts Bank Development Memorandum of Agreement. Tsawwassen First Nation, B.C. Ministry of Aboriginal Relations and Reconciliation, and Indian and Northern Affairs Canada. n.d. Tsawwassen First Nation Final Agreement Factsheet: Fisheries. Tsawwassen First Nation Elders. 2012a. September 6, 2012 Elders TEK Workshop re: Marine Invertebrates. Tsawwassen First Nation Elders. 2012b. December 13, 2012 TEK re: Shellfish and Crab - Dialogue Bullet-Form Summary. Tsawwassen First Nation Elders. 2013. April 11, 2013 TEK Workshop re: Finfish - Dialogue Notes. Elders. Tsawwassen First Nation Elders. 2014. April 24, 2014 Meeting with Tsawwassen First Nation Elders re: ATK. Tsawwassen First Nation Fishers. 2012a. December 12, 2012 TEK Workshop with Crabbers - Dialogue Bullet-Form Summary. Tsawwassen First Nation Fishers. 2012b. September 10, 2012 TEK Workshop re: Invertebrates - Dialogue Bullet - Form Summary. Tsawwassen First Nation Fishers. 2013. February 25, 2013 TEK Workshop re: Finfish. Tsawwassen First Nation, Government of Canada, and Government of B.C. 2009. Tsawwassen First Nation Final Agreement. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Treaty/1_Tsawwassen_First_Nation_Final_Agreement.PDF. Accessed April 2014. Tsawwassen First Nation, Government of Canada, and Government of B.C. 2010. Tsawwassen First Nation Final Agreement Appendices. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Treaty/2_Tsawwassen_First_Nation_Final_Agreement_Appendices.PDF. Accessed November 2014. Tsawwassen First Nation Hunters. 2014a. June 3, 2014 Interview with Hunter Harold Williams re: Current Use for Traditional Purposes. Tsawwassen First Nation Hunters. 2014b. May 1, 2014 Traditional Use Meeting - Hunters. Tsawwassen First Nation Member. 2014b. May 6, 2014 Interview with Tsawwassen First Nation Member Tia Williams re: Current and Traditional Aboriginal Use. Tsawwassen First Nation Member. 2014a. May 6, 2014 Interview with Tsawwassen First Nation Member Laura Cassidy re: Current and Traditional Aboriginal Use. Tsawwassen First Nation. 2014a. November 26, 2014 Meeting re: preliminary EIS results on Current Use, Rights and Health. Tsawwassen First Nation. 2014b. Tsawwassen Culture | Tsawwassen First Nation. Available at http://tsawwassenfirstnation.com/general-info/tfn-history-and-timeline/tsawwassen-culture/. Accessed April 2014. **Tsleil-Waututh Nation**

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		Tsleil-Waututh Nation. 2009. Tsleil-Waututh Nation Stewardship Policy. Tsleil-Waututh Nation People of the Inlet. Available at http://www.twnation.ca/About%20TWN/~/media/Files/Stewardship%20January%202009.ashx. Accessed April 2014. Tsleil-Waututh Nation. 2012. Tsleil-Waututh Nation Rebuttal of EAO Document, "Application for an Environmental Assessment Certificate by Vancouver Fuel Facilities." Tsleil-Waututh Nation. 2014a. Tsleil-Waututh Nation Knowledge Study: Roberts Bank Terminal 2 Project. Tsleil-Waututh Nation. 2014b. Our Past. Available at http://www.twnation.ca/About%20TWN/Our%20Journey/Our%20Past.aspx. Accessed October 2014. **Hwlitsum First Nation** Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2009. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now known as British Columbia, Volume 1.

Table IR10-02-2 Updated Table MSA IR4-1 (CEAR Document #391) – Indigenous Traditional Knowledge in the MSA (June 2018)

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
Wave Environment Section 7.2	• **Description of Existing Conditions:** ○ ITK informed the description of existing conditions for the wind-generated wave climate (Section 7.2.4.1, p. 7.2-4).	**Pacheedaht First Nation** National Energy Board. 2015c. Written Evidence of Pacheedaht First Nation. Exhibit 7 in the Affidavit of Kevin Neary, sworn May 25, 2015. Filed by Pacheedaht First Nation May 26, 2015, in relation to Kinder Morgan Canada, Trans Mountain Expansion Project.
	○ ITK informed the description of existing conditions for the wake-related wave climate (Section 7.2.4.2, p. 7.2-11).	**Tsawout First Nation** National Energy Board. 2014. Tsawout First Nation Oral Traditional Evidence Presentation to the National Energy Board in relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Hearing Order OH-001-2014. Volume 23, November 28, 2014.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential effects of marine shipping associated with the Project* on these conditions of the IC.	
Light Section 7.5	• **IC Selection**: ○ ITK informed IC selection, specifically the knowledge that oral traditions and sacred practices are reliant on stars and unimpaired visibility of the night sky (Section 7.5.1, p. 7.5-1). ○ IC selection was also informed by other types of Indigenous information.	**Lyackson First Nation** National Energy Board. 2015. Written Evidence of Lyackson First Nation. Appendix B, Lyackson Use and Occupancy Mapping Study for Trans Mountain Pipeline ULC's Proposed Trans Mountain Pipeline Expansion Project, prepared with Lyackson First Nation by Firelight Group Research Collective, dated November 14, 2014. Filed by Lyackson First Nation, May 27, 2015.
Marine Fish and Fish Habitat Section 8.1	• **Description of Existing Conditions:** ○ ITK informed the description of existing conditions for the intertidal habitat, specifically types of marine vegetation (kelp) and characterisation of intertidal marshes (Section 8.1.5.3).	**Tsawout First Nation** National Energy Board. 2014c. Tsawout First Nation Oral Traditional Evidence Presentation to the National Energy Board. Hearing Order OH-001-2014 in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Volume 23, November 28, 2014.
	○ ITK informed the description of existing conditions for marine invertebrates (Section 8.1.5.4).	**Beecher Bay (Scia'new) First Nation** National Energy Board. 2015b. Written Evidence of the Beecher Bay (Scia'new) First Nation: Traditional Marine and Land Use Baseline Documentation. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Dated May 25, 2015. Filed by Scia'new First Nation, May 25, 2015. **Ditidaht First Nation**

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		National Energy Board. 2015a. Written Evidence of Ditidaht First Nation. Ditidaht First Nation Traditional Marine Use and Occupancy Study. Exhibit B to Affidavit of Chief Jack Thompson, sworn May 21, 2015. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Filed by Ditidaht First Nation May 25, 2015. **Hwlitsum first Nation** Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2013. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now known as British Columbia, Volume 2: Hwlitsum Marine Traditional Use Study. **Lummi Nation** National Energy Board. 2014a. Oral Presentation by the Tulalip Tribes and Lummi Nation. Hearing Order OH-001-2014 in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Volume 11, October 23, 2014. **Lyackson First Nation** Candler, C., M. Malone, C. Whittaker, and the Firelight Group Research Cooperative with Lyackson First Nation. 2014. Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. **Métis Nation British Columbia** Métis Nation BC. 2014. Métis Use & Occupancy Study Port Metro Vancouver Roberts Bank Terminal 2 Project 2014. Prepared for Métis Nation British Columbia Natural Resources. **Musqueam First Nation** Musqueam First Nation. 2013. January 18, 2013 TEK Workshop - re Fish, Invertebrates, Vegetation. **Pacheedaht First Nation** National Energy Board. 2015c. Written Evidence of the Pacheedaht First Nation. Pacheedaht First Nation Traditional Marine Use and Occupancy Study, dated June 7, 2014. Exhibit 2 to Affidavit of Keven Neary, sworn May 25, 2015. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Filed by Pacheedaht First Nation May 26, 2015. **Semiahmoo First Nation** Semiahmoo First Nation. 2014. An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project Port Metro Vancouver (PMV), British Columbia. Draft. **Tsartlip First Nation** National Energy Board. 2014b. Oral Presentation by the Tsartlip First Nation. Hearing Order OH-001-2014 in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Volume 19, November 24, 2014. **Tsawwassen First Nation** Tsawwassen First Nation Elders. 2012. December 13, 2012 TEK re: Shellfish and Crab - Dialogue Bullet-Form Summary.
	○ ITK informed the description of existing conditions for Pacific herring (proximity indicators) and Pacific salmon (timing of migrations) (Section 8.1.5.5). ○ The description of existing conditions for marine fish and fish habitat was also informed by other types of Indigenous information.	**Lummi Nation** National Energy Board. 2014a. Oral Presentation by the Tulalip Tribes and Lummi Nation. Hearing Order OH-001-2014 in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Volume 11, October 23, 2014. **Lyackson First Nation** Port Metro Vancouver. 2015. Meeting between PMV and Lyackson FN and LCFN, Draft notes, 2015-08-07. **Pacheedaht First Nation** National Energy Board. 2015c. Written Evidence of the Pacheedaht First Nation. Pacheedaht First Nation Traditional Marine Use and Occupancy Study, dated June 7, 2014. Exhibit 2 to Affidavit of Keven Neary, sworn May 25, 2015. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Filed by Pacheedaht First Nation May 26, 2015. **Tsawout First Nation** National Energy Board. 2014c. Tsawout First Nation Oral Traditional Evidence Presentation to the National Energy Board. Hearing Order OH-001-2014 in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Volume 23, November 28, 2014. **Tulalip Tribes** National Energy Board. 2014a. Oral Presentation by the Tulalip Tribes and Lummi Nation. Hearing Order OH-001-2014 in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Volume 11, October 23, 2014.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential effects of marine shipping associated with the Project* on these conditions of the VC.	

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
Marine Mammals Section 8.2	• **VC Selection:** ○ ITK informed the selection of marine mammals as a VC (Section 8.2.1).	**Ditidaht First Nation** National Energy Board. 2014a. Written Evidence of Ditidaht First Nation. Ditidaht First Nation Traditional Marine Use and Occupancy Study. Exhibit B to Affidavit of Chief Jack Thompson, sworn May 21, 2015. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Filed by Ditidaht First Nation May 25, 2015. **Tsartlip First Nation** National Energy Board. 2014b. Tsartlip First Nation Exhibits to Oral Aboriginal Traditional Evidence. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Exhibit 1 – Saltwater People, as told by Dave Elliott, Sr.: A Resource Book for the Saanich Native Studies Program, edited by Janet Poth (Saanich, B.C.: Dave Elliott Jr. and the School District 63 (Saanich), 1983). In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Filed by Tsartlip First Nation, November 21, 2014. **Tsawwassen First Nation** Port Metro Vancouver. 2015a. Meeting between PMV and TFN, Draft notes, 2015-07-21.
	• **Description of Existing Conditions:** ○ ITK informed the characterisation of existing conditions for marine mammals (Sections 8.2.5.1 to 8.2.5.4).	**Maa-nulth First Nations (Huu-ay-aht First Nation)** National Energy Board. 2015a. Written Evidence of the Maa-nulth Treaty Society. Appendix B-1 - Culture and Heritage Study, Marine Resource Sites and Activities, Maa-nulth First Nations: Huu-ay-aht First Nation Project Final Report. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Dated March 12, 2004. Filed by the Maa-nulth Treaty Society, May 26, 2015. **Pacheedaht First Nation** Pacheedaht. 2015. Pacheedaht First Nation Traditional Use and Occupancy Study Report for Port Metro Vancouver Roberts Bank Terminal 2 Project. Prepared by Pacheedaht Heritage Project, Pacheedaht First Nation Treaty Department and Traditions Consulting Services, Inc. September 23, 2015.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential effects of marine shipping associated with the Project* on these conditions of the VC.	
	• **Residual Effects Assessment and Significance Determination** ○ To the extent that ITK informed existing conditions, and the determination that existing conditions reflect significant cumulative effects that have already occurred, ITK informed the significance determination.	
	• **Cumulative Effects Assessment** ○ To the extent that that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential cumulative effects on the VC.	
Marine Birds Section 8.3	• **Description of Existing Conditions:** ○ ITK informed the characterisation of existing conditions, specifically, the ecology, habitat preferences, abundance and distribution, and prediction of effects to marine birds in the local assessment area (Section 8.3.5.1). ○ The description of existing conditions for marine birds was also informed by other types of Indigenous information.	**Métis Nation British Columbia** Métis Nation BC, and Métis Youth British Columbia. 2014. Métis Language and Culture | LearnMichif.com. **Musqueam First Nation** Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft, Prepared for Musqueam Indian Band, Vancouver, B.C. **Semiahmoo First Nation** Semiahmoo First Nation. 2014. An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project Port Metro Vancouver (PMV), British Columbia DRAFT. Canada, Trans Mountain Expansion Project. **Tsawwassen First Nation** National Energy Board. 2015h. Written Evidence of the Tsawwassen First Nation. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. In relation to Kinder Morgan Tsawwassen First Nation Elders. 2014. April 24, 2014 Meeting with TFN Elders re: ATK. Tsawwassen First Nation Hunters. 2014a. May 1, 2014 Traditional Use Meeting – Hunters **Tseycum First Nation** Tseycum First Nation, Lyackson First Nation. 2014. Trans Mountain Pipeline ULC Trans Mountain Expansion Project Hearing Order OH-001-2014 In the Matter of Trans Mountain Pipeline ULC Application for the Trans Mountain Expansion Project. International Reporting Inc., Victoria, B.C.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential effects of marine shipping associated with the Project* on these conditions of the VC.	

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
Human Health Section 9.1	• **VC Selection:** ○ ITK and other types of Indigenous information informed the selection of human health as a VC (Section 9.1.1).	**Beecher Bay (Scia'new) First Nation** National Energy Board. 2015a. Written Evidence of the Beecher Bay First Nation. Beecher Bay First Nation: Traditional Marine and Land Use Baseline Documentation. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Dated May 25, 2015. Filed by Scia'new First Nation, May 25, 2015. **Lyackson First Nation** National Energy Board. 2015b. Written Evidence of Lyackson First Nation. Appendix B, Lyackson Use and Occupancy Mapping Study in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, prepared with Lyackson First Nation by Firelight Group Research Collective, dated November 14, 2014. Filed by Lyackson First Nation, May 27, 2015. **Pauquachin First Nation** National Energy Board. 2015c. Pauquachin Traditional Marine Resource Use Study. Hearing Order OH-001-2014, Appendix A to Written Evidence of Pauquachin First Nation, Prepared by Trailmark Consulting on behalf of Pauquachin First Nation in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Victoria, B.C. Filed by Pauquachin First Nation, May 26, 2015
	• **Description of Existing Conditions:** ○ ITK informed the characterisation of existing conditions for human health (Section 9.1.4.1). ○ The description of existing conditions for human health was also informed by other types of Indigenous information.	**Pauquachin First Nation** National Energy Board. 2015c. Pauquachin Traditional Marine Resource Use Study. Hearing Order OH-001-2014, Appendix A to Written Evidence of Pauquachin First Nation, Prepared by Trailmark Consulting on behalf of Pauquachin First Nation in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, Victoria, B.C. Filed by Pauquachin First Nation, May 26, 2015. **Tsleil-Waututh Nation** Coast Salish Gathering. 2015. Salish Sea Ecosystem Conference.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential effects of marine shipping associated with the Project* on these conditions of the VC.	
Archaeological and Heritage Resources Section 9.4	• **VC and Sub-component Selection:** ○ ITK informed the selection of archaeological and heritage resources as a VC and archaeology as a sub-component (Section 9.4.1). • **Description of Existing Conditions:** ○ ITK informed the characterisation of existing conditions, including ethnography (Section 9.4.5.2), regional archaeology and heritage (Section 9.4.5.3), and archaeological sites and potential (Section 9.4.5.4). ○ The description of existing conditions for archaeological and heritage resources was also informed by other types of Indigenous information.	**Beecher Bay (Scia'new) First Nation** National Energy Board. 2015b. Written Evidence of the Beecher Bay First Nation. Beecher Bay First Nation: Traditional Marine and Land Use Baseline Documentation. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Filed by Scia'new First Nation, May 25, 2015. **Ditidaht First Nation** National Energy Board. 2014b. Ditidaht First Nation Traditional Marine Use and Occupancy Study. National Energy Board, Hearing Order OH-001-2014 Exhibit B to Affidavit of Chief Jack Thompson, Ditidaht First Nation, Prepared by Ditidaht First Nation Traditional Marine Use and Occupancy Study Team and Traditions Consulting Services in relation to in relation to Kinder Morgan Canada, Trans Mountain Expansion Project. **Esquimalt First Nation** National Energy Board. 2015c. Written Evidence, Esquimalt First Nation. Hearing Order OH-001-2014, Trans Mountain Pipeline ULC Application for the Trans Mountain Expansion Project. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. Filed by Esquimalt First Nation, May 26, 2015. **Huu-ay-aht First Nation** McMillan, A. D., and D. E. St. Claire. 2012. Huu7ii: Household Archaeology at a Nuu-cha-nulth Village Site in Barkley Sound. Archaeology Press, Department of Archaeology Simon Fraser University, Burnaby, B.C **Pacheedaht First Nation** National Energy Board. 2014c. Pacheedaht First Nation Traditional Marine Use and Occupancy Study (TMUOS) 2014 – Final Report. Hearing Order OH-001-2014 Exhibit 2 to Affidavit of Kevin Neary, Traditions Consulting Services, Inc., Prepared by Pacheedaht Heritage Project, Pacheedaht First Nation Treaty Department and Traditions Consulting for Pacheedaht First Nation in relation to Kinder Morgan Canada, Trans Mountain Expansion Project. **Semiahmoo First Nation** Port Metro Vancouver. 2015. Meeting between PMV and Semiahmoo First Nation, Draft notes, June 11, 2015. **Songhees First Nation** Keddie, G. 2003. Songhees Pictorial: A History of the Songhees People as seen by Outsiders, 1790-1912. Royal British Columbia Museum, Victoria, B.C.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		T'Sou-ke First Nation National Energy Board. 2014a. Oral Evidence of T'sou'ke First Nation. Hearing Order OH-001-2014, Volume 19. In the Matter of Trans Mountain Pipeline ULC Application for the Trans Mountain Expansion Project, National Energy Board, Victoria, B.C. In relation to Kinder Morgan Canada, Trans Mountain Expansion Project. National Energy Board. 2015a. T'Sou-ke Nation Traditional Marine Resource Knowledge and Use Study Report. National Energy Board, Hearing Order OH-001-2014 Written Evidence of T'Sou-ke Nation, Prepared by Rachel Olson, Tabitha Steager and the Firelight Research Group Cooperative in relation to Kinder Morgan Canada, Trans Mountain Expansion Project, on behalf of T'Souke Nation, Victoria, B.C. **Saanich First Nations (Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, and Tseycum First Nation)** Claxton, E. S., and J. S. Elliott. 1984. Reef Net Technology of the Saltwater People. Saanich Indian School Board. Claxton, N. 2003. The Douglas Treaty and WSÁNEC Traditional Fisheries: A Model for Saanich Peoples Governance. A Community Governance Project Report Submitted in Partial Fulfillment of the Requirements for the Degree of Master of Arts in Indigenous Governance, University of Victoria, Victoria, B.C. Easton, N. A. 1985. The Underwater Archaeology of Straits Salish Reef-netting. Master of Arts in Anthropology, University of Victoria, Victoria, B.C. Easton, N. A. 1990. The Archaeology of Straits Salish Reef Netting: Past and Future Research Strategies. Northwest Anthropological Research Notes 24:161–177. Port Metro Vancouver. 2015b. Meeting between PMV and Tseycum FN, Draft notes, July 22, 2015. Sencot'en Alliance. 2002. Sencot'en Place Names and Reef Net Sites, Map 9. Suttles, W. 1951. Economic Life of the Coast Salish of Haro and Rosario Strait. Ph.D. Dissertation, University of Washington, Seattle, WA.
	• **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential effects of marine shipping associated with the Project* on these conditions of the VC.	
Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights Section 9.5	• **Description of Existing Conditions:** ○ Group-specific ITK and information about past use for traditional purposes and changes to this use over time, including cumulative effects to date, provided context for the description of existing conditions (Sections 9.5.4.1 through 9.5.4.18). ○ This section was also informed by other Indigenous information, including group-specific knowledge related to historical and current use techniques and practices, traditional use locations, language, and other cultural considerations (Sections 9.5.4.1 through 9.5.4.18). • **Assessment of Potential Effects:** ○ To the extent that ITK informed existing conditions, as indicated above, ITK also informed the assessment of potential effects of marine shipping associated with the Project* on the use of lands and resources for traditional purposes and the exercise of rights. ○ To the extent that ITK informed the assessments of the resources considered in this assessment, ITK also informed the assessment of effects on the use of these resources for traditional purposes and the exercise of rights. ○ This section was also informed by other information provided by Indigenous groups to VFPA during consultation meetings and in written documentation. • **Mitigation Measures:** ○ For group-specific information, refer to Table MSA IR13-1 (CEAR Document #391; Table 1-C	**Beecher Bay (Scia'new) First Nation** Beecher Bay Indian Band. 2015. Letter to Port Metro Vancouver regarding Roberts Bank Terminal 2 Project, Beecher Bay First Nation also known as the Scia'new First Nation ("Beecher Bay") Draft Current Use Study, September 17, 2015. National Energy Board. 2014l. Scia'new First Nation Application to Participate (A57874). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed with the National Energy Board by Scia'new First Nation, February 11, 2014. National Energy Board. 2015i. Scia'new (Beecher Bay) First Nation Written Evidence. Beecher Bay First Nation: Traditional Marine and Land Use Baseline Documentation, dated May 25, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Scia'new First Nation, May 25, 2015. National Energy Board. 2015j. Scia'new (Beecher Bay) First Nation Written Evidence. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Scia'new First Nation, May 27, 2015 **Cowichan Nation Alliance** Cowichan Nation Alliance (CNA). 2015. June 17, 2015 Port Metro Vancouver meeting with members of the Cowichan Nation Alliance re: Marine Shipping associated with the Port Metro Vancouver, Roberts Bank Terminal 2 Project. **Cowichan Tribes** National Energy Board. 2014t. Cowichan Tribes Application to Participate (A58286). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Pipeline Expansion Project. Filed by Cowichan Tribes, February 12, 2014. National Energy Board. 2015t. Cowichan Tribes Written Evidence, Paragraphs 1.2-1.9. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Cowichan Tribes, May 27, 2015. National Energy Board. 2015u. Cowichan Tribes Written Evidence. Appendix C– Cowichan Tribes Food, Social and Ceremonial Fishing Licenses & Management Areas, dated April 1 2008. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Cowichan Tribes, May 27, 2015. **Ditidaht First Nation** Ditidaht First Nation. 2015a. Preliminary Response to Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project, dated August 21, 2015. Appendix D: Ditidaht First Nation Traditional Marine Use and Occupancy Study Final Report, dated November 7, 2014. Ditidaht First Nation. 2015b. Preliminary Response to Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project, dated August 21, 2005.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
	groups) and AIMSA Section 7.4 and 7.8.3 (CEAR Document #572; Table 1-D groups).	Ditidaht First Nation. 2015c. Preliminary Response to Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project, dated August 21, 2005. Appendix B: Updated Traditional Ecological Knowledge Tables. Ditidaht First Nation. 2015d. Preliminary Response to Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project, dated August 21, 2005. Appendix A: Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project. Ditidaht First Nation. 2015e. September 8, 2015 meeting between Ditidaht First Nation and Port Metro Vancouver. Ditidaht First Nation. 2015f. Preliminary Response to Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project, dated August 21, 2005. Appendix C: Updated TUOS Maps, dated August 18, 2015. National Energy Board. 2014q. Ditidaht First Nation Application to Participate (A57655). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed with the National Energy Board by Ditidaht First Nation, February 2, 2014. National Energy Board. 2014r. Ditidaht First Nation Written Evidence. Ditidaht First Nation Traditional Marine Use and Occupancy Study. Exhibit B to Affidavit of Chief Jack Thompson, sworn May 21, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Ditidaht First Nation May 25, 2015. National Energy Board. 2014s. Ditidaht First Nation Written Evidence. Affidavit of Chief Jack Thompson, sworn May 21, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Ditidaht First Nation May 25, 2015. **Esquimalt First Nation** Esquimalt Nation. 2015. Letter to Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, Draft Current Use Summary, September 14, 2015. National Energy Board. 2015k. Esquimalt Nation Written Evidence. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Esquimalt Nation, May 26, 2015. **Huu-ay-aht First Nation** Huu-ay-aht First Nations. 2015. Letter to Port Metro Vancouver regarding Marine Shipping Study: Maa-nulth First Nations Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions, August 27, 2015. **Lake Cowichan First Nation** Lake Cowichan First Nation. 2015. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, July 23, 2015. National Energy Board. 2014x. Lake Cowichan First Nation Application to Participate. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Pipeline Expansion Project. Filed by Lake Cowichan First Nation, December 5, 2014. **Lyackson First Nation** Lyackson First Nation. 2015. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, July 23, 2015. National Energy Board. 2014y. Lyackson First Nation Application to Participate (A57978). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Pipeline Expansion Project. Filed by Lyackson First Nation, February 11, 2014. National Energy Board. 2014z. Lyackson First Nation Oral Presentation. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Volume 21 Paragraphs 10281 to 10388, November 26, 2014. National Energy Board. 2015w. Lyackson First Nation Written Evidence. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Lyackson First Nation May 27, 2015. National Energy Board. 2015x. Lyackson First Nation Written Evidence. Appendix B, Lyackson Use and Occupancy Mapping Study for Trans Mountain Pipeline ULC's Proposed Trans Mountain Expansion Project, prepared with Lyackson First Nation by Firelight Group Research Collective, dated November 14, 2014. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Lyackson First Nation, May 27, 2015. **Maa-nulth First Nations** Maa-nulth First Nations: Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, Toquaht Nation, Uchucklesaht Tribe, Yuułu?ił?atḥ First Nation (Ucluelet First Nation), Government of Canada, and Government of British Columbia. 2011a. Maa-nulth First Nations Final Agreement (MFNFA). Maa-nulth First Nations: Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, Toquaht Nation, Uchucklesaht Tribe, Yuułu?ił?atḥ First Nation (Ucluelet First Nation), Government of Canada, and Government of British Columbia. 2011b. Appendices Maa-nulth First Nations Final Agreement (MFNFA). Maa-nulth First Nations. n.d. The First Nations of Maa-nulth Treaty Society – About Us – Maa-nulth First Nations Community Profiles.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		Maa-nulth Treaty Society. 2015a. Letter to Port Metro Vancouver regarding Roberts Bank Terminal 2 Project, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe and Yuułu?ił?atḥ First Nation (the "Maa-nulth Nations") Draft Current Use Summary, September 16, 2015. Maa-nulth Treaty Society. 2015b. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, June 18, 2015. National Energy Board. 2015p. Maa-nulth Treaty Society Written Evidence. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by the Maa-nulth Treaty Society, May 26, 2015. National Energy Board. 2015q. Maa-nulth Treaty Society Application to Participate (A4K8E7). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by the Maa-nulth Treaty Society, April 24, 2015. National Energy Board. 2015r. Maa-nulth Treaty Society Written Evidence. Appendix I – Maa-nulth Harvest Document, dated February 1, 2014 to January 31, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by the Maa-nulth Treaty Society, May 26, 2015. National Energy Board. 2015s. Maa-nulth Treaty Society Written Evidence. Appendix J – Harvest Agreement, dated April 1, 2011. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by the Maa-nulth Treaty Society, May 26, 2015. **Malahat First Nation** Malahat First Nation. 2015. Telephone communication with Port Metro Vancouver, September 17, 2015. **Metis Nation British Columbia** Métis Nation British Columbia. 2014. Métis Use & Occupancy Study Port Metro Vancouver Roberts Bank Terminal 2 Project 2014. Prepared for Métis Nation British Columbia Natural Resources. Métis Nation British Columbia. 2015a. Memorandum from Métis Nation of Greater Victoria to Métis Nation British Columbia, Roberts Bank Terminal Expansion Project: Community Concerns and Questions, September 11, 2015. Métis Nation British Columbia. 2015b. June 9, 2015 Meeting with representatives of Métis Nation British Columbia regarding marine shipping associated with the Port Metro Vancouver, Roberts Bank Terminal 2 Project. **Pacheedaht First Nation** National Energy Board. 2014o. Pacheedaht First Nation Application to Participate (A3U6V3). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Janes Freedman Kyle on behalf of Pacheedaht First Nation, February 12, 2014 National Energy Board. 2014p. Pacheedaht First Nation Oral Presentation. Hearing Order OH-001-2014 for Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Volume 22, Paragraphs 10676 to 11109, November 27, 2014. National Energy Board. 2015n. Pacheedaht First Nation Written Evidence. Pacheedaht First Nation Traditional Marine Use and Occupancy Study, dated June 7, 2014. Exhibit 2 to Affidavit of Kevin Neary, sworn May 25 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Pacheedaht First Nation May 26, 2015. National Energy Board. 2015o. Pacheedaht First Nation Written Evidence. Affidavit of Chief Arliss Daniels, sworn May 22, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Pacheedaht First Nation May 26, 2015. Pacheedaht First Nation. 2015a. Pacheedaht First Nation Traditional Use and Occupancy Study Report for Port Metro Vancouver Roberts Bank Terminal 2 Project, prepared by Pacheedaht Heritage Project, Pacheedaht First Nation Treaty Department and Traditions Consulting Services, Inc., September 23, 2015. Pacheedaht First Nation. 2015b. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, August 14, 2015. **Pauquachin first Nation** National Energy Board. 2014d. Pauquachin First Nation Application to Participate (A58662). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Pauquachin First Nation, February 12, 2014. National Energy Board. 2015f. Pauquachin First Nation Written Evidence. Pauquachin Traditional Marine Resource Use Study. Appendix A to Written Evidence of Pauquachin First Nation. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Pauquachin First Nation, May 26, 2015. National Energy Board. 2015g. Pauquachin First Nation Written Evidence. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Pauquachin First Nation, May 26, 2015.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		Pauquachin First Nation. 2015. Letter to Port Metro Vancouver regarding Roberts Bank Terminal 2 Project, Pauquachin First Nation Draft Current Use Summary, September 18, 2015. **Penelakut Tribe** National Energy Board. 2014u. Penelakut Tribe Application to Participate (A57700). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Pipeline Expansion Project. Filed by Penelakut Tribe, February 10, 2014. Penelakut Tribe. 2015a. Letter to Port Metro Vancouver regarding PMV Marine Shipping Supplemental and Penelakut Tribe Current Use in the Marine Shipping Area, August 27, 2015. Penelakut Tribe. 2015b. Personal communication with Port Metro Vancouver, July 24, 2015. Saanich Tribe. 1991. Saanich Territorial Map. Provided at meeting between Port Metro Vancouver and Tseycum First Nation, June 4, 2015. **Semiahmoo First Nation** Semiahmoo First Nation. 2014. An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project Port Metro Vancouver (PMV), British Columbia DRAFT. Semiahmoo First Nation. 2015. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, June 11, 2015. **Songhees First Nation** Songhees First Nation. 2015. Telephone communication with Port Metro Vancouver, September 11, 2015. **Stz'uminus First Nation** National Energy Board. 2014v. Stz'uminus First Nation Application to Participate (A58502). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Pipeline Expansion Project. Filed by Stz'uminus First Nation, February 12, 2014. National Energy Board. 2014w. Stz'uminus First Nation Oral Presentation (Mr. Willie Seymour and Councillor Terry Sampson). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Volume 20, Paragraphs 9927 to 10137, November 25, 2014. National Energy Board. 2015v. Stz'uminus First Nation Written Evidence, Paragraphs 1, 3, 6, 7, 8-14, 15-17, 19, 20. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Stz'uminus First Nation, May 27, 2015. **Tsartlip First Nation** National Energy Board. 2014e. Tsartlip First Nation Oral Presentation (Chief Don Tom et al.). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Volume 19, November 24, 2014. National Energy Board. 2014f. Tsartlip First Nation Application to Participate (A57951). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Pipeline Expansion Project. Filed by Tsartlip First Nation, February 11, 2014. National Energy Board. 2014g. Tsartlip First Nation Exhibits to Oral Aboriginal Traditional Evidence. Exhibit 1 – Saltwater People, as told by Dave Elliott, Sr.: A Resource Book for the Saanich Native Studies Program, edited by Janet Poth (Saanich, B.C.: Dave Elliott Jr. and the School District 63 (Saanich), 1983). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsartlip First Nation, November 21, 2014. National Energy Board. 2014h. Tsartlip First Nation Exhibits to Oral Aboriginal Traditional Evidence. Exhibit 8 – Sencoten Place Names and Reef Sites (2002). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsartlip First Nation, November 21, 2014. National Energy Board. 2014i. Tsartlip First Nation Exhibits to Oral Aboriginal Traditional Evidence. Exhibit 2 – The Saanich Year. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsartlip First Nation, November 21, 2014. National Energy Board. 2015h. Tsartlip First Nation Written Evidence. Affidavit of John Elliott, sworn May 6, 2014. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by the Tsartlip First Nation, May 27, 2015. Tsartlip First Nation. 2015. Telephone communication with Port Metro Vancouver, September 18, 2015. **Tsawout First Nation** National Energy Board. 2014a. Tsawout First Nation Application to Participate (A56822). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsawout First Nation, January 31, 2014. National Energy Board. 2014b. Tsawout First Nation Oral Presentation (Mr. Eric Pelkey et al.), Tsawout First Nation. Hearing Order OH-001-2014 for Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Volume 23, November 28, 2014. National Energy Board. 2014c. Tsawout First Nation Oral Traditional Evidence. Hearing Order OH-001-2014 for Trans Mountain Pipeline ULC Trans Mountain Expansion Project. November 28, 2014.

IC/VC Section	Assessment Steps Where ITK Was Used, and How it Informed the Assessment	Source of ITK for IC/VC Section by Indigenous Group
		National Energy Board. 2015a. Tsawout First Nation Written Evidence. Affidavit of Chief Harvey Underwood, sworn May 27, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsawout First Nation May 27, 2015. National Energy Board. 2015b. Tsawout First Nation Written Evidence. Tsawout Marine Resource Use Study, dated May 1, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsawout First Nation May 27, 2015. National Energy Board. 2015c. Tsawout First Nation Written Evidence. Witness Statement of Charles Underwood, sworn May 25, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsawout First Nation May 27, 2015. National Energy Board. 2015d. Tsawout First Nation Written Evidence. Witness Statement of Corey Joseph, sworn May 26, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsawout First Nation May 27, 2015. National Energy Board. 2015e. Tsawout First Nation Written Evidence. Witness Statement of Herb Pelkey, sworn May 26, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tsawout First Nation May 27, 2015. Tsawout First Nation. 2015a. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, August 24, 2015. Tsawout First Nation. 2015b. Preliminary Traditional Marine and Land Use Baseline, prepared for Tsawout First Nation's Review of the Roberts Bank Terminal 2 Project, Marine Shipping Assessment, September 23, 2015. **Tsawwassen First Nation** Tsawwassen First Nation. 2015a. Personal communication with Port Metro Vancouver, September 11, 2015. Tsawwassen First Nation. 2015b. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, July 21, 2015. **Tseycum First Nation** National Energy Board. 2014j. Tseycum First Nation Oral Presentation (Chief Vern Jacks). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Volume 21, Paragraphs 10167 to 10261, November 26, 2014. National Energy Board. 2014k. Tseycum First Nation Application to Participate (A58620). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by Tseycum First Nation, February 12, 2014. Tseycum First Nation. 2015a. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, June 4, 2015 Tseycum First Nation. 2015b. Meeting with Port Metro Vancouver regarding marine shipping associated with the Roberts Bank Terminal 2 Project, July 22, 2015. **T'Souke First Nation** National Energy Board. 2014m. T'Sou-ke First Nation Oral Presentation (Chief Gordon Planes). Hearing Order OH-001-2014 for Trans Mountain Pipeline ULC Trans Mountain Expansion Project, Volume 19 Paragraphs 9504 to 9602, November 24, 2014. National Energy Board. 2014n. T'Sou-ke First Nation Application to Participate (A57928). Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Pipeline Expansion Project. Filed by T'Sou-ke Nation, February 11, 2014. National Energy Board. 2015l. T'Sou-ke Nation Written Evidence. Affidavit of Chief Gordon Planes, sworn May 25, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by T'Sou-ke Nation May 26, 2015. National Energy Board. 2015m. T'Sou-ke Nation Written Evidence. T'Sou-ke Nation Traditional Marine Resource Knowledge and Use Study Report, dated April 27, 2015. Hearing Order OH-001-2014 for the Trans Mountain Pipeline ULC Trans Mountain Expansion Project. Filed by T'Sou-ke Nation May 26, 2015. T'Sou-ke Nation. 2015. Welcome to the T'Sou-ke Nation. Available at http://www.tsoukenation.com/. Accessed March 11, 2015.

* Including potential effects of accidents and malfunctions.

IR10-03 Current Use of Lands and Resources for Traditional Purposes – Effects vs Rights

Information Source(s)

EIS Volume 5: Section 32.2.8; Section 32.3.2.1; Section 32.3.2.2

Context

In Section 32.2.8 of the EIS, the Proponent stated that residual Project-related effects on current use are expected to be negligible (not measurable or detectable) for all Indigenous groups.

However, in Sections 32.3.2.1 and 32.3.2.2 of the EIS, the Proponent concluded that the Project was expected to impact the ability of Tsawwassen First Nation and Musqueam Indian Band to exercise their Treaty or asserted Aboriginal rights to fish for crab, based on potential changes in access to a primary or preferred crab harvesting location.

The conclusion of the assessment of the potential environmental effects on current use is inconsistent with the assessment of potential impacts to asserted or established Aboriginal and Treaty rights.

Information Request

Clarify and provide a rationale for the difference in conclusions on the potential environmental effects of current use and the assessment of potential impacts to asserted or established Aboriginal and Treaty rights.

VFPA Response

The conclusion of the assessment of the potential environmental effects on Current Use and the assessment of potential impacts to asserted or established Aboriginal and treaty rights is consistent when the same end points of the assessment (i.e., pre-mitigation, post-mitigation) are compared.

Pre-mitigation

The Current Use and Aboriginal and treaty rights assessments *both* identify a measurable effect on Tsawwassen and Musqueam crab harvesting access *prior* to the application of mitigation. The pre-mitigation discussion of the Current Use assessment is contained within EIS Section 32.2.6. As EIS Section 32.2.6.1 describes for Tsawwassen First Nation and Musqueam First Nation: "Based on information available to date, it is anticipated that access to preferred domestic or FSC [food, social, or ceremonial] crab harvesting locations in the marine invertebrates LAA [local assessment area] by Tsawwassen First Nation and Musqueam First Nation would be subject to a potential adverse effect during Project construction and

operation, given the level of use of the area reported by these two groups or other information sources (e.g., DFO records)" (p. 32-104).

As referenced in the context to this information request, the VFPA concluded in EIS Sections 32.3.2.1 and 32.3.2.2 that the Project was expected to impact the ability of Tsawwassen First Nation and Musqueam First Nation to exercise their treaty or asserted Aboriginal rights to fish for crab, based on potential changes in access to a primary or preferred crab harvesting location.

The proposed measures to address the predicted *pre-mitigation* measurable effect on Tsawwassen First Nation and Musqueam First Nation crab harvesting for Current Use purposes, as presented in EIS Section 32.2.7, are the same as the measures proposed in EIS Section 32.3.3 to address the potential impact on the ability of Tsawwassen First Nation and Musqueam First Nation to exercise rights related to crab harvesting, as presented in EIS Section 32.3.3.

Post-mitigation

Neither the Current Use nor rights assessment concludes these effects will remain measurable *post-mitigation*. As referenced in the context to this information request, EIS Section 32.2.8 states that "with the implementation of mitigation measures, residual Project-related effects on Current Use are expected to be negligible (i.e., not measurable or detectable), and are not assessed further," meaning that a characterisation of these residual effects, significance determination, and total cumulative effects assessment was not undertaken per the methodology for *Canadian Environmental Assessment Act, 2012*, section 5. Similarly, with regard to Aboriginal and treaty rights, EIS Section 32.3.3.4 states that after the mitigation measures are applied, the VFPA anticipates "adverse impacts to asserted or established Aboriginal and treaty rights would be mitigated," meaning no measurable or detectable residual effects. The VFPA will continue to engage Indigenous groups on issues that, from the perspective of Indigenous groups, may remain outstanding, but that from the VFPA's perspective, "there are no other potential adverse impacts on asserted or established Aboriginal and Treaty rights that have not been fully mitigated" (p. 32-149).

As the conclusions of the Current Use and rights assessments are the same—i.e., no measurable or detectable residual effects—a rationale that would explain a difference in conclusions is not required.

IR10-04 Current Use of Lands and Resources for Traditional Purposes – Effects Assessment: Wildfowl Harvesting Opportunity

Information Source(s)

EIS Volume 5: Section 32.2.4.1; Section 32.3.2.1; Figure 32-1

Tsawwassen First Nation Submission to the Review Panel (CEAR Doc#651)

Context

In Section 32.3.2.1 of the EIS, the Proponent concluded that the proposed Project would not affect the ability of Tsawwassen First Nation to harvest migratory birds in the Tsawwassen First Nation Migratory Bird Harvest Area (Figure 32.1). This area was designated under the Tsawwassen First Nation Final Agreement and allows them to harvest migratory birds for domestic purposes throughout the year.

In its submission to the Panel, Tsawwassen First Nation disagreed with the Proponent's conclusion since the EIS did not provide any indication as to the nature or extent of the changes to the area presently available to them. Tsawwassen First Nation stated that the current port and causeway are within a zone in which the discharge of firearms is prohibited. Tsawwassen First Nation expressed the view that the Project, including the expansion of the port and causeway, could potentially necessitate an expansion of this zone; the result being a decrease of hunting opportunity of migratory birds for their citizens.

In Section 32.2.4.1 of the EIS, Tsawwassen First Nation is also reported as considering locations within and adjacent to the coastal birds Local Assessment Area as preferred harvesting areas for wildfowl.

More information regarding the existing zone in which the discharge of firearms is prohibited and its potential extension is required in order to predict if this may affect opportunities for Tsawwassen First Nation members to harvest migratory birds or resident waterfowl.

Information Request

Provide a map of appropriate scale showing the area(s) where the discharge of firearms is currently prohibited and its potential extension resulting from the proposed Project.

Indicate any overlaps with the Tsawwassen Migratory Bird Harvest Area shown in Figure 32-1 of the EIS.

If overlap(s) exist, provide an effects assessment on Tsawwassen First Nation's opportunity to harvest migratory birds or resident waterfowl.

VFPA Response

The VFPA makes the following clarification in relation to this information request before providing the requested information in Part 1 and Part 2 of this response:

- The title of the information request refers to the Current Use effects assessment in relation to wildfowl harvesting opportunity.
- The context to this information request refers to the Tsawwassen First Nation Migratory Bird Harvest Area, as designated under the *Tsawwassen First Nation Final Agreement* (*TFNFA*; Tsawwassen First Nation et al. 2009, 2010), which describes the treaty rights of Tsawwassen First Nation.
    - The VFPA notes that, in the case of treaty rights, migratory birds and resident waterfowl are covered by different provisions of the *TFNFA*, and hence relate not only to the Tsawwassen Right to Harvest Migratory Birds (per Chapter 11 of the *TFNFA*), but also to the Tsawwassen Right to Harvest Wildlife (per Chapter 10 of the *TFNFA*). These rights pertain respectively to the Tsawwassen Migratory Bird Harvest Area and the Tsawwassen Wildlife Harvest Area. These areas are spatially the same. This information is provided in EIS Section 32.2.4.1, which provides existing conditions information for both the Current Use and the rights assessments. The assessment of effects on Current Use and the assessment of impacts on the exercise of rights were provided in separate sections of EIS Section 32.0 pursuant to different requirements for each of those assessments, as laid out in the EIS Guidelines. This differential approach is described in EIS Section 32.1.
    - While the *TFNFA* protects treaty rights to harvest resources in specific areas, Current Use may include activities that may or may not be associated with these rights or the areas in which those rights may be exercised.
- The information request itself requests an effects assessment on Tsawwassen First Nation's opportunity to harvest migratory birds or resident waterfowl, and is not specific to Current Use or rights. The response in Part 2 references information contained in both the Current Use and rights subsections of EIS Section 32.0 (Section 32.2 and Section 32.3, respectively) with regard to Tsawwassen First Nation's opportunity to harvest migratory birds or resident waterfowl.

Part 1: Provide a map of appropriate scale showing the area(s) where the discharge of firearms is currently prohibited and its potential extension resulting from the proposed Project. Indicate any overlaps with the Tsawwassen Migratory Bird Harvest Area shown in Figure 32-1 of the EIS.

Refer to Figure IR10-04-A1 in **Appendix IR10-04-A** for a map showing the area in and around the existing terminal where the discharge of firearms is currently prohibited ('no-shoot zone'), and the potential extension of this no-shoot zone resulting from the proposed Project. The map also shows the spatial relationship of these existing and potential no-shoot zones with the Tsawwassen Migratory Bird Harvest Area, and other relevant treaty areas to the harvesting of wildfowl, identified in EIS Figure 32-1.

As Figure IR10-04-A1 shows, the existing Roberts Bank terminals and causeway lie within the Tsawwassen Migratory Bird Harvest Area and in the Tsawwassen Wildlife Harvest Area, in which the Tsawwassen have the right to harvest migratory birds and resident waterfowl, limited by measures necessary for conservation, public health, and public safety. For public safety reasons, the discharge of firearms is currently prohibited on the existing Roberts Bank terminals and causeway, and in an adjacent buffer area around the existing footprint and causeway of approximately 150 m.

As Figure IR10-04-A1 also shows, the proposed Project footprint overlaps the Tsawwassen Migratory Bird Harvest Area and Tsawwassen Wildlife Harvest Area, and lies within an area that currently allows the discharge of firearms (MFLNRO 2017).

Part 2: If overlap(s) exist, provide an effects assessment on Tsawwassen First Nation's opportunity to harvest migratory birds or resident waterfowl.

The Current Use existing conditions and effects assessment for Tsawwassen First Nation considered that the proposed Project footprint overlaps the Tsawwassen Migratory Bird Harvest Area and Tsawwassen Wildlife Harvest Area, and that it lies within an area that allows the discharge of firearms (MFLNRO 2013).[1] The assessment was based on reported Tsawwassen hunting locations for wildfowl, information available to the VFPA regarding no-shoot zones in the area (MFLNRO 2013), and an assumption that the existing no-shoot zone would be expanded around the new terminal, with a similar sized buffer of about 150 m. In other words, the EIS already considered the overlaps in question in the Current Use and rights assessments.

As reported in the Current Use existing conditions for Tsawwassen (EIS Section 32.2.4.1), harvesting areas for wildfowl traditionally included "all of what are now Tsawwassen First Nation Lands and nearby back fields, as well as the shoreline from west of the Roberts Bank causeway up to and including Brunswick Point, and areas in and around Westham Island" (p. 32-37). This information was based on Aboriginal traditional knowledge shared by Tsawwassen First Nation members during interviews requested by the VFPA to understand current Tsawwassen hunting locations and targeted resources, including birds (cited in EIS Section 32.0 as Tsawwassen First Nation Hunters 2014 a,b).

Considering information contained in EIS Section 32.2.4 regarding existing conditions of use with regard to coastal birds, the Current Use assessment expressly addressed potential hunting access effects on Aboriginal groups in EIS Section 32.2.6.1, including Tsawwassen First Nation. The Current Use assessment took into account Tsawwassen hunting locations known to the VFPA (as reviewed above), both in terms of land-based hunting (e.g., on Tsawwassen First Nation Lands) and marine-based hunting, which, as previously noted, considered an expanded no-shoot zone around the proposed marine terminal.

For land-based hunting, the Current Use assessment explains that effects on upland access and terrestrial and freshwater resources were not assessed, as Project interactions with those

[1] With regard to the existing Roberts Bank terminals and causeway area, there appear to be no substantial differences between the maps that appear in MFLNRO (2013) and MFLNRO (2017).

locations and resources were not anticipated (EIS Section 32.2.6, p. 32-100). For marine-based hunting, the EIS states: "Based on available information, effects on access to preferred locations for the Current Use of… coastal birds by Aboriginal groups within the… coastal birds LAA [local assessment area, which lies fully within the Tsawwassen Migratory Bird Harvest Area and Tsawwassen Wildlife Harvest Area], … are not anticipated as a result of the Project (for hunting by boat, only limited open-water hunting of birds was reported, *none of which is in the immediate area of the Project footprint*)" (EIS Section 32.2.6.1, p. 32-101; emphasis added).

With regard to potential impacts on Tsawwassen First Nation's right to harvest migratory birds or resident waterfowl in the Tsawwassen Migratory Bird Harvest Area and Tsawwassen Wildlife Harvest Area, the rights assessment (EIS Section 32.3.2.1) took into consideration the existing conditions of use for traditional purposes presented in EIS Section 32.2.4.1 and the results of the Current Use assessment presented in EIS Section 32.2.6 when it concluded that the Project is not expected to impact the ability of Tsawwassen First Nation to exercise the treaty right to harvest migratory birds (EIS Section 32.3.2.1, p. 32-127) or the treaty right to harvest wildlife (EIS Section 32.3.2.1, p. 32-128) in the designated areas for such activities, based on information known to the VFPA about locations currently used by Tsawwassen First Nation members for hunting birds for traditional purposes.

For the reasons explained above, the requested effects assessment regarding Tsawwassen First Nation's opportunity to harvest migratory birds or resident waterfowl was appropriately carried out in the EIS, and it is the VFPA's view that additional assessment is not required.

References

Ministry of Forests, Lands and Natural Resource Operations (MFLNRO). 2017. Fraser Valley Special Area Hunting Licence, 2017/2018 Edition. Available at https://www2.gov.bc.ca/assets/gov/sports-recreation-arts-and-culture/outdoor-recreation/fishing-and-hunting/hunting/regulations/2016-2018/fraser-valley-special-area-hunting-licence-2017-2018.pdf. Accessed February 2018.

Ministry of Forests, Lands and Natural Resource Operations (MFLNRO). 2013. Fraser Valley Special Area Hunting Licence, 2013/2014 Edition. Available at http://www.env.gov.bc.ca/fw/wildlife/hunting/regulations/fvsah.html. Accessed September 2014.

Tsawwassen First Nation Hunters. 2014a. Interview with Hunter Harold Williams re: Current Use for Traditional Purposes, June 3, 2014.

Tsawwassen First Nation Hunters. 2014b. Traditional Use Meeting – Hunters, May 1, 2014.

Tsawwassen First Nation, Government of Canada, and Government of B.C. 2009. Tsawwassen First Nation Final Agreement. Available at http://www.tsawwassenfirstnation.com/pdfs/TFNAbout/Treaty/1_Tsawwassen_First_Nation_Final_Agreement.PDF. Accessed April 2014.

Tsawwassen First Nation, Government of Canada, and Government of B.C. 2010. Tsawwassen First Nation Final Agreement Appendices. Available at

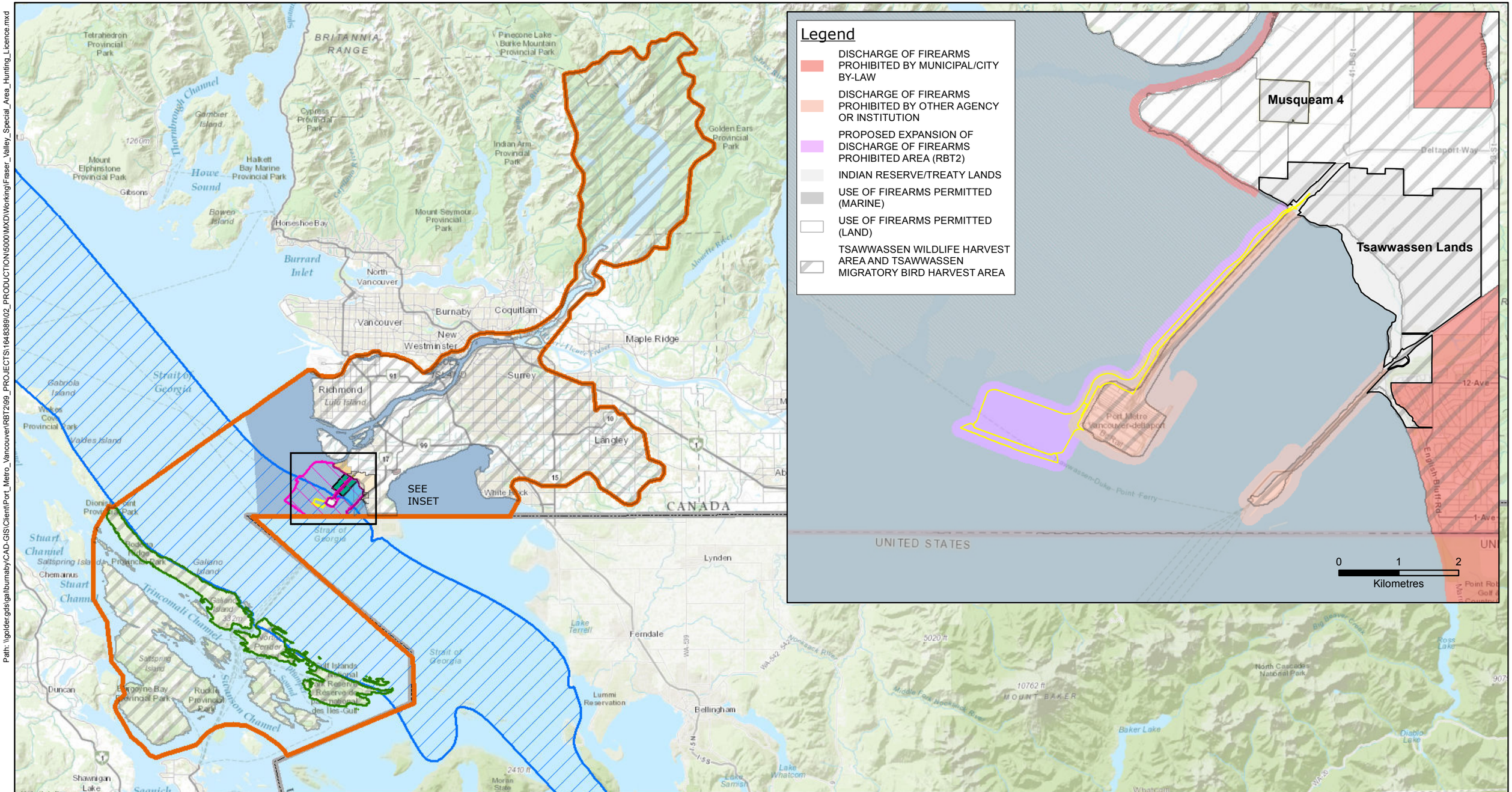
http://www.tsawwassenfirstnation.com/pdfs/TFNAbout/Treaty/2_Tsawwassen_First_Nation_Final_Agreement_Appendices.PDF. Accessed November 2014.

Appendices

Appendix IR10-04-A Supporting Figure

APPENDIX IR10-04-A
SUPPORTING FIGURE

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PORT METRO vancouver

ROBERTS BANK TERMINAL 2

Tsawwassen First Nation Traditional Territory and Local Assessment Areas of Linked Biophysical VCs (EIS Figure 32-1) and Discharge of Firearms Prohibited/Permitted Areas in Proximity to the Project

DATE:	FIG No.
06/15/2018	IR10-04-A1

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

IR10-05 Current Use of Lands and Resources for Traditional Purposes – Clarification: Vegetation

Information Source(s)

EIS Volume 5: Section 32.2.4.2; Section 32.2.6

Context

In Section 32.2.6 of the EIS, the Proponent stated that since the proposed Project was not anticipated to interact with terrestrial vegetation, it was not carried forward for further assessment. As a result, the potential effects of the Project on current use by Indigenous peoples were also not carried forward.

In Section 32.2.4.2 of the EIS, Musqueam Indian Band was reported as stating that qʼəχmin is only available in the Musqueam Study Area, which includes the Project area. However, the Proponent does not provide any information about qʼəχmin.

More information on qʼəχmin is required in order to determine if there are any potential interactions with the Project.

Information Request

Confirm that qʼəχmin is *Lomatium nudicaule*, also known as Indian Celery.

Provide a map showing the distribution of qʼəχmin in relation to the proposed Project.

Confirm whether there is a potential for interaction between qʼəχmin and the Project, including any potential effects of the Project with respect to current use by Indigenous peoples, including any changes in access to qʼəχmin.

VFPA Response

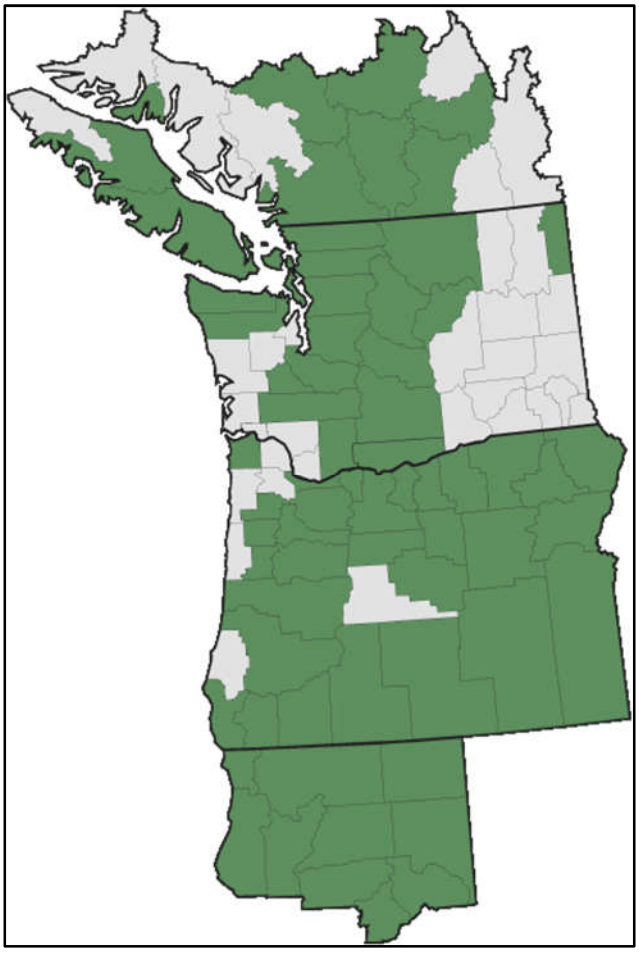
Part 1: Confirm that qʼəχmin is* Lomatium nudicaule*, also known as Indian Celery.

We confirm that qʼəχmin is *Lomatium nudicaule*, which is also known as Indian Celery or Barestem Desert-Parsley (Kuhnlein and Turner 1991).

Part 2: Provide a map showing the distribution of qʼəχmin in relation to the proposed Project.

Figure IR10-05-1 below shows the generalised distribution of qʼəχmin in western North America.

Figure IR10-05-1 Generalised Distribution of q̓əχmin (shaded in green) in Western North America



Source: Gustafson and Turner 2006.

In western Northern America, q̓əχmin occurs in dry rocky or grassy slopes and open woods in the lowland and steppe zones from southern B.C. to northern California. It is locally common on southeast Vancouver Island and the Gulf Islands, but is more rare eastward in southern B.C. (Klinkenberg 2013).

The plant is a relatively common terrestrial species, for which species-specific vegetation distribution maps do not exist. A more localised distribution map for q̓əχmin in relation to the proposed Project is therefore not available; however, as it is not an aquatic plant (Klinkenberg 2013), it would not occur in the marine vegetation local assessment area (LAA) or the regional assessment area (RAA) (EIS Section 11.3.1; EIS Figure 11-1), which include aquatic environments up to the high water mark and do not include upland areas (i.e., there is no spatial overlap between q̓əχmin and the marine vegetation LAA or RAA).

Part 3: Confirm whether there is a potential for interaction between q̓əχmin and the Project, including any potential effects of the Project with respect to current use by Indigenous peoples, including any changes in access to q̓əχmin.

As reviewed in Part 2 of this response, q̓əχmin is a terrestrial plant. As described in EIS Appendix 8-A, terrestrial vegetation does not spatially overlap with the Project, and therefore has no potential to interact with the Project. This includes q̓əχmin.

With regard to potential effects of the Project on current use of lands and resources for traditional purposes (Current Use) of q̓əχmin by Indigenous peoples, including any changes in access to q̓əχmin, EIS Section 32.2.4.2 considered information provided by Musqueam First Nation regarding q̓əχmin, which was identified by Musqueam as "Indian Consumption Plant ~ Bare-stem Desert Parsley" (Woolman 2014). Under the heading 'Terrestrial and Freshwater Resources,' the EIS reported that q̓əχmin or 'Indian Consumption Plant (Bare-stem Parsley)' is now primarily harvested from or traded for by Musqueam around Tsawwassen First Nation Lands (EIS Section 32.2.4.2, p. 32-54).

No other Indigenous group reported use of q̓əχmin to the VFPA.

In deriving conclusions with regard to Current Use of terrestrial resources in EIS Section 32.2.6, the Current Use assessment considered effects on terrestrial resources themselves as well as effects on access to those resources, and predicted there would be no interaction between the Project and Current Use of such resources (p. 32-100, para. 2):

> "Since Project construction and operation are not anticipated to interact with terrestrial or freshwater resources, these components were not considered in the EIS. By extension, effects of a change in the availability or quality of these resources on the Current Use of these resources by [Indigenous] groups were not carried forward for further assessment. Based on information reviewed to date and summarised in [EIS] Section 32.2.4, access to preferred locations for the Current Use of terrestrial or freshwater resources is also not anticipated as a result of Project construction and operation."

This conclusion regarding terrestrial resources includes q̓əχmin, as supported by Indigenous traditional knowledge supplied by Musqueam First Nation (as considered in EIS Section 32.0) and the additional information provided in this response regarding the spatial distribution and habitat preferences of the q̓əχmin plant.

References

Gustafson, P. and M. Turner. 2006. Wildflowers of the Pacific Northwest: Timber Press Field Guide. pp. 512. Available at https://www.pnwflowers.com/flower/lomatium-nudicaule. Accessed April 2018.

Klinkenberg, B. 2013. *Lomatium nudicaule*. In Klinkenberg, Brian. (Editor) 2017. E-Flora BC: Electronic Atlas of the Plants of British Columbia. Lab for Advanced Spatial Analysis, Department of Geography, University of British Columbia, Vancouver. Available at www.eflora.bc.ca. Accessed March 2018.

Kuhnlein, H. V. and N. J. Turner. 1991. Traditional Plant Foods of Canadian Indigenous Peoples: Nutrition, Botany, and Use. Volume 8 of Food and nutrition in history and anthropology. Taylor and Francis. pp. 633.

Woolman, Jason. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft, Prepared for Musqueam Indian Band, July 8, 2014.

IR10-06 Current Use of Lands and Resources for Traditional Purposes – Effects Assessment; Access, Availability and Quality of Preferred Current Use Resources

Information Source(s)

EIS Volume 5: Section 32.2.4; Section 32.2.6; Section 32.2.7; Section 32.3.2; Section 32.3.3; Appendix 29-F

Parks Canada Orientation Session Undertaking #5: Marine Atlas Information (CEAR Doc#500)

Tsawwassen First Nation Submission to the Review Panel (CEAR Doc#651)

Proponent Response to Additional Information Requirements of January 13, 2016 (CEAR Doc#930)

Responses to Review Panel Request for Information: Musqueam Indian Band (CEAR Doc#1098); Métis Nation British Columbia (CEAR Doc#1099); Lake Cowichan First Nation (CEAR Doc#1101); Cowichan Nation Alliance (CEAR Doc#1108)

Context

In sections 32.2.4. of the EIS, the Proponent summarized the information it had received from Indigenous groups regarding the existing conditions of marine and terrestrial resource use and other cultural considerations. The summaries included the identification of the different resources harvested by the Indigenous groups, as well as the locations and methods used to harvest them.

The analysis of future conditions with the Project regrouped the information from all Indigenous groups together and was analyzed in relation to the following indicators:

1. Changes in access to preferred current use locations;
2. Changes in availability of preferred current use resources;
3. Changes in quality of preferred current use resources; and
4. Changes in quality of the current use experience (see IR10-08 below).

Based on this analysis, the Proponent concluded that with the implementation of the proposed mitigation measures, the residual effects of the Project would be negligible and no characterization of the residual effects or evaluation of significance was carried out.

In submissions received by the Panel, some Indigenous groups raised concerns with the Proponent's assessment, and expressed the following views:

1. Baseline information on current conditions in terms of sufficiency of resources and conditions of acceptable displacement is missing. For example, the following information is not provided:
    - the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes;

- the seasonal utilization and spatial distribution of resources used by Indigenous peoples; and
- the community-based aspirational harvest quotas and the sufficiency of resources to meet food, social and ceremonial (FSC) requirements of the community.

2. The assessment and significance of effects since levels of significance may vary between affected Indigenous groups and significance for one group may not be representative of others. For example, the following information is not provided within the EIS or CEAR Doc#930:
   - the effects of the existing causeway and terminals on fisheries for commercial, domestic and FSC purposes and resultant alienation from fishing grounds and harvesting other marine resources.
   - the effects on traditional use locations and travel-ways due to increased disturbance on lands and waters by shipping traffic and existing Roberts Bank terminals and future Project construction and operation.
   - the existence of other activities that already interfere with the ability of Indigenous groups to engage in traditional activities, such as non-tenured commercial activity, existing coastal and marine uses, recreational boating activity, marinas and docks, and sanitary shellfish closures.
3. Baseline data provided for each group in the EIS does not adequately inform the analysis of the Proponent's four indicators of potential changes. For instance, there are no maps indicating the locations of harvesting of resources. Further, some Indigenous groups consider that the information reported on their community is incomplete.

Group-specific baseline information and an analysis of the potential effects of the Project is required. This should include the characterization of residual effects and a determination of significance on current use for each Indigenous group covered in the Section 32 of the EIS and in CEAR Doc#930.

Information Request

Based on existing information, provide a group-specific assessment of the potential effects of the proposed Project and the characterization and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources. Provide the assessment for each of the Indigenous groups listed in Tables 1-A and 1-B of Attachment 2. When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to IR10-09 and IR10-10 below.

The assessment should:

- Present baseline data for:
  - preferred species and locations;
  - timing of current use activities, such as frequency, duration and seasonality;
  - FSC harvest achieved and desired to meet the FSC requirements of the community; and
  - existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
- Provide maps indicating marine harvest sites for each Indigenous group.
- Consider any effects to social conditions of Indigenous groups resulting from changes to the availability and quality of marine resources such as:
  - conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes;
  - access by non-Indigenous user(s); and

    - alienation from current and traditional harvesting places resulting from government policies and regulations;
- Present the views expressed by each Indigenous group on how the existing terminals at Roberts Bank and the proposed Project have and could affect their past, current and future access and harvesting opportunities and discuss what each Indigenous group considers as acceptable conditions for any displacement of activities; and
- Present the criteria used for characterization of the residual effects of the Project and the determination of significance, including the definition of thresholds of acceptance by each Indigenous group.

VFPA Response

Preface

The information request asks the VFPA to provide, based on existing information, a group-specific assessment of the potential effect of the proposed Project and the characterisation and significance of any residual effect on current use of lands and resources for traditional purposes (Current Use) in terms of changes in access, availability, and quality of all preferred Current Use resources, including consideration of any relevant elements that will be covered in responses to IR10-09 and IR10-10 regarding mitigation measure effectiveness and offsets.

Group-specific assessments of the potential effect of the proposed Project for Indigenous groups listed in Table 1-A and Table 1-B of Attachment 2 to Information Request Package 10 are presented in Appendix IR10-A. These assessments consider the VFPA's responses to each of the five main sub-requests to the overarching request, as reviewed in sequence below.

Part 1 – Present baseline data for: preferred species and locations; timing of current use activities, such as frequency, duration and seasonality; FSC harvest achieved and desired to meet the FSC requirements of the community; and existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.

Baseline Information Previously Provided

As indicated in the context to the information request, Section 32.2.4 of the EIS summarised the information the VFPA had received from Indigenous groups listed in Table 1-A of Attachment 2 to Information Request Package 10 ("Table 1-A Indigenous groups") regarding the existing conditions of marine and terrestrial resource use and other cultural considerations. This information, which included Indigenous perspectives shared with the VFPA on existing effects, was largely summarised from existing or Project-specific studies pertaining to use of lands and resources for traditional purposes provided to the VFPA by Indigenous groups in the course of consultation on the Project, as well as information shared with the VFPA during consultation meetings (refer to EIS Section 32.2.3). Scoping documents to assist Indigenous groups with helping to fulfill the information requirements for the EIS Section 32.0 assessments were also provided by the VFPA. The resulting baseline summaries, as well as the methods of assessment (e.g., scope of the assessment, indicators, assessment boundaries), were shared with Table 1-A Indigenous groups for review and comment regarding the accuracy, appropriateness, and completeness of the information prior to submission to the CEA Agency. The same approach was taken with Table 1-B Indigenous

groups in relation to the Additional Information to the EIS – *WSÁNEĆ* Nation (AIEIS; CEAR Document #930[1]). *Refer to Appendix IR10-A for group-specific details of the process that the VFPA undertook with each Table 1-A and Table 1-B Indigenous group to obtain and confirm baseline information.*[2]

Prior to the summary of each Indigenous group's existing conditions in EIS Sections 32.2.4.1 through 32.2.4.10, EIS Section 32.2.4 lists the information requirements of section 9.1.8 and section 9.2 of the *EIS Guidelines* that the VFPA addressed in each group-specific subsection based on information available to the VFPA, namely the following (pp. 32-22 to 32-23):

- In relation to section 9.1.8 (i.e., related to the *Canadian Environmental Assessment Act* (*CEAA*), *2012* 5(1)(c)(iii) regarding the Current Use and aspects of 5(1)(c)(ii) related to cultural heritage):
    - *Current use of all waterways and water bodies that will be directly affected by the Project;*
    - *Traditional uses currently practiced (e.g., fishing for crab, bivalves and fin-fish, harvesting plants, hunting birds, trapping wildlife, and gathering berries) that could be affected by the Project;*
    - *Places where fish, wildlife, and plants are harvested;*
    - *Fish, wildlife, and plants of importance for traditional use;*
    - *Access and travel routes for conducting traditional practices;*
    - *Locations of hunting camps, cabins, and villages; and*
    - *Culturally important sites, places, or viewscapes (e.g., burial sites, spiritual places, sacred sites, cultural landscapes) and attributes (e.g., language, beliefs).*
- In relation to section 9.2 (i.e., related to asserted or established rights):
    - *Maps and descriptions of lands, and harvesting and cultural activities as outlined in the Tsawwassen First Nation Final Agreement that are relevant to the Project; and*
    - *Information on each group's asserted or established rights (including geographical extent, nature, frequency, timing), including maps and data sets (e.g., fish catch numbers) when this information is provided by a group to [the VFPA].*

The VFPA notes that section 9.1.8 refers to a number of other factors related to Indigenous health and socio-economic conditions, physical heritage, and any structure, site, or thing of historical, archaeological, paleontological, or architectural significance (i.e., related to *CEAA, 2012* 5(1)(c)(i), 5(1)(c)(ii), and 5(1)(c)(iv), for which existing conditions and future conditions with the Project are described in other sections of the EIS. These sections are listed

[1] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).

[2] With regard to Table 1-A Indigenous groups, the VFPA was not directed by the *EIS Guidelines* (section 9.2) to meet with the Stó:lō Tribal Council and Stó:lō Nation groups, which the *EIS Guidelines* identified as "less likely to be affected by the project and its related effects" (p. 23). The VFPA was also not directed to consult with Hwlitsum, who are not identified in the *EIS Guidelines*.

in EIS Section 32.1 (p. 32-3). The VFPA also notes that EIS Section 29.4 (p. 29-2), and specifically EIS Appendix 29-F, summarises the effects of changes to the environment on Indigenous peoples with respect to all four 5(1)(c) factors, including mitigation measures, follow-up and related commitments, and any residual environmental effects (including any cumulative environmental effects).

In addition to providing a description of the requirements of the *EIS Guidelines* addressed in the existing conditions summary for each Indigenous group regarding Current Use and aspects of cultural heritage (as listed above), the introduction to EIS Section 32.2.4 also explains that the content of these summaries was not limited to present use (pp. 32-24 to 32-25). Rather, the summaries also included the following:

- Information provided by Indigenous groups to the VFPA regarding their past use, in part to provide context for understanding the circumstances that have contributed to the existing conditions of use (i.e., changes over time), as well as to inform the rights assessment, particularly in circumstances where use is not currently occurring, but may have occurred in the past, and has the potential to resume in the future; and
- Views expressed by Indigenous groups to the VFPA on how the existing terminals at Roberts Bank, and the effects of other existing projects and activities (e.g., government policies and regulations), have already affected their past and current access and harvesting opportunities, including prior displacement.

The introduction to EIS Section 32.2.4 also explains that Indigenous groups had advised the VFPA that existing levels of use (or lack of use) may not be indicative of desired future use, particularly where there are ongoing concerns with existing conditions of access, availability or quality of resources, or quality of experience (p. 32-25). Where information about desired or aspirational use was provided, the VFPA included it in the existing conditions summaries (see below for further information on the general, qualitative nature of this information), and considered this desired or aspirational use in the effects assessment (refer to the response to Part 3 of the information request, below).

The approach described above in Section 32.2.4 of the EIS in relation to Table 1-A Indigenous groups was also applied to Section 7.2.4 of the AIEIS in relation to Table 1-B Indigenous groups.

Additional Baseline Information Requested

The context to the information request states that some Indigenous groups have raised concerns with the VFPA's assessment, suggesting that the information presented in the existing conditions for each Indigenous group was inadequate to inform the assessment (e.g., there are no maps indicating the locations of harvesting of resources, the information reported on their community is incomplete).

As noted in the discussion of technical boundaries to the Current Use assessment in EIS Section 32.2.2.4 (p. 32-20), Indigenous groups had indicated to the VFPA during consultation that an absence of reported use in the Project area for traditional purposes did not necessarily reflect the absence of actual use by individual community members, which is often not known

in any detail by Indigenous group representatives or comprehensively documented in studies. This consideration, along with time and resource constraints and a reluctance to share sensitive community information, were cited by Indigenous groups as limiting their ability to provide the range or depth of information to the VFPA that may be relevant to the assessment.

Most groups also emphasised that the Project-specific studies they had prepared for the VFPA to inform the assessment did not constitute comprehensive and complete documentation of all uses or interests.[3] Where these types of limitations on the information were noted by Indigenous groups either in the Project-specific studies or in discussion with the VFPA, the VFPA noted these limitations on the information in the baseline summaries. The VFPA notes that many of the studies provided by Indigenous groups to the VFPA were typically marked confidential, preliminary, or draft, and accompanied by a request that the information contained within them not be used without the permission of the Indigenous group (as discussed further in Part 2 of response below).

When preparing the baseline summaries included in the EIS Section 32.2.4 and AIEIS Section 7.2.4, the VFPA paid careful attention to these limitations and the list of requirements regarding the Current Use and aspects of cultural heritage presented in section 9.1.8 of the *EIS Guidelines* (as listed above). The VFPA notes that there is overlap between those requirements and the requests for baseline information contained in Part 1 of the information request, particularly in relation to the following:

- Preferred species and locations;
- Timing of Current Use activities, such as frequency, duration, and seasonality;
- Food, social, and ceremonial (FSC) harvest achieved; and
- Existing (i.e., past, current) and future (i.e., desired) conditions of travel and access.

The VFPA has presented all information it has received and that it is able to disclose in relation to the above for any Table 1-A or Table 1-B Indigenous group in EIS Section 32.2.4, AIEIS Section 7.2.4, Marine Shipping Addendum (MSA) Section 9.5.4, Additional Information to the MSA – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA; CEAR Document #572[4]) Section 7.2, or in response to previous information requests (e.g., AIR-12.04.15-29,

[3] For example, in response to Musqueam feedback on their baseline summary contained within Section 32.2.4.2 of the EIS, the VFPA added a caveat following the identification of the key sources relied upon for that summary, acknowledging that these reports (identified on p. 32-43) do not constitute comprehensive and complete documentation of all interests and uses. This caveat was repeated in Musqueam's baseline summary included in the AIMSA, following Musqueam's own caveat quoted from an additional study submitted to the VFPA subsequent to the filing of the EIS. Musqueam's caveat indicates the study should be used only as a representational account of Musqueam use in the spatial areas defined in the study, and that an "absence of data does not signify an absence of use or value" (Section 7.2.1, p. 34). Refer also to footnote 10 on p. 9 of this response.

[4] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

AIR-12.04.15-30 of CEAR Document #388[5]).[6] The VFPA recognises that Indigenous groups may have more information regarding the above information requested by the Review Panel and leaves it to the discretion of Indigenous groups to submit this information (which could be sensitive or confidential) directly to the Review Panel for its consideration.

The VFPA notes that Part 1 of the information request also asks for information regarding FSC harvest desired and for an estimate of the number of vessels per hour per year in the local and regional assessment areas for FSC harvesting purposes. These two requests are considered in turn below in (a) and (b).

(a) FSC Harvest Desired

All Indigenous groups expressed to the VFPA that their current harvests for traditional purposes are insufficient to meet their needs due to existing effects, and that they desired (or required) more than their achieved FSC harvests; however, "community-based aspirational quotas" in relation to FSC harvesting at Roberts Bank were not provided by any Indigenous group to the VFPA in quantitative terms.[7]

As the Review Panel will be aware, FSC harvesting is a highly regulated activity that takes priority only when conservation goals have been met. The VFPA recognised that the regulation of FSC harvesting (as an example) effectively functioned as administrative boundary to the assessment (p. 32-19):

> *"Aboriginal use of lands and resources is constrained by laws, government regulations, policies, and procedures, as well as by agreements between government and specific Aboriginal groups, including but not limited to Comprehensive Fisheries Agreements and the Tsawwassen First Nation Final Agreement, which do not necessarily reflect the full spatial extent of areas that Aboriginal groups have reportedly used or may wish to use for traditional purposes."*

The VFPA notes that Comprehensive Fisheries Agreements referenced above are negotiated on a periodic basis (often annually) between Indigenous groups and DFO pursuant to DFO's Aboriginal Fisheries Strategy. In addition to spatial FSC harvesting limitations (based on strength of rights claims), these agreements identify other limitations on current FSC harvests, such as allowable species, catch limits, and harvesting methods (DFO 2012). These

[5] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.
[6] There are Table 1-A and Table 1-B Indigenous groups that also appear on Table 1-C and Table 1-D of Attachment 2 to Information Request Package 10. Additional baseline information received from Table 1-A Indigenous groups after the submission of the EIS was included in subsequent filings (e.g., MSA, AIMSA), while additional baseline information received from Table 1-B Indigenous groups after the submission of the MSA was considered in subsequent filings (e.g., AIEIS).
[7] The VFPA notes that the Cowichan Nation Alliance's submission identified as CEAR Document #1108 in the information sources to this information request contains quantitative data regarding desired amounts of traditional foods. As this information is already on file with the Review Panel, the VFPA has not repeated the information here.

agreements, which were once available publicly, are now confidential (they were not at the time the EIS was prepared). As indicated in the previous section of this response, there are several other existing limitations identified by Indigenous groups that already prevent desired FSC harvests (e.g., non-Indigenous settlement, geographical factors related to reserve creation, urban development, pollution, overfishing by commercial harvesters, existing terminals and causeways). These and other existing effects that Indigenous groups identified to the VFPA as contributing to their existing conditions are described in each Indigenous group's existing conditions summaries (i.e., Sections 32.2.4.1 through 32.2.4.10 of the EIS for Table 1-A Indigenous groups, Sections 7.2.4.1 through 7.2.4.5 of the AIEIS for Table 1-B Indigenous groups, as well as additional information on Table 1-A and Table 1-B Indigenous groups contained in Section 9.5.4 of the MSA and Section 7.2 of the AIMSA). The EIS and AIEIS summaries collectively amount to approximately 100 pages of information across 15 summaries (related to 19 Indigenous groups) and are not repeated here (*refer to Appendix IR10-A for group-specific index tables that identify where existing baseline data for each Indigenous group may be found within the EIS, AIEIS, or responses to previous information requests).*

The VFPA recognises that Indigenous groups may have more information regarding the baseline information requested by the Review Panel and leaves it to the discretion of Indigenous groups to submit this information (which could be sensitive or confidential) directly to the Review Panel for its consideration.

(b) Estimate of the Number of Vessels per Hour per Year in the Local and Regional Assessment Areas for FSC Harvesting Purposes

The VFPA is not in possession of information that would permit such a quantitative estimate.

The VFPA recognises that Indigenous groups may have more information regarding the information requested by the Review Panel and leaves it to the discretion of Indigenous groups to submit this information (which could be sensitive or confidential) directly to the Review Panel for its consideration.

The information contained in Section 32.2.4 of the EIS and Section 7.2.4 of the AIEIS, as well as additional information contained in subsequent filings, including but not limited to the response to AIR-12.04.15-29 of CEAR Document #388 (Section 2.3.1.1, pp. 10 to 12) and Table AIR30-1 (CEAR Document #388), provides the information as available on each Indigenous group's current FSC harvesting at Roberts Bank—including factors such as current FSC access and travel routes, the timing of that access (including frequency, duration, and seasonality), and FSC harvest achieved—to support the VFPA's predictions of potential Project-related effects on each Indigenous group's FSC harvesting in terms of access, availability and quality of resources, and quality of experience (see response to IR10-08), as presented in Section 32.2.6 of the EIS (and reiterated in the responses to AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388) and Section 7.2.6 of the AIEIS (refer to Part 3 of the response to this information request below regarding the VFPA's predictions on levels of effect for each Indigenous group). The VFPA respects that Indigenous groups may not agree with these predictions and leaves it to the discretion of each Indigenous group to

provide their own analysis and assessment of Project-related effects on their FSC harvesting directly to the Review Panel for its consideration.

Part 2 – Provide maps indicating marine harvest sites for each Indigenous group.

The VFPA notes that spatial information regarding harvesting locations, including mapping, was requested as part of section 9.1.8 and section 9.2 of the *EIS Guidelines*, as indicated above in Part 1 of the response to this information request.

In general, Indigenous groups advised the VFPA that they preferred to maintain confidentiality with respect to harvesting sites and other sites used for traditional purposes (including sites that may not be used but are culturally important). Accordingly, most Indigenous groups did not provide site-specific maps or descriptions to the VFPA. Where site-specific mapping or information was provided, the VFPA described it in the baseline summaries in a manner appropriate for public disclosure. The VFPA was particularly diligent in circumstances where Indigenous groups had specifically requested that VFPA not disclose site-specific mapping or had otherwise indicated sensitivities with the information and made efforts to report in the EIS and AIEIS when Indigenous groups had requested special treatment of information. As described above, the baseline summaries were shared with Table 1-A and Table 1-B Indigenous groups for review and comment on the accuracy, appropriateness, and completeness of the information prior to submission to the CEA Agency. The VFPA's response to review comments were tracked and provided back to each Indigenous group. While some Indigenous groups requested changes to traditional territory maps as a result of those reviews (refer to response to IR-7.31.15-02 of CEAR Document #314[8]), no group requested that the VFPA include site-specific mapping that had been provided to the VFPA in the public submission to the CEA Agency.

To the extent that some Indigenous groups have raised concerns about the lack of site-specific mapping (and other information regarding existing and future conditions), the VFPA leaves it to the discretion of those Indigenous groups to submit the information requested by the Review Panel, or any other specific information Indigenous groups consider relevant to their current or desired harvesting, directly to the Review Panel for its consideration. The VFPA notes that some Indigenous groups have already opted to submit this site-specific mapping directly to the Review Panel (e.g., Musqueam First Nation (CEAR Document#1098[9]),[10] Métis

[8] CEAR Document #314 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements (See reference document # 271) for the Environmental Impact Statement.

[9] CEAR Document #1098 From the Musqueam Indian Band to the Review Panel re: Response to Review Panel request for information regarding the sufficiency review for the Roberts Bank Terminal 2 Environmental Assessment (See Reference Documents #776 & #1030).

[10] This submission by Musqueam (CEAR Document #1098) included a study funded by the VFPA after the submission of the EIS to provide baseline information for Musqueam in relation to marine shipping associated with the Project (i.e., for the AIMSA). Most of the information presented in the study pertained to the Project and less to marine shipping associated with the Project, and was, in the VFPA's view, largely consistent with the content presented for Musqueam in EIS Section 32.2.4.2, which was based on an earlier Project-specific study completed by Musqueam. These points of consistency are identified in the existing conditions summary for Musqueam in AIMSA Section 7.2.1.

Nation British Columbia (CEAR Document #1099[11]), which are referenced in the information sources to this information request).

Part 3 – Consider any effects to social conditions of Indigenous groups resulting from changes to the availability and quality of marine resources such as: Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; Access by non-Indigenous user(s); and Alienation from current and traditional harvesting places resulting from government policies and regulations.

As indicated in the context of this information request, the assessment of future conditions with the Project was analysed in relation to the following four indicators:

- Changes in access to preferred Current Use locations;
- Changes in availability of preferred Current Use resources;
- Changes in quality of preferred Current Use resources; and
- Changes in quality of the Current Use experience (see response to IR10-08).

The context to this information request states that the analysis of future conditions in relation to these indicators regrouped the information for all Indigenous groups together, and concluded that, with the implementation of the proposed mitigation measures, the residual effects of the Project would be negligible, and no characterisation of residual effects or evaluation of significance was carried out (refer to Part 5 of the response to this information request, below, regarding characterisation of residual effects and evaluation of significance).

The VFPA notes that AIR-12.04.15-30 (CEAR Document #388), issued by the CEA Agency in December 2015, asked the VFPA to provide a rationale for the conclusions of the effects assessment for Current Use by Indigenous peoples. The VFPA wishes to reiterate the clarification provided in the response to AIR-12.04.15-30 that, prior to 'regrouping' of the group-specific information in the EIS Sections 32.2.6.1 through 32.2.6.4 analysis, the introduction to EIS Section 32.2.6 identified the overall level of effect on Current Use predicted for each Table 1-A Indigenous group taking into account all indicators (p. 32-100) and provided further analysis and rationale for these predictions in EIS Sections 32.2.6.1 through 32.2.6.4 (or indicator by indicator).

As discussed in the response to AIR-12.04.15-30 of CEAR Document #388 (which also draws on information and analysis contained in the response to AIR-12.04.15-29 of CEAR Document #388), different levels of potential Project-related effects were predicted for Table 1-A Indigenous groups in Section 32.2.6 of the EIS, based on the group-specific information provided in EIS Section 32.2.4, as well as additional baseline information received from Indigenous groups since EIS submission (the VFPA notes that the additional information did not change the original predictions of the EIS). Table AIR30-1 (CEAR Document #388) summarises the predicted level of effect and rationale for that prediction for each Table 1-A

[11] CEAR Document #1099 From Métis Nation British Columbia to the Review Panel re: Response to Review Panel request for information regarding the sufficiency review for the Roberts Bank Terminal 2 Environmental Assessment (See Reference Document #1029).

Indigenous group. The AIEIS lays out the rationale for the predicted level of effect for each Table 1-B Indigenous group in AIEIS Section 7.2.6, based on group-specific information presented in AIEIS Section 7.2.4.

The VFPA notes that Part 3 of this information request asks the VFPA to consider any effects on social conditions of Indigenous groups that may result from changes in availability or quality of resources. The VFPA further notes that the examples of such effects on social conditions that the VFPA could consider are related to conditions of access. The VFPA has interpreted this to mean that the VFPA is being asked to consider existing social constraints on access for harvesting purposes that have resulted in decreases in resources that remain available (and of sufficient quality) for harvesting, which may be magnified by any further access or displacement effects.

In the response to AIR-12.04.15-30 (CEAR Document #388), the VFPA explained that in evaluating whether there would be a potential effect, the VFPA considered whether Project components or activities could lead to noticeable (i.e., measurable) changes in the levels of Current Use activity or outcomes for a given Indigenous group over existing conditions, and that could therefore potentially compromise the traditional or cultural purposes underlying that use. The response to AIR-12.04.15-30 (CEAR Document #388) continues:

> *"Considerations in this regard included whether the effect could lead to displacement of activities that are not portable or are limited in portability to other areas (e.g., requiring considerably more travel time or financial resources to support), decreases in biophysical resource availability or quality, or avoidance of activities for reasons other than those flowing through access or biophysical resources effects (i.e., effects on the users themselves, such as sensory disturbance)."*

The VFPA considers the potential social effects identified in Part 3 of this information request to be a factor that would limit the portability of harvesting to other areas.

As explained in the response to AIR-12.04.15-30 (CEAR Document #388), the VFPA expects that Project-related displacement effects at Roberts Bank could measurably affect the relatively higher levels of use (i.e., crab harvesting activity) of Tsawwassen First Nation and Musqueam First Nation at a primary and year-round crab harvesting location for these two groups. Factors that have made it a primary location for each of these groups (e.g., historical and ongoing use, relative ease of access for Tsawwassen, prior displacement for Musqueam from other parts of Musqueam territory, such as Burrard Inlet) were considered in assessing the level of potential effect on these groups as measurable and were contemplated in the proposed mitigation measures in EIS Section 32.2.7.1 related to access, some of which are specific to these two groups.

For other Table 1-A and Table 1-B Indigenous groups, the VFPA expects that Project-related displacement effects at Roberts Bank will not result in a noticeable change in their existing levels of use at Roberts Bank with the Project, given that these levels (if use is occurring at all) are relatively low and infrequent (as described in Section 32.2.4 of the EIS and Section 7.2.4 of the AIEIS and summarised in the response to AIR-12.04.15-29 (CEAR

Document #388), pp. 10-12). Even so, the VFPA has not excluded other groups from proposed mitigation measures identified in EIS Section 32.2.7.1 related to access, including ongoing consultation (refer to Part 4 of this information request below and the responses to IR-15.07.31-11 and IR-15.07.31-12 of CEAR Document #314), in part in recognition of their expressed desire to increase or restore their use of Roberts Bank for traditional purposes.

The VFPA is of the view that, with the implementation of mitigation measures, Current Use access and harvesting opportunities will remain consistent with existing conditions at Roberts Bank for Table 1-A and Table 1-B Indigenous groups and that there will be no incremental changes in the availability or quality of resources for Current Use at Roberts Bank for any group (refer to responses to IR10-09, IR10-11, IR10-12, and the forthcoming response to IR10-10). The VFPA does not therefore expect that existing social constraints on Current Use will be magnified as a result of the Project.

The VFPA recognises and respects that Indigenous groups may not agree with the VFPA's views and leaves it to the discretion of each Indigenous group to provide, directly to the Review Panel for its consideration, their own analysis of how their existing social constraints may be magnified as a result of the Project.

Part 4 – Present the views expressed by each Indigenous group on how the existing terminals at Roberts Bank and the proposed Project have and could affect their past, current and future access and harvesting opportunities and discuss what each Indigenous group considers as acceptable conditions for any displacement of activities.

The views expressed by each Table 1-A and Table 1-B Indigenous group to the VFPA prior to EIS or AIEIS submission on how the existing terminals at Roberts Bank have affected their access and harvesting opportunities to date were included in the group-specific existing conditions summaries in Section 32.2.4 of the EIS and Section 7.2.4 of the AIEIS.

The views expressed by each Table 1-A and Table 1-B Indigenous group to the VFPA prior to EIS or AIEIS submission on how the proposed Project at Roberts Bank could affect their current and desired future access and harvesting opportunities were considered in the effects assessment and mitigation measures presented in Sections 32.2.6 and 32.2.7 of the EIS and Sections 7.2.6 and 7.2.7 of the AIEIS.

The full suite of views expressed by each Table 1-A and Table 1-B Indigenous group to the VFPA before and after EIS and AIEIS submission are presented in group-specific tables included in the forthcoming response to IR10-01.

In general, Table 1-A and Table 1-B Indigenous groups that have participated in consultation with the VFPA (all but the Stó:lō groups) have expressed the view that no further displacement is acceptable.[12] Refer to the response to Part 3 of this information request that describes the VFPA's view that the effects of Project displacement can be effectively mitigated through the

[12] Additional views and interests are captured in the forthcoming response to IR10-01.

measures identified in EIS Section 32.2.7, measures that include ongoing consultation with Table 1-A and Table 1-B Indigenous groups.[13]

This consultation involves continued discussion of mitigation measures, the follow-up program, and implementation of Project-related benefits between the VFPA and Table 1-A and Table 1-B Indigenous groups, or, in other terms, on what effectively constitutes acceptable conditions for any Project-related effects (see responses to IR10-11 and IR10-12).

The VFPA recognises and respects that Indigenous groups may have additional views on effects to their past, current, and future access and harvesting opportunities and what they each consider acceptable conditions for displacement of activities, and that Indigenous groups may wish to provide this information (which may be sensitive or confidential) directly to the Review Panel for its consideration.

Part 5 – Present the criteria used for characterization of the residual effects of the Project and the determination of significance, including the definition of thresholds of acceptance by each Indigenous group.

As noted in the response to Part 3 of this information request, the context to this information request states that the analysis of future conditions with the Project concluded that, with the implementation of the proposed mitigation measures, the residual effects of the Project on Current Use would be negligible for all Indigenous groups, and no characterisation of residual effects or evaluation of significance was carried out. The context to the information request also notes that Indigenous groups raised concerns that levels of significance of residual effects may vary between affected Indigenous groups.

The VFPA's methodology for the assessment of environmental effects, described in Section 8.0 of the EIS, was designed to meet the requirements of sections 5 and 19(1) of *CEAA, 2012* relating to residual effects of the Project and of accidents and malfunctions and cumulative effects, including the significance of such effects.

Consistent with the overall methodology adopted for the EIS for valued components (VCs), a cumulative effects assessment was only carried out when a residual adverse effect of the Project was predicted and the residual adverse effect was considered likely to interact cumulatively with the effects of other projects and activities that have been or will be carried out. Accordingly, taking mitigation measures into account, if the assessment concluded that the Project would have no residual adverse effect on Current Use, no cumulative effects analysis on Current Use was undertaken.

As indicated in Part 4 of the response to this information request, the VFPA remains of the view that the mitigation measures proposed for VCs linked to Current Use (refer to response to IR10-09 and forthcoming response to IR10-10) and ongoing consultation (refer to responses to IR10-11 and IR10-12)—as laid out in Section 32.2.7 of the EIS—will be effective,

[13] That is, all Table 1-A and Table 1-B Indigenous groups except Stó:lō Tribal Council and Stó:lō Nation groups. Refer to footnote 2 on p. 4 of this response.

and no residual adverse effect on Current Use is predicted for any Table 1-A and 1-B Indigenous group. In the absence of a residual effect on Current Use in relation to Project construction and operation, there was no residual effect to characterise or evaluate for significance.

The VFPA notes that the case was different in the assessment of potential effects of accidents and malfunctions on Current Use for both the Project (EIS Section 32.6.2.3, pp. 32-65 to 32-66) and marine shipping associated with the Project (MSA Section 10.5.13), wherein the criteria used to characterise residual effects and determine significance were presented (and are not repeated here). In the case of both the Project and marine shipping associated with the Project, residual effects on Current Use were predicted and therefore those residual effects were characterised in the context of existing effects on Current Use. In each case, the residual effect on Current Use was determined to be significant. This conclusion was largely informed by Indigenous perspectives on the severity of cumulative effects to date on their use—that is, their use is already significantly affected—such that any further incremental change could be nothing but significant. The VFPA notes that Indigenous perspectives regarding the level of significance of residual effects—or the threshold of acceptable change—were consistent with respect to this aspect of the assessment.[14]

Summary

Part 1 of the response to this information request indicates what baseline information the VFPA has already provided in relation to the baseline information requested, and what baseline information the VFPA is not able to provide.

Part 2 of the response to this information request indicates that the VFPA is either not in possession of or is not at liberty to provide maps of marine harvesting sites that were not already included in the EIS or AIEIS (or MSA or AIMSA). The VFPA notes that some Indigenous groups have already opted to provide such mapping (which the VFPA has already considered in previous filings) in their own submissions, some of which are posted to the registry.

Part 3 of the response to this information request explains how the VFPA has considered the effects on social conditions of Indigenous groups as a result of changes in availability or quality of resources.

Part 4 of the response to this information request indicates where the views of each Indigenous group have been presented regarding the effects of the existing terminals and the effects of the proposed Project on access and harvesting opportunities, as well as acceptable conditions for further displacement.

[14] An example of this universal threshold may be found in Musqueam's response to the VFPA following their review of the draft AIMSA (the entire document) prior to submission; Musqueam stated, with regard to the VFPA's conclusions regarding the effects of potential accidents and malfunctions: *"Musqueam agrees with both conclusions for significance of effects to CULTRP (current use) and seriousness of adverse impacts on rights"* (AIMSA, Appendix 2-B Aboriginal Issues and Interests, Email from Musqueam to the VFPA, September 15, 2016, p. 3, CEAR Document #572).

Part 5 of the response to this information request indicates where the residual effects criteria and significance threshold for Current Use have been presented, when they were used, and how these criteria were informed by Indigenous perspectives.

The VFPA has considered the responses in Part 1 through Part 5 of this information request in the group-specific assessments regarding potential changes in Current Use related to access and the availability and quality of Current Use resources. These group-specific assessments are presented in Appendix IR10-A.

IR10-07 Current Use of Lands and Resources for Traditional Purposes – Economic Conditions Assessment

Information Source(s)

EIS Volume 5: Section 32.2.4; Section 32.2.6; Section 32.2.7; Section 32.3.2; Section 32.3.3; Appendix 29-F

EIS Volume 1: Appendix 7.2-B

Responses to Review Panel Request for Information: Tsawwassen First Nation (CEAR Doc#1115)

Proponent Response to Additional Information Requirements of July 31, 2015 (CEAR Doc#314): IR26

Context

In Appendix 7.2-B of the EIS, the Proponent considered that the terminal footprint would interact with tidal currents and wind-generated waves resulting in alterations to sediment transport, sediment erosion and deposition, and water flow exchange during both construction and operations. For some Indigenous groups, these coastal geomorphology changes could further affect access to preferred sites and result in potential displacements from commercial, domestic, food, social and ceremonial fishing areas. However, the Proponent concluded, in Section 32.2.6 of the EIS, the effects of the Project on access to Indigenous current use locations for fishing and harvesting were expected to be negligible.

Some Indigenous groups disagreed with this conclusion. For example, Tsawwassen First Nation identified that access to the Fraser River, following industrial development of Roberts Bank, now involves a longer navigational route. Indigenous groups, such as Tsleil-Waututh Nation and Penelakut Tribe, also expressed concerns about the potential inability to harvest crabs in the future due to changes in access during construction and operation of the Project.

In Section 32.2.4 and in submissions to the Panel, other Indigenous groups reported that the terminal and expanded causeway footprint and the proposed navigational closure areas are actively fished. Further, in appendix 7.2-B of the EIS, several groups reported that any reduction in fishing in the Project area would cause displacement and create subsequent burden on other fishing areas.

In addition, in its recent submission to the Panel, Tsawwassen First Nation explained that they would need to retool all their boats at their own expenses in order to be able to harvest crabs currently inaccessible because of the water depth. Some groups, such as Semiahmoo First Nation, have also identified the potential for an increase in competition and displacement of activities due to increased access by competing user groups and other Indigenous groups.

Further, some Indigenous groups expressed concerns that the effect assessment was limited to Tsawwassen First Nation and Musqueam Indian Band. In response to additional information

requirement #26 from the Canadian Environmental Assessment Agency (CEAR Doc#314), the Proponent presented its rationale as to why socio-economic conditions were provided for Tsawwassen First Nation and Musqueam Indian Band separately and in an aggregated manner for other groups; the main reason being that these two Indigenous groups have treaty, or reserve, or communities located at or in close proximity to the Project.

The Proponent mentioned that there would be displacement due to navigational closure but did not provide details as to what it meant economically for Indigenous peoples.

An economic assessment of the potential effects of the proposed Project footprint and navigational closure extension, on Indigenous groups' commercial, domestic and food, social and ceremonial fishing and harvesting activities is required to understand the Proponent's conclusion of negligible effects.

Information Request

For each of the Indigenous groups listed in Tables 1-A and 1-B of Attachment 2, assess the economic implications of any permanent or temporary displacement in terms of:

- access to resources;
- any constraints of displacement (e.g. alternate areas previously alienated);
- the sufficiency of resources at alternate locations to meet the requirements of the community; and
- any extra expenses involved in terms of time traveled, incremental costs or necessary changes in technology for the practice or access to resources

The assessment should include a discussion about the potential consequences of displacement that may occur as a result of Project activities on current use of Indigenous groups regardless of the amount of present-day harvesting carried out by each group. The discussion should cover any potential implications associated with an increase in competition by other user groups and other Indigenous groups and displacement of activities to another area or territory.

Provide clarification on how the Proponent plans to mitigate the potential increase in competition amongst and between commercial and recreational user groups and Indigenous groups harvesting crab.

VFPA Response

Preface

The context to this information request refers to the VFPA's response to an information request previously issued by the Canadian Environmental Assessment Agency (CEA Agency) in July 2015 (during EIS Completeness review) that asked the VFPA to provide a rationale for presenting social and economic conditions for Tsawwassen First Nation and Musqueam First Nation and not for other Indigenous groups, in light of the requirements of sections 9.1.8 and 9.2 of the *EIS Guidelines* (IR-7.31.15-26 of CEAR Document #314[1]). The context to this

[1] CEAR Document #314 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements (See reference document # 271) for the Environmental Impact Statement.

information request also appears to link the presentation of socio-economic conditions with concerns raised by some Indigenous groups that the effects assessment was limited to Tsawwassen and Musqueam.

As clarified in Part 1 in the response to IR10-06, section 9.1.8 requirements of the *EIS Guidelines*, which relate to the *Canadian Environmental Assessment Act* (*CEAA*), *2012* 5(1)(c) factors, were carved up into multiple sections of the EIS, assessed separately, and then summarised together in EIS Appendix 29-F.

The VFPA wishes to clarify that the response to IR-7.31.15-26 (CEAR Document #314), including the rationale provided regarding the presentation of socio-economic conditions for Tsawwassen and Musqueam, was related to the effects assessments identified in that response—that is, the "economic sections of the EIS (including Section 19.0 Labour Market, Section 20.0 Economic Development, Section 21.0 Marine Commercial Use, and Section 22.0 Local Government Finances) and the socio-community sections of the EIS (including Section 23.0 Services and Infrastructure and Section 24.0 Outdoor Recreation)."

The socio-economic assessments identified in the response to IR-7.31.15-26 (CEAR Document #314) included EIS Section 21.0 (Marine Commercial Use), which assessed the economic implications of potential displacement as a result of the Project footprint and navigational closure expansion on marine fishing and harvesting under commercial licences, including those held by Tsawwassen, Musqueam, and other Indigenous groups (per Table IR26-1 (CEAR Document #314)). The EIS Section 21.0 assessment predicted a negligible effect in relation to commercial fishing; however, the EIS Section 21.0 assessment also predicted a moderate residual Project effect and residual cumulative effect on commercial crab harvesting within Crab Management Area (CMA) I as a result of displacement (including the potential associated change in harvest and revenue). This residual Project effect and residual cumulative effect were considered by the EIS Section 21.0 assessment to be not significant. Section 3.0 of the AIEIS (Additional Information to the EIS – *W*SÁNEĆ Nation) reached the same conclusions.

The assessment of potential Project displacement effects on marine fishing and harvesting under domestic or food, social, and ceremonial (FSC) licences was presented in the current use of lands and resources for traditional purposes (Current Use) and rights sections of the EIS and AIEIS (Sections 32.2.6.1 and 32.3.2 of the EIS and Sections 7.2.6.1 and 7.3 of the AIEIS, respectively). To clarify, the assessments in Section 32.0 of the EIS and Section 7.0 of the AIEIS were based on the baseline information for each Table 1-A and Table 1-B Indigenous group presented in Section 32.2.4 of the EIS and Section 7.2.4 of the AIEIS and were not dependent on socio-economic baseline conditions described in other chapters (e.g., Section 21.0 of the EIS or Section 3.0 of the AIEIS). As reviewed in Part 3 of the response to IR10-06, the VFPA predicted negligible effects on Current Use after the implementation of mitigation measures.

The rest of the response to this information request addresses the request to assess the economic implications of any permanent or temporary Project-related displacement in relation to marine fishing and harvesting under domestic and FSC licences, but not under commercial licences, for the following reasons:

- As reviewed above, EIS Section 21.0 and Section 3.0 of the AIEIS have already considered the economic implications of the potential effects of the proposed Project footprint and navigational closure extension on the commercial fishing and harvesting activities of Table 1-A and Table 1-B Indigenous groups that participate in these commercial activities (also see the response to IR10-27);
- As reviewed above, EIS Section 21.0 and AIEIS Section 3.0 predicted residual Project and cumulative effects in relation to the displacement of commercial crab harvesters and associated change in harvest or revenue for commercial crab harvesters, including Table 1-A and Table 1-B Indigenous groups harvesting crab under commercial licences in CMA I (and therefore did not conclude negligible effects in this regard, unlike the Current Use assessment);
- As reviewed above, potential Project displacement effects on marine fishing and harvesting under domestic and FSC licences was assessed separately in the Current Use and rights sections of the EIS (EIS Sections 32.2.6.1 and 32.3.2) and AIEIS (AIEIS Sections 7.2.6.1 and 7.3);
- The Current Use assessment was not intended as a roll up section on *CEAA, 2012* 5(1)(c) related factors; and
- The information request specifies the need for a discussion about the potential consequences of displacement that may occur as a result of Project activities on *current use* (emphasis added) of Indigenous groups and any potential implications associated with an increase in competition by other user groups and other Indigenous groups and displacement of activities to another area or territory.

Group-specific assessments of the economic implications of any permanent or temporary displacement from the proposed Project for Indigenous groups listed in Table 1-A and Table 1-B of Attachment 2 to Information Request Package 10 are presented in Appendix IR10-A. These assessments consider the VFPA's responses to Part 1 and Part 2 below.

Part 1 – For each of the Indigenous groups listed in Tables 1-A and 1-B of Attachment 2, assess the economic implications of any permanent or temporary displacement in terms of: access to resources; any constraints of displacement (e.g. alternate areas previously alienated); the sufficiency of resources at alternate locations to meet the requirements of the community; and any extra expenses involved in terms of time traveled, incremental costs or necessary changes in technology for the practice or access to resources.

Part 1 of the response to IR10-06 details the scope and limitations of the baseline information provided by the VFPA for each Table 1-A Indigenous group in Section 32.2.4 of the EIS (as well as in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388[2]) and for each Table 1-B Indigenous groups in Section 7.2.4 of the AIEIS. As explained in Part 1 of the response to IR10-06, views expressed by Indigenous groups on existing effects (e.g., existing

[2] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.

constraints on access, or the availability or quality of resources, at alternate locations) were included in the group-specific baseline summaries.

For example, EIS Section 32.2.4.1 describes how Tsawwassen First Nation are already having to seek crab in deeper waters at Roberts Bank, in some cases at depths of up to 600 to 700 feet (183 m to 213 m), whereas prior to 10 years ago, 70 to 100 feet (21 m to 30 m) deep would have been the maximum (p. 32-31).[3] EIS Section 32.2.4.1 also notes that Tsawwassen refer to Roberts Bank as their traditional crabbing ground and consider the existing navigational closure area as an important area for their domestic harvest of crab, particularly during the annual commercial opening (p. 32-32). The VFPA also shared Tsawwassen's view that access to these crabbing grounds at Roberts Bank would be easier if they had a local dock as Tsawwassen crabbers must currently access Roberts Bank from the Fraser River, where their boats are currently moored, contributing to increasingly higher costs to obtain traditional resources at traditional locations, such as Roberts Bank (p. 32-41). Similarly, in EIS Section 32.2.4.3, the VFPA described how the existing crab conditions in Boundary Bay mean that Semiahmoo no longer participate in commercial crab harvesting, which they say is poorly regulated and results in overharvesting, meaning in turn fewer crab for their FSC harvest in Boundary Bay, fewer Semiahmoo engaged in the practice, and fewer opportunities to transfer knowledge about crabbing to Semiahmoo youth (p. 32-59).

Part 3 of the response to IR10-06 explains how these views on existing effects or conditions, as well as the views expressed by other Indigenous groups regarding their existing conditions, were factored into the VFPA's evaluation of the potential level of effect of the Project on the Current Use of each Indigenous group before the implementation of mitigation. As noted in Part 3 of the response to IR10-06 (quoting from the VFPA's response to AIR-12.04.15-30 of CEAR Document #388):

> *"Considerations in this regard included whether the effect could lead to displacement of activities that are not portable or are limited in portability to other areas (e.g., requiring considerably more travel time or financial resources to support) ... [.]"*

The predicted level of potential effect on Current Use access for each Table 1-A and Table 1-B Indigenous group before the implementation of mitigation (taking into account all reported uses), as reiterated in Part 3 of the response to IR10-06 and contained in Appendix IR10-A, remains the same as presented in Section 32.2.6.1 of EIS and Section 7.2.6.1 of the AIEIS—that is, measurable for Tsawwassen and Musqueam and non-measurable for all other Indigenous groups. As indicated in Section 32.2.6.1 of the EIS, this analysis considered the

[3] The VFPA notes that LGL's *Dungeness Crab Abundance and Movement Study in the Roberts Bank Terminal 2 Project Area* (CEAR Document #997), prepared on behalf of Tsawwassen First Nation, indicates that additional gear and technology may be required by Tsawwassen crab harvesters to maintain crab harvesting levels with the Project, and specifically in terms of being able to access crab at depths greater than 50 m within an expanded navigational closure area. The VFPA has requested further information from Tsawwassen First Nation regarding these potential gear and technology requirements, and they have indicated in their response that they would have to further discuss the matter internally (CEAR Document #1132, Part B, Comment #1).

potential for increased competition as a result of incremental Project-related displacement away from Roberts Bank, as follows (p. 32-103):

> *"Relocation of commercial crab traps and vessels elsewhere within Crab Management Area I or to other crab management areas (e.g., Crab Management Area J, in Boundary Bay) as a result of displacement could lead to increased competition in other areas where Aboriginal [domestic or FSC] harvesting occurs, but which are not otherwise anticipated to experience Project-related effects (e.g., Boundary Bay, Sturgeon Bank). Boundary Bay is an important crabbing area for Semiahmoo, who do not crab at Roberts Bank. Tsawwassen also harvest crab for domestic purposes in Boundary Bay (except in the area immediately fronting the Semiahmoo community). Musqueam additionally harvest crab at Sturgeon Bank for FSC purposes [i.e., in addition to Roberts Bank], but Tsawwassen reportedly do not use this area for domestic harvesting, as this is considered a Musqueam area."*

As explained in Part 4 of the response to IR10-06, precisely because of these sorts of potential implications, including indirect social and economic implications, Indigenous groups reported to the VFPA that no further displacement was acceptable. Part 3 and Part 4 of the response to IR10-06 explains why the VFPA is of the view that the potential effects of Project displacement, including indirect economic effects (e.g., incremental costs related to access), can be effectively mitigated through the measures identified in EIS Section 32.2.7.[4] This mitigation includes ongoing consultation with Table 1-A and Table 1-B Indigenous groups,[5] regardless of the amount of present-day harvesting carried out by each group. As such, the VFPA is of the view that there will be no measurable economic consequences for any Table 1-A or Table 1-B Indigenous group associated with Project-related displacement.

The VFPA recognises and respects that Indigenous groups may not agree with the VFPA's predictions and leaves it to the discretion of each Indigenous group to provide their own analysis and assessment of economic implications of Project-related displacement directly to the Review Panel for its consideration.

Part 2 – Provide clarification on how the Proponent plans to mitigate the potential increase in competition amongst and between commercial and recreational user groups and Indigenous groups harvesting crab.

As indicated in Part 1 of this response, the VFPA considered the potential for increased competition as a result of measurable Project-related displacement effects on Current Use in Section 32.2.6.1 of the EIS and Section 7.2.6.1 of the AIEIS and has outlined several mitigation measures to address potential displacement effects on the Current Use of Table 1-A

[4] For example, the 2004 Memorandum of Agreement between Tsawwassen and the VFPA, identified in EIS Section 32.2.7.1 as a mitigation measure, includes provision for a local dock that would reduce travel time and costs from the Fraser River, where Tsawwassen boats are moored.

[5] With regard to Table 1-A Indigenous groups, the VFPA was not directed by the *EIS Guidelines* (section 9.2) to meet with the Stó:lō Tribal Council and Stó:lō Nation groups, which the *EIS Guidelines* identified as "less likely to be affected by the project and its related effects" (p. 23). The VFPA was also not directed to consult with Hwlitsum, who are not identified in the *EIS Guidelines*.

and Table 1-B Indigenous groups in Section 32.2.7.1 of the EIS (which are carried over to Section 7.2.7.1 of the AIEIS). Of relevance to the potential increase in competition between Indigenous groups harvesting for domestic or FSC purposes and other user groups, these measures include but are not limited to:

- The VFPA working with Fisheries and Oceans Canada (DFO), the agency responsible for regulating commercial, recreational, and Aboriginal (CRA) fisheries, to support an exclusive Indigenous crab fishery (i.e., domestic and FSC harvesting) within an expanded navigational closure area, as has been the practice within the existing navigational closure area, which Indigenous groups have identified as a protection against competition during the commercial opening; and
- The VFPA working with DFO and Indigenous groups regarding the timing (of implementation) and spatial area (including configuration) of the expanded navigational closure area, as well as the identification of additional mitigation measures to address potential Project-related effects on Current Use that may be associated with the expanded navigational closure area.

In addition to these measures (and others listed in Section 32.2.7.1 of the EIS), the VFPA notes that, pursuant to DFO's Aboriginal Fisheries Strategy, implemented in the wake of the Supreme Court of Canada's ruling in *R. v. Sparrow* [1990] 1 SCR 1075), FSC harvesting takes priority, after conservation, over other uses of the resource. For example, domestic and FSC harvesting takes place at Roberts Bank year-round, while the commercial season is open for approximately five and a half months (June through November). Tsawwassen First Nation has reported to the VFPA that they experience less interference and better access to crab during the commercial closure (p. 32-31).

As indicated in Part 3 of the response to IR10-06, the VFPA continues to discuss mitigation measures, environmental management plans, the follow-up program, and the implementation of Project-related benefits with Table 1-A and Table 1-B Indigenous groups (also refer to responses to IR10-11 and IR10-12).

IR10-08 Current Use of Lands and Resources for Traditional Purposes – Effects Assessment, Quality of the Current Use Experience

Information Source(s)

EIS Volume 5: Section 32.2.6.4; Section 32.2.7.4

Proponent Response to Additional Information Requirements of December 4, 2015 (CEAR Doc#388): IR29

Musqueam Indian Band Submission to the Review Panel (CEAR Doc# 776)

Context

In order to assess the potential effects of the proposed Project resulting from changes in the quality of the current use experience, the Proponent examined the following factors:

1. Changed sense of place;
2. Risks to safety and security from increased vessel traffic and perceived contamination of food sources from the proposed Project and previous projects;
3. Reduced opportunities to transmit Indigenous knowledge that may be associated, for instance to sensory disturbance while pursuing current use or avoidance of current use activities; and
4. Sensory disturbance related to light, noise and vibration.

The Proponent considered that sensory disturbance was not predicted to affect the experience of current use in a way that might lead to avoidance of sites or practice, or reduce the quality of experience beyond which Indigenous groups may already be experiencing.

The Proponent concluded the potential effects of the Project for all factors were negligible.

Some Indigenous groups have challenged this assessment and the Proponent's conclusions in the following ways:

- Changes in access to Traditional Use sites resulting from effects of the Project will affect the quality of the current use experience and associated changes to cultural practices, in addition to groups' connections to other additional sites and areas of use. This, in turn, will result in a fragmentation of the cultural landscape and associated social networks.
- Any overlap associated with Project-related activities resulting in an effect to the quality of traditional use experience would require assessment regardless of its temporal context (i.e. past, current, or future use) or its nature.

For some Indigenous groups, all these aspects should be considered measurable effects, not negligible ones, and in need of mitigation measures.

Cultural heritage effects were further evaluated by the Proponent in response to an Agency request (CEAR Doc# 388, IR 29). The Proponent considered that they were already largely assessed under the quality of the current use experience indicator. The Proponent proposed two effects pathways: one using the four factors listed above (changed sense of place, change in risks to safety and security, sensory disturbance, or change in cultural heritage) and another, considering the four indicators (change to access, availability and quality of resources and change to quality of the current use experience) used for the assessment of current use.

The conclusion with respect to the first pathway was one of effects being negligible for all Indigenous groups.

The only potential effect for the second pathway analysis was in terms of access for crab harvesting for Tsawwassen First Nation and Musqueam Indian Band; with the mitigation measures proposed, it was considered as being negligible.

Although the indicator of quality of the current use experience is related to aspects of cultural heritage (see IR10-22 below), there is a need to assess them separately. More information on how the Project could affect the quality of experience of Indigenous groups using the area of the Project is required.

Information Request

Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project. The assessment should include the Indigenous groups listed in Tables 1-A and 1-B of Attachment 2.

The assessment should consider the following points:

1. Loss of preferred harvesting sites;
2. How the quality of the current use experience could change due to the real and perceived contamination of traditional food resources;
3. Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices;
4. Safety risks and concerns due to increased vessel traffic;
5. Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary;
6. Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational closure areas;
7. Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts;
8. Level of importance placed upon patterns and areas of use (past, present and future); and
9. Lost opportunities for the transmission of Indigenous knowledge and practices due to avoidance of an expanded industrialized area.

VFPA Response

Group-specific assessments of the potential change in quality of the current use of lands and resources for traditional purposes (Current Use) experience resulting from the proposed Project for Indigenous groups listed in Table 1-A and Table 1-B of Attachment 2 to Information Request Package 10 are presented in Appendix IR10-A. These assessments consider the VFPA's response below.

The analysis of potential changes in the quality of Current Use experience as a result of the Project in Section 32.2.6.4 of the EIS (pp. 32-109 to 32-115) was the longest analysis of all four indicators assessed for Current Use in EIS Section 32.2.6. The response to AIR-12.04.15-29 (CEAR Document #388[1]) provided clarification on the assessment presented in EIS Section 32.2.6.4, particularly in relation to the two key pathways of effect on experiential quality, as identified in the context to this information request.

The VFPA is of the view that it has already considered, in EIS Section 32.2.6.4 and the response to AIR-12.04.15-29 (CEAR Document #388), the nine points that the Review Panel has asked the VFPA to consider in a group-specific assessment of the potential incremental changes in quality of the Current Use experience. The VFPA has identified the primary pathway under which each of the nine points has already been assessed, as indicated in **Table IR10-08-1**.

Table IR10-08-1 Pathways for Potential Incremental Changes in Quality of the Current Use Experience

Number	Changes in Quality of Current Use Experience	Pathway
1	Loss of preferred harvesting sites	Second pathway, based on access and availability and quality of resources indicators
2	How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food resources	Second pathway, based on quality of resources indicator
3	Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices	First pathway under quality of experience indicator
4	Safety risks and concerns due to increased vessel traffic	First pathway under quality of experience indicator
5	Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary	Second pathway, based on the first pathway under quality of experience indicator
6	Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational closure areas	Second pathway, based on access indicator
7	Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk; Reduced harvesting opportunities; and	First pathway under quality of experience indicator; Second pathway, based on access and availability and quality of resources indicators; and

[1] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.

Number	Changes in Quality of Current Use Experience	Pathway
	Aesthetic impacts	First pathway under quality of experience indicator
8	Level of importance placed upon patterns and areas of use (past, present and future)	Both pathways, based on access and availability and quality of resources indicators and first pathway under quality of experience indicator
9	Lost opportunities for the transmission of Indigenous knowledge and practices due to avoidance of an expanded industrialized area	First pathway under quality of experience indicator

The VFPA notes that the additional analysis contained in AIR-12.04.15-29 (CEAR Document #388) to clarify the analysis in EIS Section 32.2.6.4 was also referenced in the response to AIR-12.04.15-30 (CEAR Document #388), which presented the VFPA's rationale for its level of effect predictions (i.e., no effect, negligible effect, measurable effect), and summarised these predictions on a group-specific basis in Table AIR30-1 (CEAR Document #388), including as these relate to quality of Current Use experience.

The VFPA notes that EIS Section 32.2.6.4 and AIR-12.04.15-29 and AIR-12.04.15-30 (CEAR Document #388) contain important caveats to the VFPA's predictions regarding potential changes in the quality of Current Use experience that are not referenced in the context to this information request.

EIS Section 32.2.6.4 states (p. 32-115), with regard to the first pathway:

> *"While the changes to the environment and residual effects of the Project that may affect experiential quality, including visual changes, safety on the water, and human health as described above, are considered to be negligible…, the Project may affect the quality of experience of Current Use for one or more Aboriginal groups as a result of construction and operation, as the Current Use experience is community specific."*

EIS Section 32.2.6.4 states (p. 32-114), with regard to the second pathway:

> *"[E]ffect pathways on intangible cultural factors are complex and layered, and are informed by potential effects on other indicators within the Current Use component …. During consultation on the Project, [the VFPA] sought specific guidance from Aboriginal groups on the assessment of this quality of experience indicator for Current Use. Aside from the acknowledgement by at least one Aboriginal group regarding the challenges associated with evaluating intangible cultural heritage (e.g., potential effects to a Stl'áleqem site near the Project*

area; see Section 32.2.4.4), no other feedback has been provided to [the VFPA] to date.[2]"

The VFPA notes that the context to this information request states that "some Indigenous groups" have challenged the VFPA's conclusion of negligible effects for the quality of Current Use experience and that, for "some Indigenous groups," all the aspects referenced in the context to this information request should be considered measurable effects, not negligible ones, and in need of mitigation measures.

The VFPA recognises and respects that Indigenous groups may not agree with the VFPA's predictions and leaves it to the discretion of each Indigenous group to provide their own analysis and assessment of Project-related effects on their quality of Current Use experience directly to the Review Panel for its consideration. The VFPA notes, however, that the VFPA proposed mitigation measures in EIS Section 32.2.6.4 to address potential changes in the quality of Current Use experience, regardless of its predicted level of potential effect for each Indigenous group.

As clarified in the response to AIR-12.04.15-29 (p. 19; CEAR Document #388):

"It is important to note that measures were proposed for Current Use in Section 32.0 of the EIS to address potential effects that may be either *measurable or negligible* before mitigation is applied*. In this way, measures were proposed to assist with confirming the conclusions of the assessment (i.e., as a means of monitoring circumstances following the onset of Project construction, through ongoing engagement)."*

And (p. 20):

"Section 32.2.7.4 of the EIS concludes in relation to the four measures identified for potential changes in the quality of Current Use experience, including cultural heritage, as follows (p. 32-119):

> "In combination with the measures to reduce Project-related effects on Current Use access and Current Use resources*, the measures identified in Section 25.0 Visual Resources, Section 27.0 Human Health, and Section 28.0 Archaeological and Heritage Resources are also expected to be effective at addressing adverse effects on the quality of current use experience that may relate to Project-related changes in sense of place, light, noise, vibration, and air emissions, and cultural heritage and transmission. [The VFPA] recognises that the quality of Current Use*

[2] The VFPA acknowledges that Tsleil-Waututh Nation has prepared a study regarding the evaluation of potential effects on intangible cultural heritage, such as this *Stl'áleqem* site ("Intangible Cultural Heritage – Potential Impacts to Sacred Tunnels from the Proposed Roberts Bank Terminal 2 Project Report"), and that Tsleil-Waututh Nation requested that this study be kept confidential under the Review Panel's confidentiality procedures (CEAR Document #1197). The VFPA notes that the Review Panel has agreed to keep this study confidential (CEAR Document #1222).

experience is community specific, and expects the communications mechanism identified in Section 32.2.7.1 to support dialogue between [the VFPA] and appropriate Aboriginal groups on topics of concern, including [but not limited to] safety issues, will augment the effectiveness of other measures identified to address community-specific concerns related to the quality of use experience" (emphasis added)."

For clarity, these measures are expected to address both the potential measurable change in cultural heritage that Tsawwassen and Musqueam may experience as a result of a predicted measurable change in access, as well as potential effects to cultural heritage that Tsawwassen, Musqueam, and other Aboriginal groups may experience in relation to Project components and activities that are current considered "negligible" [by the VFPA] in the Current Use assessment, based on existing conditions information presented in Section 32.2.4 of the EIS regarding that cultural heritage."

As further clarified in the response to AIR-12.04.15-30 (p. 5; CEAR Document #388):

"[The VFPA] recognises that there is a high level of subjectivity associated with establishing the degree to which Project-related changes may be experienced as measurable or non-measurable by a given Aboriginal group. For these reasons, [the VFPA] proposed mitigation measures to address potential Project-related effects on Current Use not only for potential effects identified as measurable, but also for potential effects identified as non-measurable, and specifically by proposing mechanisms for ongoing consultation (see Section 32.2.7 of the EIS."

The VFPA's assessment and mitigation approach in Section 32.2.7.4 of the EIS for potential changes in the quality of Current Use experience for Table 1-A Indigenous groups was also applied in Section 7.2.7.4 of the AIEIS (Additional Information to the Environmental Impact Statement – *W*SÁNEĆ Nation; CEAR Document #930[3]) for Table 1-B Indigenous groups.

As indicated in Part 4 of the response to IR10-06, the VFPA continues to discuss mitigation measures and Project-related benefits with Table 1-A and Table 1-B Indigenous groups regarding acceptable conditions for potential Project-related effects (also refer to responses to IR10-11 and IR10-12).

[3] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).

IR10-09 Current Use of Lands and Resources for Traditional Purposes – Mitigation Measures, Effectiveness

Information Source(s)

EIS Volume 5: Section 32.2.7; Section 32.2.8

Review Panel Information Request Package 7 (CEAR Doc#1000): IR7-31

Malahat First Nation Submission to the Review Panel (CEAR Doc#621)

Context

In Section 32.2.8 of the EIS, the Proponent concluded that the residual effects of the proposed Project on current use are expected to be negligible after the implementation of the proposed mitigation measures.

Some Indigenous groups have questioned whether the mitigation measures proposed by the Proponent are adequate to address the potential effects of the Project. For example, Malahat First Nation considered that while many Indigenous groups may share similar interests and practices that could be affected by Project activities, each group may rate the value of site-specific practices and activities differently. Malahat First Nation underlined that the complexity of these values could make it difficult to summarize and determine the effectiveness of the proposed mitigation measures. While some of the mitigation measures could reduce residual effects of the Project in a specific area for a specific Indigenous group, that same set of mitigation measures may not be effective for another Indigenous group in a different area.

In order to evaluate the potential residual effects of the Project, the relevance and adequacy of the proposed mitigation measures must be determined for each Indigenous group individually.

Information Request

For each Indigenous group listed in Tables 1-A and 1-B of Attachment 2, evaluate the relevance and adequacy of the proposed mitigation measures to reduce the potential effects of the proposed Project on the access, availability and quality of preferred current use resources and the quality of the current use experience.

Clearly indicate the link between the potential effects of the Project and the mitigation measures and explain how the mitigation measures would reduce any potential effects such that the residual effects would become negligible.

Provide the list of Indigenous groups that were consulted on these mitigation measures and the results of the discussions and indicate if reasonably foreseeable future uses by Indigenous groups were considered. When responding to this request, the Proponent should include any relevant elements that will be covered in its response to IR7-31.

VFPA Response

Part 1 – For each Indigenous group listed in Tables 1-A and 1-B of Attachment 2, evaluate the relevance and adequacy of the proposed mitigation measures to reduce the potential effects of the proposed Project on the access, availability and quality of preferred current use resources and the quality of the current use experience.

Clearly indicate the link between the potential effects of the Project and the mitigation measures and explain how the mitigation measures would reduce any potential effects such that the residual effects would become negligible.

The VFPA's view of the relevance and adequacy of the proposed mitigation measures to reduce the potential effects of the proposed Project on each Table 1-A and Table 1-B Indigenous group's access for current use of land and resources for traditional purposes (Current Use), the availability and quality of their preferred Current Use resources, and the quality of their Current Use experience, such that the residual effects on each group's Current Use would become negligible, is presented in **Appendix IR10-09-A**.

Appendix IR10-09-A consists of a table that identifies the following:

- The proposed mitigation measures for each potential effect on Current Use, as represented by the four Current Use indicators (i.e., changes in access to Current Use locations, changes in availability of Current Use resources, changes in quality of Current Use resources, and changes in quality of Current Use experience);
- The anticipated effectiveness (and therefore adequacy) of the proposed mitigation measures, from the VFPA's perspective, based on the analysis undertaken previously and presented in the VFPA's response to IR-7.31.15-12 (CEAR Document #314[1]); and
- The potential applicability (and therefore relevance) of the proposed mitigation measures to Table 1-A and Table 1-B Indigenous groups, based on the VFPA's understanding of each group's past, present, and desired future use, as summarised in EIS Section 32.2.4 (and in the responses to AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388[2]) for Table 1-A Indigenous groups and Section 7.2.4 of Additional Information to the EIS – *W*SÁNEĆ Nation (AIEIS; CEAR Document #930[3]) for Table 1-B Indigenous groups.

As the VFPA has explained in its responses to IR10-06, IR10-07, and IR10-08, the measures listed in Section 32.2.7 of the EIS (and presented in **Appendix IR10-09-A**) for all four Current Use indicators were conservatively proposed to address potential Project-related

[1] CEAR Document #314 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements (See reference document # 271) for the Environmental Impact Statement.
[2] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.
[3] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).

effects on Current Use, not only for potential effects predicted as measurable by the VFPA, but also for potential effects predicted by the VFPA as non-measurable, in part in recognition of the desire expressed by Indigenous groups to increase or restore their use of land and resources at Roberts Bank for traditional purposes. These measures include ongoing consultation between the VFPA and Table 1-A and Table 1-B Indigenous groups[4], regardless of the amount of present-day Current Use activities, to continue discussion of the mitigation measures, the follow-up program, and implementation of Project-related benefits (refer to the responses to IR10-11 and IR10-12).

Part 2 – Provide the list of Indigenous groups that were consulted on these mitigation measures and the results of the discussions and indicate if reasonably foreseeable future uses by Indigenous groups were considered. When responding to this request, the Proponent should include any relevant elements that will be covered in its response to IR7-31.

The VFPA has consulted with the following Indigenous groups in relation to proposed mitigation measures related to the Project and/or mitigation suggested in relation to marine shipping associated with the Project, including those related to Current Use (as identified in **Appendix IR10-09-A**):

- Tsawwassen First Nation;
- Musqueam First Nation;
- Semiahmoo First Nation;
- Tsleil-Waututh Nation;
- Stz'uminus First Nation;
- Cowichan Tribes;
- Halalt First Nation;
- Lake Cowichan First Nation;
- Lyackson First Nation;
- Penelakut Tribe;
- Métis Nation British Columbia;
- Hwlitsum;
- Tsawout First Nation;
- Pauquachin First Nation;
- Tsartlip First Nation;
- Tseycum First Nation; and
- Malahat First Nation.

The measures proposed by the VFPA in the EIS were informed by discussions between the VFPA and Indigenous groups, and, as reviewed in Part 1 of the response to this information

[4] With regard to Table 1-A Indigenous groups, the VFPA was not directed by the *EIS Guidelines* (section 9.2) to meet with the Stó:lō Tribal Council and Stó:lō Nation groups, which the *EIS Guidelines* identified as "less likely to be affected by the project and its related effects" (p. 23). The VFPA was also not directed to consult with Hwlitsum, who are not identified in the *EIS Guidelines*.

request, remain the subject of ongoing discussions regarding acceptable conditions for Project-related effects (refer to the responses to IR10-11 and IR10-12 for further details).

The VFPA's consideration of potential Project-related effects on reasonably foreseeable future uses for traditional purposes by Indigenous groups, including in the proposed mitigation measures identified in EIS Section 32.2.7 and **Appendix IR10-09-A**, has been discussed in the responses to IR10-06, IR10-07, and IR10-08, and Part 1 of the response to this information request (refer also to the response to IR10-26 regarding reasonably foreseeable future use activities). The VFPA's consideration included the views expressed by Indigenous groups in relation to proposed mitigation measures, including offsetting, for biophysical components of the environment, such as marine vegetation, marine invertebrates, marine fish, and coastal birds, during the preparation of the EIS and ongoing consultation.

Appendices

Appendix IR10-09-A Current Use Mitigation Adequacy and Applicability

APPENDIX IR10-09-A
CURRENT USE MITIGATION ADEQUACY AND APPLICABILITY

Table IR10-09-A1 Current Use Mitigation Adequacy and Applicability

#	Potential Effect	Applicable Phase(s)	Mitigation Measures	Applicable Environmental Management Plans / Mitigation	Applicable Mitigation Measures Within Environmental Management Plan / Specific Mitigation	Intent of Mitigation to Reduce Significance of Residual Effect	Anticipated Effectiveness of Mitigation and Risks (where applicable)	Applicable Table 1-A and Table 1-B Indigenous Group(s)
1	Changes in Access to Preferred Current Use Locations	Construction, Operation	Continue to abide by the Memorandum of Agreement in place with Tsawwassen First Nation to accommodate Tsawwassen First Nation for effects from the Project	Mitigation not in environmental management plan (EMP)	Continue to abide by the Memorandum of Agreement in place with Tsawwassen First Nation to accommodate Tsawwassen First Nation for effects from the Project	Provide accommodation for potential effects on Current Use.	Effective as intended – combined with other mitigation measures proposed for this effect, effective mitigation is anticipated.	Tsawwassen First Nation
			Work with Musqueam First Nation to draft Terms of Reference to guide future discussions related to accommodation for effects from the Project	Mitigation not in EMP	Work with Musqueam First Nation to draft Terms of Reference to guide future discussions related to accommodation for effects from the Project	Provide accommodation for potential effects on Current Use.	Effective as intended – combined with other mitigation measures proposed for this effect, effective mitigation is anticipated.	Musqueam First Nation
			Implement mitigation for marine commercial use and outdoor recreation valued components (VCs; EIS Sections 21.0 and 24.0) to address potential displacement-related effects on commercial and recreational crab harvesting. (Including Indigenous commercial and recreational crab harvesting)	(Construction) Marine Commercial Use – Construction Compliance Monitoring Plan	Alignment of construction activities to avoid fisheries-sensitive windows for Dungeness crabs Compliance checking for water quality Provisions for intervention in the case of non-compliance	Avoid effect on harvest levels by: 1) reducing direct mortality of crabs (specifically gravid female crabs) below -5.0 m chart datum (CD) water depth through work window restrictions from October 15 to March 30; and 2) maintaining existing Dungeness crab productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for total suspended solids (TSS)/turbidity, DFO-regulated timing windows).	Indigenous groups participating in commercial crab harvesting: Tsawwassen, Salish Seas LP (equal partnership between Tsleil-Waututh, Musqueam, and Tla'amin), Tsleil-Waututh, and Malahat.
				(Construction) Marine Commercial Use – Marine Species Salvage Plan	Crab Salvage Program	Minimise effects of displacement by reducing effects to harvestable crab population to be relocated from portion of closure area. Involves the capture and relocation of crabs within terminal and causeway containment dykes to local area outside of Project-related disturbance area.	Effective as intended for crabs – proven approach at Roberts Bank for Deltaport Third Berth Project; effectiveness of mitigation incorporated into environmental assessment as salvages are known to only reduce and not fully mitigate construction-related crab productivity decreases. Therefore, a change in the significance of the residual effect is not anticipated if this mitigation measure is not fully effective in salvaging all crabs from within work zones.	

#	Potential Effect	Applicable Phase(s)	Mitigation Measures	Applicable Environmental Management Plans / Mitigation	Applicable Mitigation Measures Within Environmental Management Plan / Specific Mitigation	Intent of Mitigation to Reduce Significance of Residual Effect	Anticipated Effectiveness of Mitigation and Risks (where applicable)	Applicable Table 1-A and Table 1-B Indigenous Group(s)
				(Construction) Marine Commercial Use – Communications Plan	Inform marine commercial operators about the nature, location, status, and progress of construction work	Minimise effect on harvesting by providing timely information about potential closures and other activities during construction. This will allow commercial crab harvesters to adjust their planned activities in advance.	Effective as intended – it is anticipated that advanced notification of potential regulatory changes in connection with Project construction and operation would allow commercial crab harvesters to adjust their planned activities if they thought necessary to do so.	
				(Construction) Marine Commercial Use – work with Fisheries and Oceans Canada (DFO) to ensure that consultation with commercial crab harvesters and Indigenous groups is undertaken to: • Communicate timing and spatial area of proposed navigational closure expansion for commercial crab harvesting; • Communicate access restrictions and procedures for maintenance of safety for commercial crab harvesting activity; and • Provide a process for commercial crab harvesters and Indigenous groups to ask questions and submit concerns about the proposed navigational closure expansion and associated displacement of commercial crab harvesting	Work with DFO to ensure necessary consultation with commercial crab harvesters concerning the proposed navigational closure expansion. Where identified and agreed upon, implement feasible mitigation	Minimise effects through supporting the identification and implementation of feasible measures to mitigate displacement effects.	Effective as intended – the VFPA can effectively work with DFO to ensure consultation with commercial crab harvesters occurs on the matter of the proposed navigational closure area expansion. Where identified and agreed upon, the VFPA will work with other parties, including DFO to implement feasible mitigation to address displacement effects.	
				(Construction) Outdoor Recreation – Work with DFO to ensure that the necessary consultations with recreational crab harvesters is undertaken, including the following: • Communicate timing and spatial area of proposed navigational closure expansion for recreational crab harvesting; • Communicate access restrictions and procedures for maintenance of safety for recreational crab harvesting activity; and • Provide a process for recreational crab harvesters to ask questions, and submit concerns about the proposed navigational closure expansion and associated displacement of recreational crab harvesting	Work with DFO to ensure necessary consultation with recreational crab harvesters concerning the proposed navigational closure expansion. Where identified and agreed upon, implement feasible mitigation	Minimise effects through supporting the identification and implementation of feasible measures to mitigate displacement effects.	Effective as intended – the VFPA can effectively work with DFO to ensure consultation with recreational crab harvesters occurs on the matter of the proposed navigational closure area expansion. Where identified and agreed upon, the VFPA will work with other parties, including DFO to implement feasible mitigation to address displacement effects.	Indigenous groups participating in recreational crab harvesting, as applicable.

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				(Construction) Outdoor Recreation – Construction Compliance Monitoring Plan	Alignment of construction activities to avoid fisheries-sensitive windows for Dungeness crabs Compliance checking for water quality Provisions for intervention in the case of non-compliance	Avoid effect on of harvest levels by: 1) reducing direct mortality of crabs (specifically gravid female crabs) below -5.0 m CD water depth through work window restrictions from October 15 to March 30; and 2) maintaining existing Dungeness crab productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity, DFO-regulated timing windows).	
				(Construction) Outdoor Recreation – Marine Species Salvage Plan	Crab Salvage Program	Minimise effects of displacement by reducing effects to harvestable crab population to be relocated from portion of closure area. Involves the capture and relocation of crabs within terminal and causeway containment dykes to local area outside of Project-related disturbance area.	Effective as intended for crabs – proven approach at Roberts Bank for Deltaport Third Berth Project; effectiveness of mitigation incorporated into environmental assessment as salvages are known to only reduce and not fully mitigate construction related crab productivity decreases. Therefore, a change in the significance of the residual effect is not anticipated if this mitigation measure is not fully effective in salvaging all crabs from within work zones.	
				(Construction) Outdoor Recreation – Communications Plan	Inform marine recreational operators about the nature, location, status, and progress of construction work	Minimise effect on harvesting by providing timely information about potential closures and other activities during construction. This will allow recreational crab harvesters to adjust their planned activities in advance.	Effective as intended – it is anticipated that advanced notification of potential regulatory changes in connection with Project construction and operation would allow recreational crab harvesters to adjust their planned activities if they thought necessary to do so.	
			Work with DFO to ensure necessary consultations with Indigenous domestic or food, social, and ceremonial (FSC) crabbers concerning the proposed expansion of the area closed to	Mitigation not in EMP	Work with DFO to ensure necessary consultations with Indigenous domestic or FSC crabbers concerning the proposed expansion of the area closed to commercial and recreational crabbing	Minimise effects through identification of feasible measures to mitigate displacement effects.	Effective as intended – combined with other mitigation measures proposed for this effect, effective mitigation is anticipated.	Tsawwassen First Nation, Musqueam First Nation, Tsleil-Waututh Nation, and any other Table 1-A or Table 1-B Indigenous group that, to the VFPA's knowledge has recently acquired (e.g., Cowichan Tribes, Penelakut Tribe), or could acquire (or re-acquire)

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			commercial and recreational crabbing					FSC crab harvesting access, through DFO, to the Pacific Fisheries Management Areas that cover Roberts Bank (refer to Part 2 of the response to IR10-07 regarding DFO's regulation of FSC access
			Support Indigenous crabbing for domestic or FSC within the area closed to commercial and recreational crabbing	Mitigation not in EMP	Support Indigenous crabbing for domestic or FSC purposes within the area closed to commercial and recreational crabbing	Reduce displacement effect of terminal by ensuring domestic and FSC crabbing can continue in navigational closure area.	Effective as intended– combined with other mitigation measures proposed for this effect, effective mitigation is anticipated.	Tsawwassen First Nation, Musqueam First Nation, Tsleil-Waututh Nation, and any other Table 1-A or Table 1-B Indigenous group that, to the VFPA's knowledge has recently acquired (e.g., Cowichan Tribes, Penelakut Tribe), or could acquire (or re-acquire) FSC crab harvesting access, through DFO, to the Pacific Fisheries Management Areas that cover Roberts Bank (refer to Part 2 of the response to IR10-07 regarding DFO's regulation of FSC access).
			Implement measures for land and water use VC (EIS Section 26.0) to reduce potential disturbance to marine access to Tsawwassen First Nation community lease lands (Tsawwassen Water Lots)	(Construction) Land and Water Use – Mitigation not in EMP	Engagement with land and water users, including dialogue and communications through a mechanism for two-way dialogue and communications about port-related issues in Delta, and use of Community Feedback Line	Reduce potential disturbance through engagement to identify and resolve issues.	Effective as intended – engagement with water users, in this case Tsawwassen First Nation, is the standard approach to identifying and addressing potential issues. This measure is complemented and supported by other ongoing consultation with Tsawwassen First Nation.	Tsawwassen First Nation
				(Construction) Land and Water Use – Communications Plan	Inform Indigenous groups about the nature, location, status, and progress of construction work	Reduce potential for navigational disturbance, including delays or route changes, by notifying Indigenous groups (as applicable) of construction activities.	Effective as intended – community lease users may be able to plan to avoid marine areas with construction activity.	Tsawwassen First Nation
				(Construction) Land and Water Use – Land and Marine Traffic Management Plan	Identify areas to be avoided by marine vessel traffic through establishment of restricted access areas	Reduce potential disturbance by providing guidance to avoid construction activity and vessel travel that will affect access to the community lease lands.	Effective as intended – establishment of an area to be avoided, such that there will continue to be direct access to the community lease without interference from Project vessels, is considered effective.	Tsawwassen First Nation

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			Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect Current Use access.	Mitigation not in EMP	Develop a communications protocol to inform appropriate Indigenous groups of planned or unplanned events related to Project construction or operation that may affect Current Use access	Minimise potential disturbance through provision of timely information to allow for alternate access plans and confirmation of potential effects and mitigation effectiveness generally.	Effective as intended – combined with other mitigation measures proposed for this effect, effective mitigation is anticipated.	All Indigenous groups in Table 1-A and Table 1-B.
			Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases.	Mitigation not in EMP	Work with appropriate Indigenous groups to develop and implement a communications mechanism that will support dialogue between the VFPA and appropriate Indigenous groups on topics of concern that arise during the construction and initial operation phases	Minimise potential disturbance through provision of timely information to allow for alternate access plans.	Effective as intended – combined with other mitigation measures proposed for this effect, effective mitigation is anticipated.	All Indigenous groups in Table 1-A and Table 1-B.
2	Changes in Availability of Preferred Current Use Resources	Construction, Operation	Implement mitigation identified in EIS Section 32.2.7.1.	Mitigation not in EMP	Mitigation measures noted above regarding changes in access to Current Use locations	See above – mitigating potential changes in availability of Current Use resources is predicated by the mitigation of potential changes in access to Current Use locations where those resources are harvested.	Effective as intended – see above.	Indigenous groups for whom mitigation is applicable to potential effects to access to Current Use locations, as described above.
			Implement mitigation to reduce Project-related effects to marine resources, including marine vegetation, marine invertebrates, marine fish, marine mammals, and coastal birds VCs (EIS Sections 11.0 through 15.0).	(Construction) Marine Vegetation – Construction Compliance Monitoring Plan	Compliance checking for water quality Provisions for intervention in the case of non-compliance	Maintain existing macroalgae productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (i.e., guideline levels for TSS/turbidity).	All Indigenous groups in Table 1-A and Table 1-B.
				(Construction) Marine Vegetation – Environmental Training Plan	Environmental awareness training	Prevent unnecessary disturbance to macroalgae to maintain existing productivity.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Construction) Marine Vegetation – Dredging and Sediment Discharge Plan	Compliance checking for water quality according to relevant permit conditions	Maintain existing macroalgae productivity through protection of water quality.	Effective as intended – regulatory conditions and	

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					Provisions for intervention in the case of non-compliance		guidelines for dredging and discharge will apply.	
				(Construction) Marine Vegetation – Sediment and Erosion Control Plan	Installation and regular inspection of land-based erosion-control measures (e.g., silt fence) Control of storm water to avoid sensitive environments Compliance checking for water quality	Maintain existing macroalgae productivity through protection of water quality.	Effective as intended – regulatory conditions and guidelines for land development and the maintenance of water quality to prevent sedimentation will apply.	
				(Construction) Marine Vegetation – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products Standard practices for onsite fuelling of construction equipment	Prevent introduction of deleterious substances to the aquatic environment to maintain habitat quality.	Effective as intended – proven approach on construction sites. Relevant legislation, guidelines, and standard management practices will apply.	
				(Construction) Marine Vegetation – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Minimise direct effects to species and maintain habitat quality through intervention for any released deleterious substances.	Effective as intended – proven approach on construction sites. Relevant regulations, guidelines, and reporting requirements will apply.	
				(Operation) Marine Vegetation – Operation Compliance Monitoring Plan	Site inspections and sample collection to evaluate implemented measures Provisions for intervention in the case of non-compliance	Maintain existing macroalgae productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity).	
				(Operation) Marine Vegetation – Environmental Training Plan	Environmental awareness training	Prevent unnecessary disturbance to macroalgae to maintain existing productivity.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Operation) Marine Vegetation – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products	Prevent introduction of deleterious substances to the aquatic environment.	Effective as intended – proven approach. Relevant legislation, guidelines, and standard	

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					Standard practices for onsite fuelling of operation equipment		management practices will apply.	
				(Operation) Marine Vegetation – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Minimise effects through intervention for any released deleterious substances.	Effective as intended – proven approach. Relevant legislation, guidelines, and standard management practices will apply.	
				Offsetting Plan (as relates to marine vegetation)	Creation of subtidal rock reef habitat	Provide habitat for attachment and recolonisation to promote increase in macroalgae productivity.	Effective as intended – proven approach at Roberts Bank.	
				(Construction) Marine Invertebrates – Construction Compliance Monitoring Plan	Alignment of construction activities to avoid fisheries-sensitive windows for Dungeness crabs Compliance checking for water quality Provisions for intervention in the case of non-compliance	Reduce direct mortality of crabs (specifically gravid female crabs) below -5.0 m CD water depth through work window restrictions from October 15 to March 30. Maintain existing bivalve shellfish, Dungeness crab, and orange sea pen productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity, DFO-regulated timing windows).	All Indigenous groups in Table 1-A and Table 1-B.
				(Construction) Marine Invertebrates – Environmental Training Plan	Environmental awareness training	Prevent unnecessary disturbance to marine invertebrates to maintain existing productivity.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Construction) Marine Invertebrates – Dredging and Sediment Discharge Plan	Compliance checking for water quality according to relevant permit conditions Provisions for intervention in the case of non-compliance	Maintain existing bivalve shellfish, Dungeness crab, and orange sea pen productivity through protection of water quality.	Effective as intended – regulatory conditions and guidelines for dredging and discharge will apply.	

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				(Construction) Marine Invertebrates – Sediment and Erosion Control Plan	Installation and regular inspection of land-based erosion-control measures (e.g., silt fence) where necessary Control of storm water to avoid sensitive environments Compliance checking for water quality	Maintain existing bivalve shellfish, Dungeness crab, and orange sea pen productivity through protection of water quality.	Effective as intended – regulatory conditions and guidelines for land development and the maintenance of water quality will apply.	
				(Construction) Marine Invertebrates – Marine Species Salvage Plan	Crab Salvage Program Orange Sea Pen Transplant	Capture and relocate crabs within terminal and causeway containment dykes to local area outside of Project-related disturbance area to partially mitigate construction-related mortality and physical injury. Collect and relocate orange sea pens to local area outside of Project-related disturbance area to partially mitigate direct mortality from terminal construction.	Effective as intended for crabs – proven approach at Roberts Bank for Deltaport Third Berth Project; effectiveness of mitigation incorporated into environmental assessment as salvages are known to only reduce and not fully mitigate construction related crab productivity decreases. Therefore, a change in the significance of the residual effect is not anticipated if this mitigation measure is not fully effective in salvaging all crabs from within work zones. Effective as intended for sea pens – a pilot study has confirmed that sea pens can be successfully transplanted in the wild and monitoring of survival success continues. A small portion of the sea pen aggregation is targeted for transplant, and the effectiveness of this measure for a portion of the population was taken into consideration in the effects assessment. Therefore, a change in the significance of the residual effect is not anticipated.	

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				(Construction) Marine Invertebrates – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products Standard practices for onsite fuelling of construction equipment	Prevent introduction of deleterious substances to the aquatic environment to maintain habitat quality.	Effective as intended – proven approach on construction sites. Relevant legislation, guidelines, and standard management practices will apply.	
				(Construction) Marine Invertebrates – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Minimise direct effects to species and maintain habitat quality through intervention for any released deleterious substances.	Effective as intended – proven approach on construction sites. Relevant regulations, guidelines, and reporting requirements will apply.	
				(Operation) Marine Invertebrates – Operation Compliance Monitoring Plan	Site inspections and sample collection to evaluate implemented measures Provisions for intervention in the case of non-compliance	Maintain existing bivalve shellfish, Dungeness crab, and orange sea pen productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity).	
				(Operation) Marine Invertebrates – Environmental Training Plan	Environmental awareness training	Prevent unnecessary disturbance to bivalve shellfish, Dungeness crab, and orange sea pen to maintain existing productivity.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Operation) Marine Invertebrates – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products Standard practices for onsite fuelling of operation equipment	Prevent introduction of deleterious substances to the aquatic environment to maintain habitat quality.	Effective as intended – proven approach. Relevant legislation, guidelines, and standard management practices will apply.	
				(Operation) Marine Invertebrates – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Minimise direct effects to species and maintain habitat quality through intervention for any released deleterious substances.	Effective as intended – proven approach. Relevant legislation, guidelines, and standard management practices will apply.	

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				Offsetting Plan (as relates to marine invertebrates)	Creation of eelgrass habitat Creation of tidal marsh habitat, mudflat, and sandy gravel beach habitat Creation of subtidal rock reef habitat	Eelgrass – to promote increase in bivalve shellfish (heart cockles) and crab productivity. Tidal marsh, mudflat, sandy gravel beach – to promote increase in bivalve shellfish productivity. Subtidal rock reef – to promote increase in bivalve shellfish (bay mussel and Pacific oysters) productivity.	Effective as intended – these habitats have been proposed as mitigation based on the proven success of previous habitat creation projects within the Fraser River estuary and similar environments.	
				(Construction) Marine Fish – Construction Compliance Monitoring Plan	Alignment of construction activities to avoid fisheries-sensitive windows for juvenile salmon Compliance checking for water quality Provisions for intervention in the case of non-compliance	Reduce productivity losses for fish during sensitive periods through work window restrictions from March 1 to August 15 above -5.0 m CD water depth. Maintain existing marine fish productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity, DFO-regulated timing windows).	All Indigenous groups in Table 1-A and Table 1-B.
				(Construction) Marine Fish – Environmental Training Plan	Environmental awareness training	Prevent unnecessary disturbance to marine fish to maintain existing productivity.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Construction) Marine Fish – Dredging and Sediment Discharge Plan	Compliance checking for water quality according to relevant permit conditions Provisions for intervention in the case of non-compliance	Maintain existing marine fish productivity through protection of water quality.	Effective as intended – regulatory conditions and guidelines for dredging and discharge will apply.	
				(Construction) Marine Fish – Light Management Plan	Direct light away from marine environment Control light levels Limit use of lights to active work areas where possible	Maintain existing marine fish habitat quality and fish productivity by minimising light trespass into marine environment.	Effective as intended – as stated in environmental assessment, the effectiveness of lighting mitigation measures on marine fish are not well established, and therefore, this uncertainty has been taken into consideration. Therefore, a change in the significance of the	

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							residual effect is not anticipated if these mitigation measure are not fully effective in reducing light in the marine environment.	
				(Construction) Marine Fish – Underwater Noise Management Plan	During piling, use of vibratory hammer instead of impact pile driving when practical Hydrophone monitoring to confirm sound levels remain below thresholds Implementation of sound reduction or dampening methods or technologies (e.g., bubble curtains) to manage pile-driving sound levels, if required, to lower sound levels below thresholds	To conduct activities under the threshold sound level that may cause harm (injury or mortality) to fish.	Effective as intended– proven approach in aquatic environments (existing standard management practices for pile driving activities will apply).	
				(Construction) Marine Fish – Sediment and Erosion Control Plan	Installation and regular inspection of land-based erosion-control measures (e.g., silt fence) where necessary Control of storm water to avoid sensitive environments Compliance checking for water quality	Maintain existing macroalgae productivity through protection of water quality.	Effective as intended – regulatory conditions and guidelines for land development and the maintenance of water quality will apply.	
				(Construction) Marine Fish – Marine Species Salvage Plan	Fish Salvage Strategy Crab Salvage Program	Capture and relocate fish within terminal and causeway containment dykes to local area outside of Project-related disturbance area to partially mitigate construction-related mortality and physical injury.	Effective as intended – proven approach at Roberts Bank for Deltaport Third Berth Project; effectiveness of mitigation incorporated into environmental assessment as salvages are known to only reduce and not fully mitigate construction-related fish productivity decreases. Therefore, a change in the significance of the residual effect is not anticipated if this mitigation measure is not fully effective in salvaging all fish from within the work zones.	

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				(Construction) Marine Fish – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products Standard practices for onsite fuelling of construction equipment	Prevent introduction of deleterious substances to the aquatic environment to maintain habitat quality.	Effective as intended – proven approach on construction sites. Relevant legislation, guidelines, and standard management practices will apply.	
				(Construction) Marine Fish – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Minimise direct effects to species and maintain habitat quality through intervention for any released deleterious substances.	Effective as intended – proven approach on construction sites. Relevant regulations, guidelines, and reporting requirements will apply.	
				(Operation) Marine Fish – Operation Compliance Monitoring Plan	Site inspections and sample collection to evaluate implemented measures Provisions for intervention in the case of non-compliance	Maintain existing marine fish productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity).	
				(Operation) Marine Fish – Light Management Plan	Direct light away from marine environment Control light levels Limit use of lights to active work areas where possible	Maintain existing marine fish habitat quality and fish productivity by minimising light trespass into marine environment.	Effective as intended – as stated in environmental assessment, the effectiveness of lighting mitigation measures on marine fish are not well established, and therefore, this uncertainty has been taken into consideration in the effects assessment. Therefore, a change in the significance of the residual effect is not anticipated if these mitigation measures are not fully effective in reducing light in the marine environment.	
				(Operation) Marine Fish – Environmental Training Plan	Environmental awareness training	Prevent unnecessary disturbance to marine fish to maintain existing productivity.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	

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				(Operation) Marine Fish – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products Standard practices for onsite fuelling of operation equipment	Prevent introduction of deleterious substances to the aquatic environment.	Effective as intended – proven approach. Relevant legislation, guidelines, and standard management practices will apply.	
				(Operation) Marine Fish – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Minimise effects through intervention for any released deleterious substances.	Effective as intended – proven approach. Relevant legislation, guidelines, and standard management practices will apply.	
				Offsetting Plan (as relates to marine fish)	Creation of eelgrass habitat Creation of tidal marsh habitat Creation of mudflat Creation of sandy gravel beach habitat Creation of subtidal rock reef habitat	Eelgrass – to promote productivity increases for juvenile salmon, juvenile rockfish, forage fish, and small demersal fish. Tidal marsh – to promote productivity increases for juvenile salmon. Mudflat – to promote productivity increase in benthic invertebrates, which are food sources for fish. Sandy gravel beach – to promote increase in juvenile salmon productivity, and promote forage fish spawning. Subtidal rock reef – to promote increase in reef fish productivity.	Effective as intended – proven approach at Roberts Bank.	
				(Construction) Marine Mammals – Construction Compliance Monitoring Plan	Compliance checking for underwater noise levels Provisions for intervention in the case of non-compliance	Maintain existing marine fish productivity (food source) and marine mammal habitat quality.	Effective as intended – proven approach in aquatic environments.	All Indigenous groups in Table 1-A and Table 1-B.
				(Construction) Marine Mammals – Underwater Noise Management Plan	During piling, use of vibratory hammer instead of impact pile driving when practical Establish protective buffer zones around Project construction activities Hydrophone monitoring to confirm sound levels remain below thresholds Hydrophone monitoring in darkness or weather-induced poor visibility will supplement	Reduce potential marine mammal behavioural disturbance and physical injury to hearing caused by an increase in underwater noise. Maintain habitat quality.	Effective as intended – proven approach in aquatic environments (existing best management practices for pile driving activities will apply).	

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					Marine Mammal Observation Plan Implementation of sound reduction or dampening methods or technologies (e.g., bubble curtains) to manage pile-driving sound levels, if required, to lower sound levels below thresholds			
				(Construction) Marine Mammals – Marine Mammal Observation Plan	Onshore and on-construction-vessel Marine Mammal Observers to visually and acoustically monitor the safety and buffer zones and record location and behaviour of observed animals Observers have the authority to suspend construction activities if marine mammals are within the buffer distance	Reduce potential marine mammal behavioural disturbance and physical injury to hearing caused by an increase in underwater noise or increased construction-vessel traffic.	Effective as intended – visual observations are limited by weather-induced limitations and daylight, but in conjunction with acoustic monitoring, marine mammal presence within a buffer zone will be improved. The effectiveness of the mitigation will not change the significance of the effect, as current underwater noise levels are deemed to be significant.	
				(Construction) Marine Mammals – Environmental Training Plan	Environmental awareness training	Reduce potential disturbances by increasing individual awareness and knowledge of potential consequences of actions or lack of action in response to an incident.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Construction) Marine Mammals – Construction Compliance Monitoring Plan	Compliance checking for adherence to buffer zones and effectiveness of hydrophone and observer in detecting marine mammal presence Provisions for intervention in the case of non-compliance	Reduce potential marine mammal behavioural disturbance and physical injury from interactions with vessels. Maintain habitat quality.	Effective as intended – proven approach in aquatic environments, but effectiveness of this EMP will not change the significance of the effect.	

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				(Construction) Marine Mammals – Environmental Training Plan	Environmental awareness training	Reduce potential disturbances by increasing individual awareness and knowledge of potential consequences of actions or lack of action in response to an incident.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Operation) Marine Mammals – Environmental Training Plan	Environmental awareness training	Reduce potential disturbances by increasing individual awareness and knowledge of potential consequences of actions or lack of action in response to an incident.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Operation) Marine Mammals – Mitigation not in EMP	Distribution of a marine mammal awareness pamphlet, "Marine Mammals of the Roberts Bank Area", to marine pilots working within VFPA jurisdiction	Raise awareness of sensitivity of Roberts Bank and surrounding areas to potentially avoid interactions between whales and vessels.	Unknown – as effectiveness of this measure is difficult to measure, the application of this measure was not taken into consideration in the determination of significance, and therefore, if it is ineffective, there would be no change to the significance of this residual effect.	
				(Construction) Coastal Birds – Construction Compliance Monitoring Plan	Alignment of construction activities to avoid periods when diving birds are abundant in the area Compliance checking for water quality, above-ground noise, underwater noise Provisions for intervention in the case of non-compliance	Maintain existing bird productivity by minimising disturbance and through protection of habitat.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity).	All Indigenous groups in Table 1-A and Table 1-B.

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				(Construction) Coastal Birds – Environmental Training Plan	Environmental awareness training	Reduce potential disturbances by increasing individual awareness and knowledge of potential consequences of actions or lack of action in response to an incident.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Construction) Coastal Birds – Light Management Plan	Orienting lights downward and away from known bird-occupied areas where possible Using shielding to minimise light trespass Controlling light levels and limiting light use to areas where activities are occurring, where possible Where possible, using fixtures that emit light at specific wavelengths Ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge.	To minimise disorienting effects to birds, thereby maintaining habitat quality.	Effective as intended – research continues on general effects to birds from artificial light, including which wavelengths minimise disorientating effects to birds, which can vary by species. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated, as the determination of significance took into account the fact that birds have habituated to current light levels from the existing terminals, and are likely to habituate to any Project-related light increases.	
				(Construction) Coastal Birds – Sediment and Erosion Control Plan	Installation and regular inspection of land-based erosion-control measures (e.g., silt fence) where necessary Control of storm water to avoid sensitive environments Compliance checking for water quality	Maintain existing bird productivity by minimising disturbance and through protection of habitat.	Effective as intended – proven approach in aquatic environments (e.g., guideline levels for TSS/turbidity).	
				(Construction) Coastal Birds – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products Standard practices for onsite fuelling of construction equipment	Prevent introduction of deleterious substances to the environment to maintain habitat quality.	Effective as intended – proven approach on construction sites. Relevant legislation, guidelines, and standard management practices will apply.	

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				(Construction) Coastal Birds – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Prevent introduction of deleterious substances to the environment to maintain habitat quality.	Effective as intended – proven approach on construction sites. Relevant regulations, guidelines, and reporting requirements will apply.	
				(Construction) Coastal Birds – Noise Management Plan	Shutdown of equipment and vehicles when not in use Utilisation of equipment that produces less noise where feasible Awareness and training for construction crew Using barriers (e.g., acoustic blankets) to shield wildlife from abrupt loud noise where feasible Increasing or ramping-up sound levels slowly to allow birds to habituate or temporarily leave the area where feasible Where possible, implementing measures to minimise impulsive noise	Maintain habitat quality.	Effective as intended – minor disturbance as birds can relocate or habituate; should mitigation measure be ineffective, change in significance of residual effect is not anticipated, as the determination of significance took into account the fact that birds have habituated to current noise levels from the existing terminals, and are likely to habituate to any Project-related noise increases.	
				(Construction) Coastal Birds – Underwater Noise Management Plan	During piling, use of vibratory hammer instead of impact pile driving when practical Implementation of sound reduction or dampening methods or technologies (e.g., bubble curtains) to manage pile-driving sound levels, if required, to lower sound levels below thresholds Hazing birds prior to construction to move them away from the affected zone if loud operations are necessary during periods of peak bird abundance	Reduce potential behavioural disturbance and physical injury to hearing caused by an increase in underwater noise. Maintain habitat quality.	Effective as intended – existing best management practices for pile driving activities will apply.	
				(Construction) Coastal Birds – Land and Marine Traffic Management Plan	Sensitive areas to be avoided by marine vessel traffic operating in the Project area during construction will be established	Reduce potential disturbance and maintain habitat quality.	Effective as intended for vessel traffic – published thresholds for noise and visual disturbance do not exist for birds; however, literature indicates minimal effects as long as vessel traffic is restricted to designated areas. The establishment of	

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							designated areas will effectively mitigate potential disturbances.	
				(Operation) Coastal Birds – Operation Compliance Monitoring Plan	Site inspections and sample collection to evaluate implemented measures Provisions for intervention in the case of non-compliance	Maintain existing bird productivity through protection of water quality.	Effective as intended – proven approach in aquatic environments (i.e., guideline levels for TSS/turbidity).	
				(Operation) Coastal Birds – Environmental Training Plan	Environmental awareness training	Prevent unnecessary disturbance to birds to maintain existing productivity.	Effective as intended – minor risk through temporary environmental disturbance should an unauthorised activity occur. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated due to likelihood of isolated incident (limited spatial and temporal scale).	
				(Operation) Coastal Birds – Hazardous Materials and Waste Management Plan	Maintain inventory of hazardous products on site Safe storage and handling of hazardous products Standard practices for onsite fuelling of operation equipment	Prevent introduction of deleterious substances to the aquatic environment.	Effective as intended – proven approach. Relevant legislation, guidelines, and standard management practices will apply.	
				(Operation) Coastal Birds – Spill Preparedness and Response Plan	Spill preparedness measures, including equipment staging and personnel training Development of procedures for spill response and containment, clean-up, and disposal	Minimise effects through intervention for any released deleterious substances.	Effective as intended - proven approach. Relevant legislation, guidelines, and standard management practices will apply.	
				(Operation) Coastal Birds – Noise Management Plan	Shutdown of equipment and vehicles when not in use Utilisation of equipment that produces less noise where feasible Awareness and training for construction crews Using barriers (e.g., acoustic blankets) to shield wildlife from abrupt loud noise where feasible Increasing or ramping-up sound levels slowly to allow birds to habituate or temporarily leave the area	Maintain existing bird productivity by minimising disturbance and maintaining habitat quality.	Effective as intended – minor disturbance as birds can relocate or habituate; should mitigation measure be ineffective, change in significance of residual effect is not anticipated, as the determination of significance took into account the fact that birds have habituated to current noise levels from the existing terminals, and are likely to	

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					Implementing measures to minimise impulsive noise where feasible Where possible, avoiding operations generating loud noise (greater than 85 dBA at 60 m from source) during the period of peak northward shorebird migration (April 20 to May 7) within 3 km of the high tide line (i.e., the shoreline)		habituate to any Project-related noise increases.	
				(Operation) Coastal Birds – Light Management Plan	Orienting lights downward and away from known bird-occupied areas where possible Using shielding to minimise light trespass Controlling light levels and limiting light use to areas where activities are occurring, where possible Where possible, using fixtures that emit light at specific wavelengths	To minimise disorienting effects to birds, thereby maintaining habitat quality.	Effective as intended – research continues on general effects to birds from artificial light, including which wavelengths minimise disorientating effects to birds, which can vary by species. Should mitigation measure be ineffective, change in significance of residual effect is not anticipated, as the determination of significance took into account the fact that birds have habituated to current light levels from the existing terminals, and are likely to habituate to any Project-related light increases.	
				Offsetting Plan (as relates to coastal birds)	Creation of eelgrass habitat Creation of tidal marsh habitat Creation of mudflat Creation of sandy gravel beach habitat Creation of subtidal rock reef habitat	Eelgrass – an important food source for waterfowl and brant, and habitat for various prey. Tidal marsh – provides food and shelter for many coastal birds. Mudflat – promotes productivity increase in marine invertebrates and biofilm, which are food sources for birds. Sandy gravel beach – promotes increases in the productivity of food sources (e.g., forage fish, bivalves).	Effective as intended – these habitats have been proposed as mitigation based on the proven success of previous habitat creation projects within the Fraser River estuary and similar environments.	

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						Subtidal rock reef – promotes increase in diving bird prey (e.g., bivalve shellfish).		
				(Operation) Coastal Birds – Mitigation not in EMP	The VFPA to work collaboratively with appropriate transportation authorities and Canadian Wildlife Service to develop and implement measures to mitigate effects to barn owl from vehicle collisions.	Minimise potential of barn owl-vehicle interactions to reduce injury or mortality.	Effective as intended – proven approaches have been applied along other linear corridors.	
			Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to Current Use.	Mitigation not in EMP	Share with appropriate Indigenous groups information gained through environmental monitoring and follow-up programs to support monitoring, by Indigenous groups, of environmental conditions related to Current Use	Minimise potential effect on marine resource availability by facilitating early identification of any unanticipated outcomes.	Effective as intended – participation in monitoring will allow for identification of unanticipated outcomes.	All Indigenous groups in Table 1-A and Table 1-B.
			Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs, including those focused on the ongoing availability and quality of marine resources upon which Current Use depends.	Mitigation not in EMP	Work with appropriate Indigenous groups to identify opportunities to participate in environmental monitoring and follow-up programs	Minimise potential effect on marine resource availability by facilitating early identification of any unanticipated outcomes.	Effective as intended – participation in monitoring will allow for identification of unanticipated outcomes.	All Indigenous groups in Table 1-A and Table 1-B.
3	Changes in Quality of Preferred Current Use Resources	Construction, Operation	Implement mitigation identified in EIS Section 32.2.7.2.	Mitigation not in EMP	Mitigation measures noted above regarding changes in availability of Current Use resources (which in turn carries forward measures regarding changes in access to Current Use locations)	See above – mitigating potential changes in quality of Current Use resources is predicated by the mitigation of potential changes in access to Current Use locations where those resources are harvested and potential changes in availability of Current Use resources at those locations.	Effective as intended – see above.	Indigenous groups for whom mitigation is applicable to potential effects to access to Current Use locations and availability of Current Use resources, as described above.
			Implement mitigation for human health VC (EIS Section 27.0) to address perceived contamination of traditional food sources.	Mitigation not in EMP	Mitigation measures noted above regarding human health to address perceived contamination of traditional food sources	Reduced risk of avoidance of preferred Current Use resources through awareness building measures regarding perceived contamination of marine resources.	Effective as intended – results of investigations into perceived shellfish contamination can be effectively shared with each interested Indigenous group through ongoing consultation activities.	All Indigenous groups in Table 1-A and Table 1-B.

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4	Changes in Quality of Current Use Experience	Construction, Operation	Implement the mitigation identified in EIS Section 32.2.7.3.	Mitigation not in EMP	Mitigation measures noted above regarding changes in quality of Current Use resources (which in turn carries forward measures regarding changes in availability of Current Use resources, which in turn carries forward measures regarding changes in access to Current Use locations, which includes a communications mechanism to support ongoing dialogue between the VFPA and Indigenous groups)	See above – mitigating potential changes in quality of Current Use experience is predicated by the mitigation of potential changes in access to locations where Current Use activities are carried out and the availability and quality of resources that are harvested at those locations.	Effective as intended – see above.	Indigenous groups for whom mitigation is applicable to potential effects to access to Current Use locations, and the availability and quality of Current Use resources, as described above.
			Implement mitigation for visual resources VC (EIS Section 25.0) to reduce Project-related changes in daytime and nighttime visibility.	Mitigation not in EMP	Crane colour optimisation to reduce contrast and enhance blending with the landscape	Reduce effect of quality of experience by reducing visibility of features (cranes) and light that could potentially affect quality of experience in terms of sense of place.	Effective as intended – to the extent that other mitigation measures are effective at mitigating effects on visual resources, as described above, they are expected to be effective at mitigating effects on Current Use, where augmented with the communication measure (identified under "access") related to other matters of concern.	All Indigenous groups in Table 1-A and Table 1-B.
				(Construction) Visual Resources – Light Management Plan	Orienting lights downward and away from residential and marine areas Using shielding to minimise light trespass Controlling light levels and limiting light use to areas where activities are occurring Ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge	Reduce the light emitted from construction equipment and activities to reduce changes in sky glow and light trespass.	Effective as intended – proven approach. Best practices as recommended by the International Commission on Illumination (CIE), Illuminating Engineering Society of North America (IESNA), BC Oil and Gas Commission (OGC), International Dark-Sky Association (IDA), and the Royal Astronomical Society of Canada (RASC) to reduce changes in sky glow and light trespass.	

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				(Operation) Visual Resources – Light Management Plan	Orienting lights downward and away from residential and marine areas Using shielding to minimise light trespass Controlling light levels and limiting light use to areas where activities are occurring Establishing a centralised lighting control system to select lighting where required	Reduce the light emitted from operation phase activities to reduce changes in sky glow and light trespass.	Effective as intended – proven approach. Best practices as recommended by CIE, IESNA, OGC, IDA, and RASC to reduce changes in sky glow and light trespass.	
			Implement mitigation for human health VC (EIS Section 27.0) to decrease potential effects from Project-related noise, light, subsistence food avoidance, and air emissions	(Construction) Human Health – Air Quality and Dust Control Plan	Regular inspection and maintenance of construction vehicles and equipment Avoidance of creating traffic congestion Restrictions on vehicle idling Preferential use of low-sulphur fuels Installation of wheel washer or regular sweeping of paved surfaces Covering of haul vehicles during transport of bulk fine materials Stabilisation of exposed earthworks Timing activities to avoid high wind events	Reduce risk of health effects by reducing air emissions of contaminants and fugitive dust.	Effective as intended – proven approach on construction sites.	All Indigenous groups in Table 1-A and Table 1-B.
				(Construction) Human Health – Construction Compliance Monitoring Plan	Compliance checking for air quality	Reduce risk of health effects by contributing to reduction in air emissions through monitoring and adaptive management.	Effective as intended – feedback provided through monitoring will facilitate adaptive management.	
				(Construction) Human Health – Noise Management Plan	Scheduling of higher noise-generating activities during weekdays, and during the daytime Shutdown of equipment and vehicles when not in use Utilisation of equipment that produces less noise Awareness and training for construction crews	Reduce risk of health effects by reducing noise generated during construction.	Effective as intended – proven approach on construction sites.	

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				(Construction) Human Health – Construction Compliance Monitoring Plan	Compliance checking for above-ground noise	Reduce risk of health effects by contributing to reduction in noise through monitoring and adaptive management.	Effective as intended – proven approach for noise monitoring.	
				(Construction) Human Health – Communications Plan	Inform local residents, Tsawwassen First Nation, and other Indigenous groups about the nature, location, status, and progress of construction work	Reduce potential for exposure to noise from peak construction activity by notifying local residents and Indigenous groups of construction activities.	Effective as intended – the communications plan provides communication to residents and Indigenous groups that will enable them to plan their activities to avoid exposure to noise from peak construction activity.	
				(Construction) Human Health – Light Management Plan	Orienting lights downward and away from residential and marine areas Using shielding to minimise light trespass Controlling light levels and limiting light use to areas where activities are occurring Ensuring dredge lighting system shields light from spilling outside the basic working footprint of the dredge	Reduced risk of health effects from stress and annoyance by reducing light as a source of stress and annoyance during construction.	Effective as intended – proven approach. Best practices as recommended by CIE, IESNA, OGC, IDA, and RASC to reduce changes in sky glow and light trespass.	
				(Operation) Human Health – Noise Management Plan	Optimised tonality for equipment alarms Operator awareness and training Regular maintenance of equipment Advertisement and maintenance of VFPA Community Feedback Line	Reduce risk of health effects by reducing noise generated during operation.	Effective as intended – assuming adequate management and control of implementation.	
				(Operation) Human Health – Operation Compliance Monitoring Plan	Routine instrument-based monitoring	Reduce risk of health effects by contributing to reduction in noise through monitoring and adaptive management.	Effective as intended – proven approach for noise monitoring.	
				(Operation) Human Health – Light Management Plan	Orienting lights downward and away from residential and marine areas Using shielding to minimise light trespass Controlling light levels and limiting light use to areas where activities are occurring	Reduce risk of health effects from stress and annoyance by reducing light as a source of stress and annoyance during operation.	Effective as intended – proven approach. Best practices as recommended by CIE, IESNA, OGC, IDA, and RASC to reduce changes in sky glow and light trespass.	

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					Establishing a centralised lighting control system to select lighting where required			
				Mitigation not in EMP	Awareness and education measures regarding results of contaminant sampling of edible shellfish	Reduce risk of health effects from stress and annoyance by reducing perception of subsistence food contamination as a source of stress and annoyance.	Effective as intended – to the extent that other mitigation measures are effective at mitigating effects on human health, as described above, they are expected to be effective at mitigating effects on Current Use, where augmented with the communication measure (identified under "access") related to other matters of concern.	
			Implement mitigation to identify and reduce potential damage to fish trap stakes.	Mitigation not in EMP	Excavate a test trench, or series of trenches, across the area of archaeological potential to locate potential fish trap stakes, if present	Reduce effect of quality of experience by reducing factors that could potentially degrade the quality of experience in terms of cultural heritage and transmission.	Effective as intended – to the extent that this mitigation is effective at mitigating effects on archaeological and heritage resources, as described above, it is expected to be effective at mitigating effects on Current Use, where augmented with the communication measure (identified under "access") related to other matters of concern.	All Indigenous groups in Table 1-A and Table 1-B.
				Mitigation not in EMP	Excavate a test trench across the area of archaeological potential to locate potential fish trap stakes, if present, and sample/investigate/preserve fish trap stakes if found	Reduce effect of quality of experience by reducing factors that could potentially degrade the quality of experience in terms of cultural heritage and transmission.		
				Mitigation not in EMP	Annually monitor, for a period of 4 years, predicted tidal erosion and sample/investigate fish trap stakes if found	Reduce effect of quality of experience by reducing factors that could potentially degrade the quality of experience in terms of cultural heritage and transmission.		

IR10-10 Current Use of Lands and Resources for Traditional Purposes – Mitigation Measures, Offsets

Information Source(s)

EIS Volume 3: Section 17.3

EIS Volume 5: Section 32.2.7; Table 32-6

Review Panel Information Request Package 7 (CEAR Doc#1000): IR7-27; IR7-31

Context

In Section 32.2.7 and Table 32-6 of the EIS, the Proponent proposed to mitigate the potential effects of the proposed Project on the changes in availability of preferred traditional resources using the mitigation measures proposed for the biophysical components of the environment.

These measures included the offsetting framework highlighted in Section 17.3 of the EIS. The Proponent stated that the timing for any onsite offsetting measures would be dependent upon completion of Project construction. In addition, the Proponent stated that the offsetting measures would require a period of years to establish new functional habitat and to recover productivity of affected marine species. During this period of time the availability of, and access to, preferred resources would potentially be reduced and limited.

The Proponent predicted that there would be no residual effects on the changes in availability of preferred traditional resources. However, the Proponent did not discuss the potential effects of the time lag required for the establishment of functioning habitat offsets.

Information Request

Discuss the potential effects of the proposed Project on availability of preferred traditional resources taking into account the time lag required for the establishment of functioning habitat offsets.

When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to IR7-27 and IR7-31.

VFPA Response

Clarification

The context to this information request states that, in Section 32.2.7 and Table 32-6 of the EIS, the Proponent proposed to mitigate the potential effects of the proposed Project on the changes in availability of preferred traditional resources using the mitigation measures proposed for the biophysical components of the environment.

The VFPA wishes to clarify that the mitigation measures proposed for the biophysical components of the environment were considered applicable to addressing potential effects on the availability of traditional resources; however, the VFPA also identified additional measures in Section 32.2.7.2 (and summarised in Table 32-6) of the EIS related to the availability of traditional resources, as follows:

- The VFPA will share with appropriate Indigenous groups information gained through compliance monitoring and the RBT2 Follow-up Program conducted during the construction and operation phases of the Project to support monitoring, by Indigenous groups, of environmental conditions related to the current use of lands and resources for traditional purposes (Current Use); and
- The VFPA will work with appropriate Indigenous groups to identify opportunities to participate in compliance monitoring and the RBT2 Follow-up Program, to take place during construction and operation phases, including those focused on the ongoing availability and quality of marine resources upon which Current Use depends.

In addition, in EIS Section 32.2.7.1, the VFPA identified a communications mechanism that was carried forward to the discussion of mitigation measures related to the availability of resources in EIS Section 32.2.7.2. That mechanism was proposed to support dialogue between the VFPA and Indigenous groups on topics of concern that arise during the Project construction phase and initial operation phase, including but not limited to Project status, safety issues, effectiveness of mitigation measures (including offsetting), and sharing of information from compliance monitoring and the Project's Follow-up Program. The proposed communications mechanism identified in the EIS has been further described as the Indigenous Advisory Committee in the responses to IR10-11 and IR10-12 (CEAR Document #1275[1]). Further discussion of the relationship of compliance monitoring and the Follow-up Program to Current Use are discussed in the responses to IR13-29 and IR13-30 (CEAR Document #1331[2]).

Response

The assessment of potential effects of the proposed Project on the availability of Current Use resources presented in EIS Section 32.2.6.2 considered the mitigation measures proposed for the biophysical components of the environment—including those in relation to the Project's proposed Offsetting Framework, which considers minimising temporal losses in the establishment of fully functioning onsite habitat offsets identified in Section 17.3 of the EIS—when it proposed additional measures in EIS Section 32.2.7, as reviewed above in the Clarification to this response. The responses to IR10-09, IR10-11, and IR10-12 (CEAR Document #1275) provide more detail regarding the measures that the VFPA proposed in the

[1] CEAR Document #1275 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Information Requests IR5-01a, IR7-28, IR7-29, IR10-02, IR10-06 to IR10-09, IR10-11 to IR10-26, IR11-07, IR11-22, IR11-23, IR12-03, IR12-06, IR13-01, and IR13-19 (See Reference Documents #1000, 1130, 1179, 1206 and 1228).
[2] CEAR Document #1331 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Information Requests IR13-29 and IR13-30 (See Reference Document #1228).

EIS to address potential effects on Current Use, including in relation to the availability of Current Use resources.

The current RBT2 Offsetting Framework*,* as presented in EIS Section 17.0, was developed with the principle of maximising ecological productivity through optimal Offsetting Measures to ensure there is no net loss of productivity for key marine biophysical valued components at Roberts Bank, including marine vegetation, invertebrates, fish, mammals, and coastal birds, or for wetlands. The proposed Offsetting Framework, developed to meet the environmental assessment phase of the Project, will be advanced following engagement with Indigenous groups, regulatory agencies, and key stakeholders, to understand priorities, needs, and expectations when it comes to offsetting, with the goal of agreeing on a final Offsetting Plan that meets the Project's permitting phase requirements while responding to the dynamic nature of the Roberts Bank ecosystem (see Preamble to Offsetting-related Information Requests for further details). As a fundamental principle to the development of the final Offsetting Plan, the plan will also address and account for uncertainty in offsetting success and the associated time lag for the offset to become effective. The response to IR7-27 provides further details on how time lag will be considered in the Offsetting Plan. The responses to offsetting-related information requests and the Preamble to Offsetting-related Information Requests further describe how the VFPA is committed to taking into account Indigenous group concerns and perspectives in refining the onsite habitat Offsetting Concepts, as the final Offsetting Plan is developed (refer to the response to IR7-31 of CEAR Document #1333[3] for a review of Indigenous group comments to date and the responses to IR10-11 and IR10-12 of CEAR Document #1275 regarding the VFPA's vision for ongoing consultation). The success and effectiveness of the proposed Offsetting Measures will be monitored, as part of the Project's Follow-up Program (IR13-30 of CEAR Document #1331) and future permitting requirements. The VFPA will respond to any deficiencies (if they occur) via an adaptive management approach with communication with Indigenous groups, regulatory agencies, and key stakeholders.

For the reasons discussed above, the conclusions presented in the EIS and reiterated in the response to IR10-06 (CEAR Document #1275) regarding Project-related effects on the availability of preferred Current Use resources remain negligible after both biophysical mitigation measures (including offsetting) and additional Current Use-specific mitigation measures are taken into account (refer to the assessment tables for each applicable Indigenous group in Appendix IR10-A of CEAR Document #1275).

[3] CEAR Document #1333 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Information Requests IR7-31, IR11-02, IR11-11, IR11-20, IR12-05, IR13-02, IR13-03, IR13-15, and IR13-18 (See Reference Documents #1000, #1179, #1206 and #1228).

IR10-11 Current Use of Lands and Resources for Traditional Purposes – Follow-up Program

Information Source(s)

EIS Guidelines: Section 11.4

EIS Volume 5: Section 33.5

Adaptive Management Strategy 2014 Annual Report - Deltaport Third Berth, Delta, BC (CEAR Doc#1124)

Context

The *Canadian Environmental Assessment Act*, 2012 requires that a follow-up program be designed to verify the accuracy of the effects assessment and to determine the effectiveness of the measures implemented to mitigate the potential adverse effects of the proposed Project.

Section 11.4 of the EIS Guidelines requires that a follow-up program be designed to monitor the implementation of mitigation measures resulting from Indigenous engagement, including:

- verification of predictions of environmental effects with respect to Indigenous peoples;
- determination of the effectiveness of mitigation measures as they relate to environmental effects with respect to Indigenous peoples in order to modify or implement new measures, where required;
- support for the implementation of adaptive management measures to address previously unanticipated adverse environmental effects with respect to Indigenous peoples;
- verification of measures identified to prevent and mitigate potential adverse effects of the proposed Project on current use; and
- provision of information that can be used to improve and support future environmental assessments and Indigenous engagement processes.

Section 33.5 of the EIS outlined the Proponent's commitments to report on the implementation of mitigation measures resulting from Indigenous engagement, which would include the objectives described above. However, the Proponent did not specify in the EIS how this would be accomplished.

The Deltaport Third Berth Project Adaptive Management Strategy (AMS) focused exclusively on biophysical indicators including:

- Geomorphology/Oceanography;
- Surface water quality;
- Sediment quality;
- Eel grass; and
- Other biota including benthic communities and bird populations.

Further details as to how the follow-up program objectives set out in Section 11.4 of the EIS Guidelines and Section 33.5 of the EIS would be met. There is also a need to understand how lessons learned from the Deltaport Third Berth Project Adaptive Management Strategy could be applied to the follow-up program for the Project, in relation to the potential effects on current use by Indigenous peoples.

Information Request

Provide a summary of actions describing how the followup program objectives set out in Section 11.4 of the EIS Guidelines and Section 33.5 of the EIS would be met.

Describe how Indigenous groups would be involved in the development, implementation and management of the follow-up program for the proposed Project.

Provide information about the effectiveness of the adaptive management strategy for the Deltaport Third Berth Project on its biophysical components and how lessons learned from that process could be applied to the follow-up program for the Project, in relation to the potential effects on current use by Indigenous peoples.

VFPA Response

Provide a summary of actions describing how the follow-up program objectives set out in Section 11.4 of the EIS Guidelines and Section 33.5 of the EIS would be met.

Describe how Indigenous groups would be involved in the development, implementation and management of the follow-up program for the proposed Project.

As noted in EIS Section 33.5, the purpose of the RBT2 Follow-up Program (FUP) is to verify the accuracy of effect predictions made in the EIS, and to determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project for those predictions or mitigation measures where there is some uncertainty, or Indigenous group or stakeholder concern. The objectives set out in section 11.4 of the *EIS Guidelines* and Section 33.5 of the EIS—including verification of EIS predictions and determination of the effectiveness of mitigation as they relate to Indigenous groups—will be met through purposeful integration of these objectives through the development and implementation of the RBT2 FUP.

As noted in the EIS Section 33.5, pg. 33-20:

> *"To ensure the Program's elements adequately reflect conditions of Project approvals (including permits), final designs, construction, or operation approaches, as well as public, Aboriginal group, and regulator feedback received during the review of the EIS, [the VFPA] will develop the Follow-up Program after the submission of this EIS."*

The VFPA is currently consulting with Indigenous groups and regulators to support the development of the RBT2 FUP, and will continue to do so until the program is formally initiated at the start of the construction phase, should the Project receive approval to proceed. Information presented in this response therefore presents current planning and draft concepts under consideration by the VFPA and is based on consultation input received to date.

This section of the response presents the VFPA's post-EIS submission planning efforts related to the FUP, and discusses how Indigenous groups are currently participating, and will continue to participate, in the FUP development, governance, and oversight.

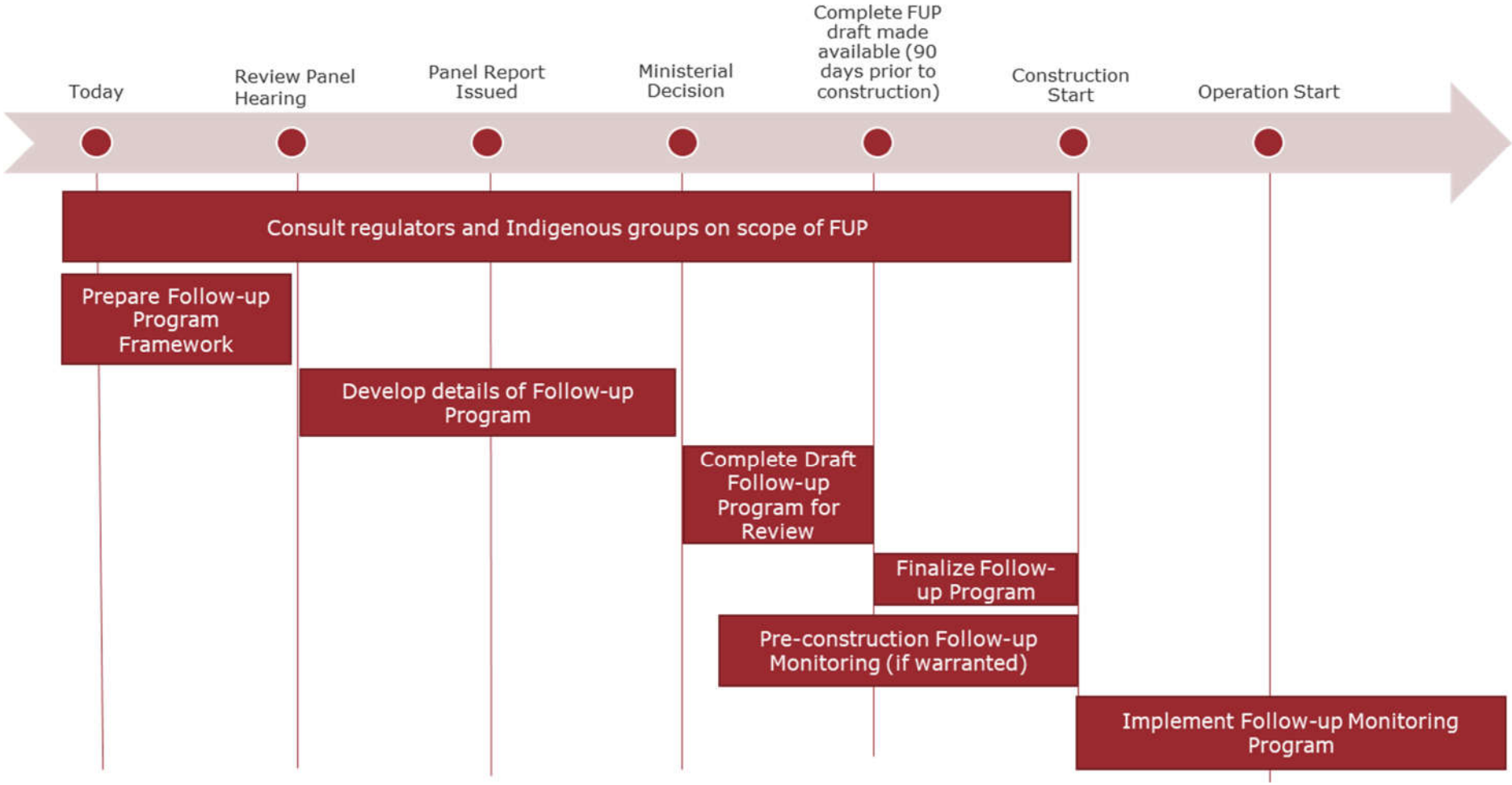
Follow-up Program Development

Since the submission of the EIS in March of 2015 and through the course of the Project's environmental review to date, the VFPA has and continues to:

- Review and consider regulator, Indigenous group, and stakeholder comments and suggestions related to the RBT2 FUP as noted on the Canadian Environmental Assessment Agency (CEA Agency) Registry;
- Engage with Indigenous groups and regulators to solicit input on the RBT2 FUP, as well as other aspects of the Project.
    - The VFPA completed its first FUP-specific planning workshops with Indigenous groups in the summer and fall of 2017. The purpose of these workshops was to share information and seek input on the RBT2 FUP. Discussions focused on the purpose of the FUP, the Deltaport Third Berth (DP3) Adaptive Management Strategy (AMS) experience, and VFPA's proposed approach to developing the RBT2 FUP. Participants were asked about their perspectives concerning what should be monitored and their preferred way of being involved in the FUP's ongoing development. **Appendix IR10-11-01** provides an example presentation that served to guide discussions with participants during a FUP planning workshop. The results of the planning workshops are being considered by the Project team in development of the FUP and are informing further evaluation and consultation on the FUP;
- Develop the RBT2 FUP as described in EIS Section 33.5, including potential roles and responsibilities, governance concepts, regulator and Indigenous group engagement mechanisms, and reporting plans;
- Internally evaluate the consultation inputs, additional studies/analysis, and scientific rationale for potential program elements for inclusion in the RBT2 FUP, feasibility of monitoring programs to support program objectives, and identification of applicable action thresholds as part of the adaptive management approaches. In short, should monitoring results reveal that Project activities led to the action threshold(s) being met or exceeded, then adaptive management measures would be applied; and
- Plan for a process to have a final draft RBT2 FUP document available to regulators a minimum of 90 days prior to the start of field measurement, as noted in EIS Section 33.5.

Figure IR10-11-1 presents a step-wise summary of future actions proposed to progressively develop the RBT2 FUP prior to the start of construction, when the FUP-related monitoring will be formally initiated.

Figure IR10-11-1 Follow-up Program Development Map



As noted in **Figure IR10-11-1** above, the VFPA is committed to continued efforts to consult with Indigenous groups concerning the scope of the RBT2 FUP. Indigenous groups were invited to participate in an Indigenous Advisory Forum (IAF) held on September 18 and 19, 2018 and were provided funding to support their participation. The IAF was a two-day series of presentations and 'world café'-style workshops, with topic-specific discussion tables hosted by VFPA staff and technical experts. Building on previous engagement activities, the workshops were an opportunity for Indigenous participation on a variety of aspects of the Project, including proposed mitigation, FUP, environmental management plans, offsetting, and accessing Project-related benefits. Comments and suggestions heard at the workshops are being considered and evaluated as the VFPA continues to develop the RBT2 FUP in collaboration with Indigenous groups, and will be shared with participants, regulators, and the Review Panel.

Pending an evaluation of its effectiveness in communicating and receiving input, the VFPA may continue to use the IAF format as an ongoing way to meaningfully engage Indigenous groups on the development of the RBT2 FUP and other topics (such as mitigation, offsetting, etc.) following the Panel Hearing and through to the start of construction. In addition, the VFPA will continue to meet individually with Indigenous groups as part of its ongoing RBT2 consultation program.

In addition, the VFPA notes that the Panel-led environmental review process currently underway is a vehicle for stakeholders, regulators, Indigenous groups and the public (specifically via public comment periods) to provide input regarding the RBT2 FUP. The VFPA continues to review and evaluate comments and suggestions that have been have been made about aspects of the FUP through information request responses and submissions to the CEA Agency Registry.

Using input received through the engagement initiatives outlined above, the VFPA will develop a FUP framework before the Panel Hearing and present updated FUP elements[1] as part of its response to IR13-30. The VFPA will develop the FUP's details following the Panel Hearing considering input from future consultation with Indigenous groups and public, and regulators, including the CEA Agency, Fisheries and Oceans Canada (DFO), and Environment and Climate Change Canada, and the Panel Report. After the Ministerial Decision is released (and if the Project is approved), the VFPA will review and consider conditions and update the draft RBT2 FUP document accordingly as is described in EIS Section 33.5, inclusive of the VFPA's proposed approach to governance, monitoring elements, adaptive management strategies, and reporting approach.

Using the draft RBT2 FUP document as a centerpiece of the discussion, the VFPA will lead a series of workshops with both regulators and Indigenous groups intended to collaboratively refine and finalise the RBT2 FUP. Through these workshops, the VFPA will seek to confirm that the RBT2 FUP as drafted addresses section 11.4 of the *EIS Guidelines*. A refined draft of the RBT2 FUP document will be made available prior to the start of construction-phased field measurements to enable parties and regulators consulted on specific elements of the program

[1] See EIS Appendix 33-A the for the VFPA's preliminary proposed FUP elements.

have a reasonable opportunity to evaluate it in its entirety. During the course of developing and refining the FUP, the VFPA will identify and initiate necessary pre-construction field sampling to support the FUP monitoring, as appropriate.

Indigenous Group Involvement in RBT2 Follow-up Program Implementation

Establishment of an RBT2 Indigenous Advisory Committee

Building on current and ongoing consultation, the VFPA is considering a variety of additional engagement and consultation mechanisms that would facilitate ongoing Indigenous group involvement in the construction and operation phases of Project. For example, the VFPA is considering the establishment of an RBT2 Indigenous Advisory Committee (IAC), made up of representatives from Indigenous groups potentially affected by the Project. IAC representatives would meet with the VFPA regularly, at a frequency to be jointly determined, and would hear updates on the Project's progress, review Project monitoring reports, discuss any Project-related issues as identified by their represented communities, and otherwise provide advice and feedback to the VFPA. In turn, IAC representatives would report back to their communities and solicit feedback to be brought back to the IAC and the VFPA. The VFPA believes that the IAC format may act as the vehicle for effective two-way communication concerning a wide variety of Project matters, including opportunities and benefits, ongoing community concerns, as well as the provision and use of traditional knowledge in the ongoing RBT2 FUP. The VFPA also proposes the IAC would nominate a member(s) to sit on the RBT2 Follow-up Advisory Committee (discussed below), ensuring Indigenous participation in the implementation and management of the FUP.

Indigenous Representation on a RBT2 Follow-up Advisory Committee

Similar to the DP3 Project's Scientific Advisory Committee (described later in this response), the VFPA is proposing oversight of the FUP by an independent governance body. Pending future input from Indigenous groups and regulators, this oversight committee is preliminarily referred to as the RBT2 Follow-up Advisory Committee.

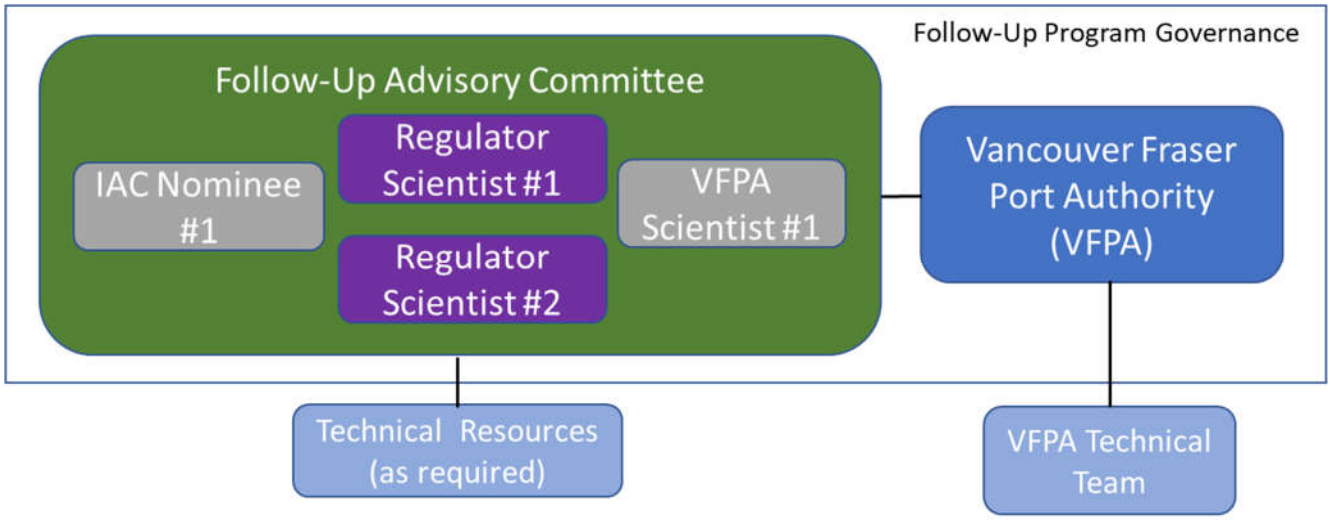
The overarching purpose of establishing an independent governance body is to provide all stakeholders assurance that the RBT2 FUP is meeting its objectives as defined: verifying the accuracy of EIS predictions and determining the effectiveness of measures taken to mitigate potential adverse environmental effects of the Project. Additionally, the proposed governance structure would ensure the following:

- A vehicle for the IAC and appropriate regulators to adapt the scope and focus of FUP monitoring through the construction and operation phases, based on results of initial phases of implementation;
- Independent oversight and evaluation of the monitoring results generated by the technical teams retained by the VFPA, the Infrastructure Developer, and Terminal Operator; and
- Recommendations provided for any warranted amendments to the RBT2 FUP or adaptive management initiatives are evidence-based.

Guided by a Terms of Reference to be developed by the VFPA, with input from Indigenous groups and regulators, the Follow-up Advisory Committee's mandate would be to evaluate, independently report on, and make recommendations on the VFPA's implementation of the RBT2 FUP.

The proposed governance structure of the RBT2 FUP is in **Figure IR10-11-2** below.

Figure IR10-11-2 Proposed RBT2 Follow-up Program Governance Structure



It is proposed that the VFPA would be responsible for the RBT2 FUP's overall implementation, and responsible for providing administrative support for the governance body, including the necessary financial, communication, and administrative resources required for its success. The VFPA would retain a technical team[2] to execute necessary FUP monitoring data collection and analysis (the scope of which is in development) and report on the results and interpretation of monitoring. Project FUP reports would be made publicly available on a VFPA-hosted FUP-specific website.

The RBT2 Follow-up Advisory Committee would be comprised of one (1) nominee from the IAC, one (1) from the Government of Canada, one (1) from Government of British Columbia, and one (1) from the VFPA[3]. The nominees would have a broad understanding of the Project and an appropriate level of technical experience collectively to fulfill the Follow-up Advisory Committee's mandate.

The Follow-up Advisory Committee would be responsible for providing independent oversight of the VFPA's execution of the RBT2 FUP as described in the final RBT2 FUP document. Within its mandate and at the discretion of the nominees, the Follow-up Advisory Committee would make recommendations concerning adequacy and focus of FUP monitoring, as well as recommendations regarding adaptive management initiatives. In the context of the FUP

[2] Where possible, the VFPA will make available opportunities for Indigenous groups to participate in FUP monitoring.
[3] The VFPA nominee will not be professionally affiliated with the VFPA Technical Team.

governance, the Follow-up Advisory Committee's roles and responsibilities would include the following:

- Meet regularly to review and consider follow-up monitoring reports generated by the VFPA, as well as materials brought forward by Follow-up Advisory Committee nominees (including community knowledge and traditional knowledge) that might support its interpretation of FUP monitoring;
- Consult with independent scientists, engineers, technical experts, and Indigenous group leaders, as needed to provide independent technical and traditional knowledge advice, to fulfill the Follow-up Advisory Committee's mandate;
- Author annual reports that present summary opinions and recommendations; and
- Ensure effective FUP information flows to and from their respective constituencies.

Both the Follow-up Advisory Committee and the IAC will be formed prior to the start of construction and would dissolve when the VFPA, the RBT2 Follow-up Advisory Committee, and appropriate regulators agree that the RBT2 FUP has met its objectives and monitoring and reporting are no longer warranted.

Provide information about the effectiveness of the adaptive management strategy for the Deltaport Third Berth Project on its biophysical components and how lessons learned from that process could be applied to the follow-up program for the Project, in relation to the potential effects on current use by Indigenous peoples.

As described above, the VFPA completed its first FUP-specific planning workshops with Indigenous groups in the summer and fall of 2017. An overview of the DP3 AMS was provided as part of the workshops (see **Appendix IR10-11-A**).

Information concerning the effectiveness of the AMS as it relates to the potential effects on biophysical components and through these pathways to potential effects on current use of lands and resources for traditional purposes (Current Use) by Indigenous groups is summarised below, following a brief overview of the program.

Deltaport Third Berth Adaptive Management Strategy Overview

The AMS was one component of the environmental program undertaken by the VFPA as part of the DP3 Project. The DP3 environmental assessment concluded that no significant adverse environmental effects would occur as a result of the project, provided recommended mitigation measures identified in the application were implemented. Initial review by Environment Canada led to a recommendation that an AMS be developed to provide practical advance warning of any potential emerging negative ecosystem trends during project construction and operation, and to establish actions that the port authority would undertake to stabilise or mitigate negative trends.

The objective of the AMS was to undertake a science-based systematic approach to monitor and manage the Roberts Bank inter-causeway ecosystem. The specific goal of the program was to reduce scientific uncertainty and to assess the potential for the occurrence of marine eutrophic events (nutrient imbalances in the water column leading to ecosystem changes)

and dendritic channelisation leading to erosion that could result in significant negative trends in the ecosystem.

A Scientific Advisory Committee (SAC), comprised of three scientists, was established in 2007 to provide independent scientific and technical advice and recommendations. The committee members were appointed by the VFPA and Environment Canada, and the three original members remained on the committee throughout the duration of the monitoring program. The SAC reviewed monthly and quarterly monitoring reports, met regularly, and provided independent commentary on findings through an annual report. The SAC's Chair also made annual presentations to the VFPA, Environment Canada, City of Delta, Tsawwassen First Nation, and the Deltaport Community Liaison Committee.

The monitoring program associated with the AMS was initiated in 2007, as berth construction was beginning, and continued through 2014, for a total of eight years of monitoring.

While the AMS program did not detect ecosystem-wide change from eutrophication and dendritic channel formation across the inter-causeway area as a result of DP3, it did detect small scale, localised change related to DP3 construction behind the tug basin. The restricted drainage in this area led to poor water quality, which in turn affected eelgrass. As an outcome of monitoring, this issue was detected and the adaptive measure of installing a swale in the tug basin berm mitigated the drainage and water quality issues in this area, and monitoring results indicate that the eelgrass has recovered. The AMS final report, *Adaptive Management Strategy 2014 Annual Report Deltaport Third Berth, Delta, BC*, provides a review of the program's findings over the course of its eight year study (see CEAR Document #1124[4]).

Deltaport Third Berth Adaptive Management Program Outcomes

In its formal response to the 2014 monitoring report (the final AMS report), the independent SAC acknowledged the AMS had met its goal of effectively and adaptively monitoring ecosystem-wide changes as a result of DP3 construction and operation. The CEA Agency has included the DP3 AMS as a case example in its *Operational Policy Statement, Adaptive Management Measures under the Canadian Environmental Assessment Act* (CEA Agency 2009). Through its consultation efforts for RBT2, the VFPA has heard from many Indigenous groups that they are supportive of a similar adaptive monitoring approach to the AMS (see the VFPA's forthcoming response to IR10-01).

The VFPA considers the DP3 AMS successful in meeting its objective of monitoring and responding to potential negative changes in the Roberts Bank inter-causeway ecosystem. The monitoring of biophysical components and associated analysis completed within the DP3 AMS were documented in monthly reports, which in turn were reviewed for environmental trends and discussed in quarterly VFPA-SAC meetings. Through this rigorous review process,

[4] CEAR Document #1124 From Review Panel Secretariat to the Review Panel re: Adaptive Management Strategy for the Deltaport Third Berth Project - 2014 Annual Report prepared for the Vancouver Fraser Port Authority.

effective and adaptive mitigation measures were identified and actioned early, as evidenced by the VFPA's responsiveness to drainage and water quality issues noted above.

The independent nature of the SAC contributed to the program's overall success. Establishing the SAC provided regulators and other stakeholders with confidence that interpretation of environmental monitoring data was rigorous and that any required corrective action would be sufficient and timely. By way of meetings and reporting, regulators also had a vehicle for ongoing communications regarding the project's progress and environmental management. The VFPA's website hosting of AMS documents, including monitoring reports and the SAC's annual and independent assessment, provided overall transparency to the program.

The AMS generated considerable environmental data that has supported the VFPA's ongoing environmental stewardship of Roberts Bank, and contributed to regional data and ecological understanding. The scientific results of AMS monitoring were foundational information used in the development of the RBT2 EIS and its assessment of valued components. The AMS and the RBT2 EIS data together make Roberts Bank one of the most studied and comprehensively understood marine ecosystems in Canada.

Lessons Learned that Support the Development of the RBT2 Follow-up Program

The rationale for and purpose of the DP3 AMS differ from the RTB2 FUP. The DP3 AMS was a condition of the disposal at sea permit, was noted in the Project's provincial environmental assessment certificate and *Fisheries Act* Authorization, and its purpose was to monitor specific issues of concern in the inter-causeway area. For RBT2, a FUP is a requirement under the *Canadian Environmental Assessment Act, 2012*, to verify the accuracy of effect predictions made in the EIS and to determine the effectiveness of any measures taken to mitigate the adverse environmental effects of the Project. Though different, the DP3 AMS experience clearly informs the RBT2 FUP and the VFPA's experience of DP3 AMS provides credibility for its capacity and commitment to implement a FUP for RBT2.

The overarching lesson learned for the VFPA from administering the AMS is that such a monitoring program can effectively identify adverse environmental trends and adaptively manage unexpected changes. The creation of an independent, evidence-based advisory committee both enhanced the credibility of the program and effectively supported the VFPA's adaptive management of the Roberts Bank ecosystem through DP3 construction and operation.

Based on input solicited from Indigenous groups and DP3 AMS participants, the VFPA believes the following are key considerations in its ongoing development of the RBT2 FUP:

- **Diversity in RBT2 FUP governance:** As noted above, the VFPA is considering a governance structures involving third party oversight or other concepts. Following from input gathered from ongoing consultation and engagement, the VFPA proposes the establishment of the proposed independent oversight body with a clear Terms of Reference and appointment of diverse, highly qualified, and representative members. The VFPA will seek broader participation by regulatory bodies, unlike the AMS (in which regulators appointed only one representative and jointly appointed the Chair with the

VFPA). Indigenous groups, while consulted regarding the findings of the AMS, were not included in the DP3 program's governance. As discussed above, the VFPA intends to ensure a participatory role for Indigenous groups in the governance of the RBT2 FUP, both to ensure Indigenous perspectives, knowledge, and priorities are represented, and enhance evaluation of monitoring data and input into adaptive management recommendations.

- **Follow-up monitoring for current use by Indigenous people:** The DP3 AMS' focus was on a suite of physical and biophysical parameters defined by regulators in discussion with the VFPA. As such, the DP3 AMS did not directly monitor DP3's potential effects on Current Use by Indigenous people. Indigenous perspectives, knowledge, and priorities will contribute to both the development and oversight of the RBT2 FUP through the consultation mechanisms described above. The VFPA anticipates that, based on ongoing discussions with Indigenous groups, the RBT2 FUP will incorporate parameters applicable to potential effects to Current Use by Indigenous peoples.
- **Managing scope based on evidence:** An important component of the DP3 AMS was that its scope was adapted according to what monitoring results revealed; that is, data collection methods, schedules, and testing methods could be altered when the independent SAC and the VFPA agreed it was appropriate. When aspects of the DP3 AMS monitoring program were deemed redundant or where there was sufficient evidence that no negative trend was emerging, program elements were either reduced or eliminated with approval by the independent advisory body. For the RBT2 FUP, the VFPA will commit to communicating with Indigenous groups, regulators, and other stakeholders and document the circumstances under which the RBT2 FUP elements may be appropriately scaled back.

References

Canadian Environmental Assessment Agency (CEA Agency). 2009. Adaptive Management Measures under the Canadian Environmental Assessment Act. Available at http://www.ceaa-acee.gc.ca/Content/5/0/1/50139251-2FE4-4873-B6A1-A190C103333D/Adaptive_Management_Measures_under_the_CEAA.pdf**.** Accessed June 2018.

Appendices

Appendix IR10-11-A Example FUP-specific Planning Workshop Presentation (August 2017)

APPENDIX IR10-11-A
EXAMPLE FUP-SPECIFIC PLANNING WORKSHOP PRESENTATION (AUGUST 2017)

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Vancouver Fraser Port Authority – Follow-up Program Planning Roberts Bank Terminal 2

Hwlitsum First Nation
Lake Cowichan First Nation
Semiahmoo First Nation
Tsleil-Waututh Nation

August 30, 2017

Workshop purpose

- The purpose of the RBT2 Follow-up Program planning workshop is to provide an opportunity to:
  - **Share information**
    - What is a follow-up program?
    - Deltaport Third Berth Follow-up Program experience
    - Proposed approach to developing the RBT2 Follow-up Program
  - **Seek input on the RBT2 Follow-up Program:**
    - What is important to you and your community?
    - What elements would you like to see monitored?
    - How would you like to be involved moving forward?

Presentation overview

- **Follow-up program introduction**
- Deltaport Third Berth (DP3) Environmental Management Program
- Proposed Roberts Bank Terminal 2 follow-up program
- Next steps

3

What is a follow-up program?

4

Follow-up program - overview

- Follow-up programs are **mandatory** for all projects undergoing a federal assessment (requirement of *Canadian Environmental Assessment Act (2012)*)

- A follow-up program is intended to:
  - verify the accuracy of the predictions regarding potential environmental effects;
  - determine if mitigation measures are working as intended;
  - provide early detection of adverse environmental trends;
  - take corrective actions, when necessary, by adapting planned activities or implementing additional mitigation to address unanticipated adverse environmental effects.

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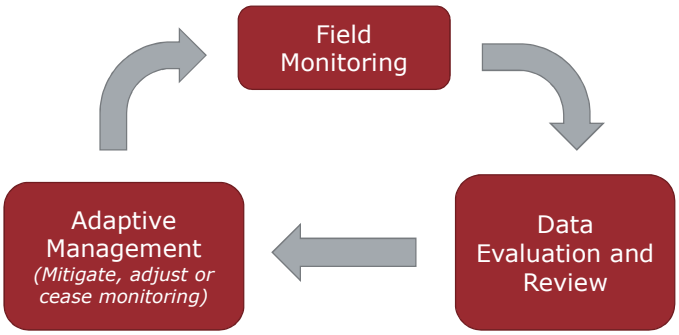
Follow-up program - overview

- CEAA's Operational Statement, *Follow-up Programs Under the Canadian Environmental Assessment Act,* provides direction on the design and contents of a follow-up program.
- This direction includes considering the following questions when determining what should be monitored:
  - Is the Project in an environmentally sensitive area?
  - Is there a need to address issues of Aboriginal or public concern?
  - Is there a need to verify that mitigation measures are effective?

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Follow-up program - overview



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Discussion



- Questions or comments regarding follow-up programs?

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Presentation overview

- Follow-up program introduction
- **Deltaport Third Berth (DP3) Environmental Management Program**
- Proposed Roberts Bank Terminal 2 follow-up program
- Next steps

Deltaport Third Berth (DP3) - overview

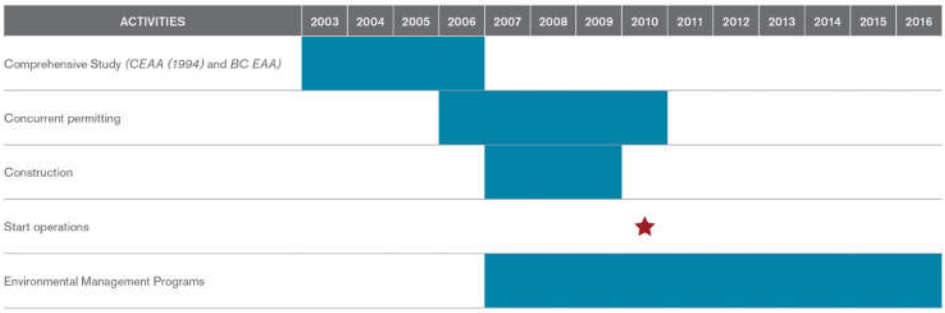
- Expansion of the existing Deltaport container terminal located at Roberts Bank
- Project components:
  - Wharf to accommodate third berth
  - Land for container storage
  - Tug moorage
  - Ship access channel
  - Terminal services and infrastructure





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DP3 – timeline



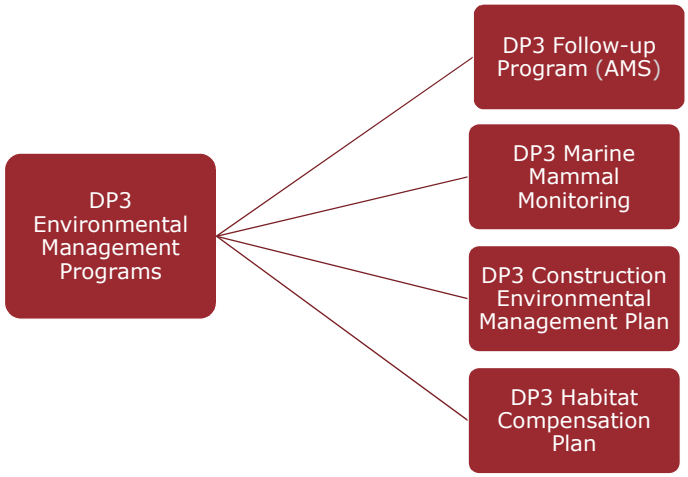
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DP3 – environmental assessment

- The environmental assessment for DP3 included a review of:
  - Air quality/noise/vibration;
  - Fish and fish habitat;
  - Marine mammals (SRKW);
  - Coastal seabirds and waterfowl;
  - Marine vegetation;
  - Water quality – eutrophication; and
  - Coastal geomorphology (dendritic channel formation).

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DP3 – environmental management programs



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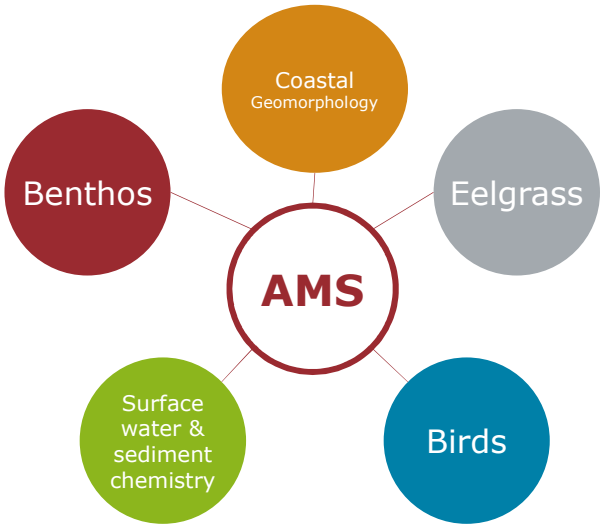
DP3 – follow-up program (AMS)

- Developed in consultation with multiple parties including regulatory agencies, academics, consultants
- Science Advisory Committee led a science-based approach to monitoring and managing the ecosystem
- Goal was to provide early detection of potential changes in the inter-causeway ecosystem so that negative environmental trends attributed to DP3 could be mitigated or prevented

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DP3 – follow-up program (AMS)



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DP3 – pre-construction monitoring

- Pre-construction monitoring data was collected to establish a baseline for each of the five study areas:
  - Surface Water and Sediment Quality
  - Coastal Geomorphology
  - Eelgrass Distribution
  - Benthic Community Structure
  - Coastal Seabird / Shorebird Composition
- In some cases, the VFPA used historical data from its previous studies to provide a longer-term baseline

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DP3 – follow-up program (AMS) - coastal birds

- **What was monitored**
  - Coastal seabirds/shorebird composition
  - Relative abundance and use of the inter-causeway area
    - Monitoring program was amended in 2010 to focus on great blue heron and brant geese
- **Results**
  - Effects limited to direct habitat loss associated with DP3 footprint as predicted by the environmental assessment
  - Birds use alternative habitat available
  - No change in habitat use or abundance of heron



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DP3 – follow-up program (AMS) - sediment and surface water, benthic community

- **What was monitored**
  - Sediment and surface water, through nine monitoring stations to identify if there were indications of marine eutrophication in the inter-causeway area



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DP3 – follow-up program (AMS) - sediment and surface water, benthic community

- **Results**
  - The data collected over eight years did not indicate any ecosystem-wide changes that required mitigation
  - One exception included small-scale, localized changes in water and sediment quality in an area behind the tug basin
    - Additional studies concluded that the cause was likely restricted drainage leading to poor water quality in this area
    - As a result, the port authority installed a swale in the tug basin berm in 2014 to increase drainage and tidal flushing of the area. Monitoring results indicated that the mitigation measure was successful
  - Species diversity remained constant and communities were relatively more diverse than reference locations

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DP3 – follow-up program (AMS) - coastal geomorphology

- **What was monitored**
  - Changes/trends in the coastal zone processes that were predicted in the coastal geomorphology study
- **Results**
  - New drainage channels formed in 2007 adjacent to DP3 due to sediment release during construction of a perimeter dike
    - Stabilized in 2008 through placement of filter rock and fabric along construction berm
    - Very little sediment transported through the channels and flattened not long after their formation
  - No other long-term physical changes were attributed to DP3 construction as was predicted by the environmental assessment
  - Annual mapping indicated most areas remain stable

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DP3 – follow-up program (AMS) - eelgrass

- **What was monitored:**
  - The health of eelgrass in the inter-causeway area relative to reference sites on the west side of the causeway as well as in Boundary Bay (both native *Zostera marina* and *z. japonica*)
- **Results:**
  - Variations in distribution and health due to natural factors
  - No indication the construction or operation of DP3 has affected eelgrass distribution with the exception of small-scale localized changes behind the tug basin
    - A swale was installed in the tug-basin berm to distribute drainage and tidal flushing of the area
  - Localized, temporary loss of eelgrass

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DP3 – follow-up program (AMS) - overall conclusions

- No significant changes to the Roberts Bank ecosystem attributed to DP3
- Seasonal and inter-annual variability documented
- Small-scale localized changes behind the tug-basin related to eelgrass change were observed and corrected through adaptive management
- Use of Roberts Bank area by birds not affected by DP3 construction
- No eutrophication effects from DP3 construction
- Pre-existing dendritic channels not affected by DP3 construction or operation

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DP3 – follow-up program (AMS) - overall conclusions

- **Monitoring and management**
  - Acted as early warning system
  - Confirmed environmental assessment predictions
  - Adaptive
    - Bird monitoring studies discontinued when no change detected
    - Some studies continued until sufficient confidence was achieved (Depth of Disturbance (DoD) rods, metals analysis)
    - Reduced frequency of benthic studies when no changes occurred
    - Analyses/statistics adapted to meet needs
    - Localized eelgrass loss was detected
      - VFPA responded by determining cause and mitigating via in-water works

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DP3 Marine Mammal Monitoring

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DP3 marine mammal monitoring



- **Objectives:**
  - Monitor marine mammal presence, and
  - Avoid, reduce or mitigate effects, especially to SRKW
- Established marine mammal safety zone
  - Implemented a daily monitoring program
  - Requirement to cease in-water construction activities if SRKW were observed in the exclusion zone
- No SRKW were sighted in the safety zone

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DP3 Construction Environmental Management Plan

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DP3 – construction environmental management plan

- Contractors and sub-contractors were required to
  - Provide detailed environment management plans
  - Confirm compliance with the environmental requirements and conditions
- Activities for marine construction took into consideration timing windows for fish and wildlife
- Independent consultants were retained to provide construction environmental monitoring services

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DP3 – construction environmental management plan

- Construction incidents:
  - Hydraulic oil leak
    - Impact minimized through use of biodegradable oil
  - Barge and caisson grounding during high winds
    - 1 in 25 year storm event, barge secured after incident
  - Dredge disposal pipe fracture
    - Divers dispatched to repair pipe
  - Dredging contractor siting error
    - Independent Marine Surveyor support
- Continue to incorporate preventative planning within construction management plans, monitoring, and follow up program.

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DP3 Habitat Compensation Plan

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DP3 – habitat compensation summary

- Provided approximately 20 hectares of on-site compensation projects and 7.5 hectares of off-site compensation.
  - **Log removal and salt marsh restoration** - increased productive capacity for fish and fish habitat – Complete
  - **Caisson Refugia** - habitat openings within the dock structure which provided increased surface area for refuge for marine organisms such as juvenile salmon - Complete
  - **Offsite salt marsh construction** - 7.5 hectares completed in partnership with Ducks Unlimited & Pacific Salmon Foundation - Complete
  - **Subtidal Artificial Reef –** increased fish and coastal seabird habitat productivity- Complete
  - **East causeway habitat enhancement** – included excavation of the east causeway shoreline to create aquatic habitat for fish and coastal seabirds - In remediation. Monitoring to continue to 2022.

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DP3 - log removal area

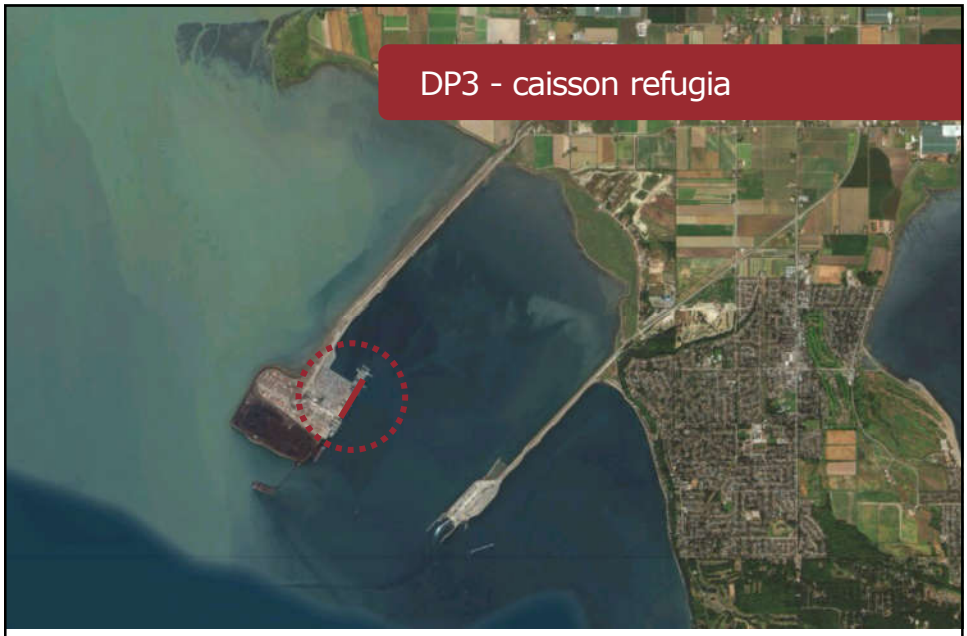


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DP3 - log removal area



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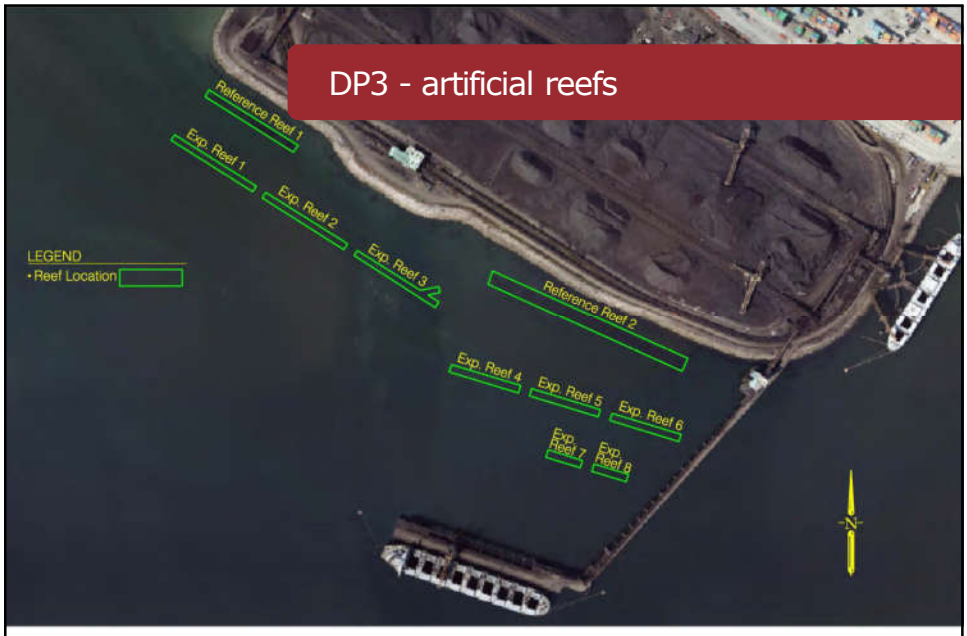
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DP3 - artificial reefs



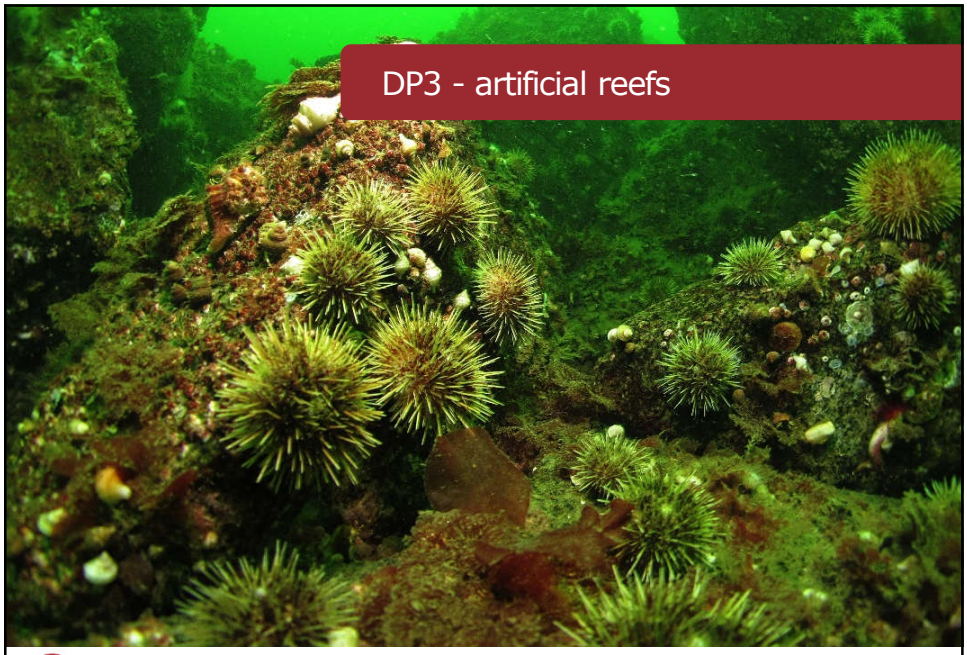
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DP3 - artificial reefs



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DP3 - artificial reefs



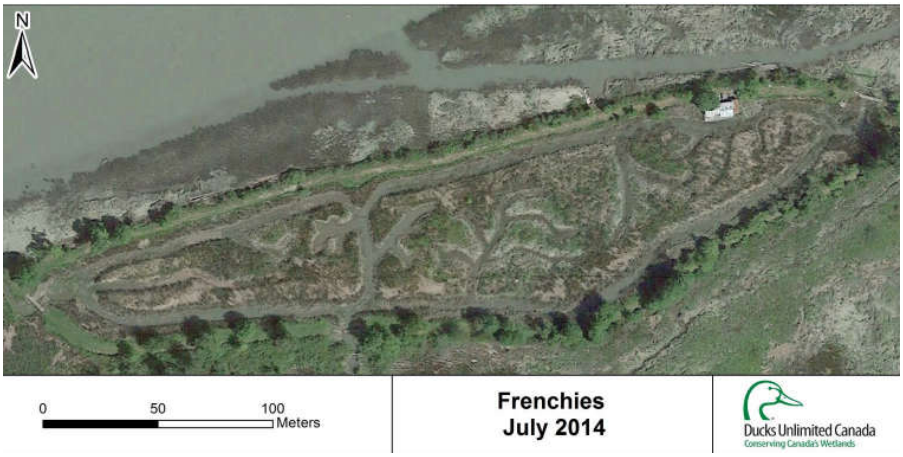
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DP3 offsite compensation – 3rd party



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DP3 offsite compensation – 3rd party



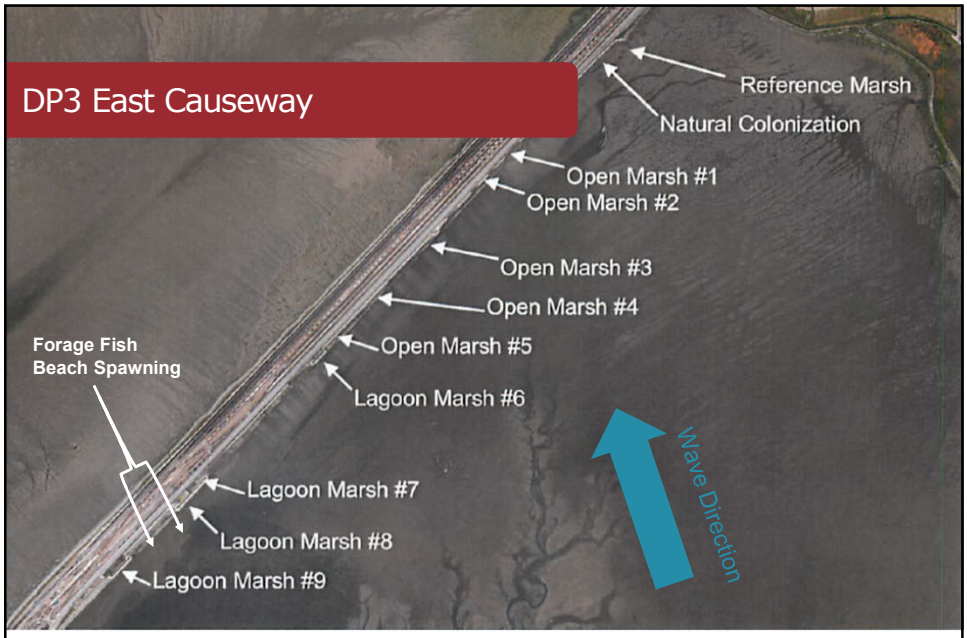
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DP3 offsite compensation – 3rd party



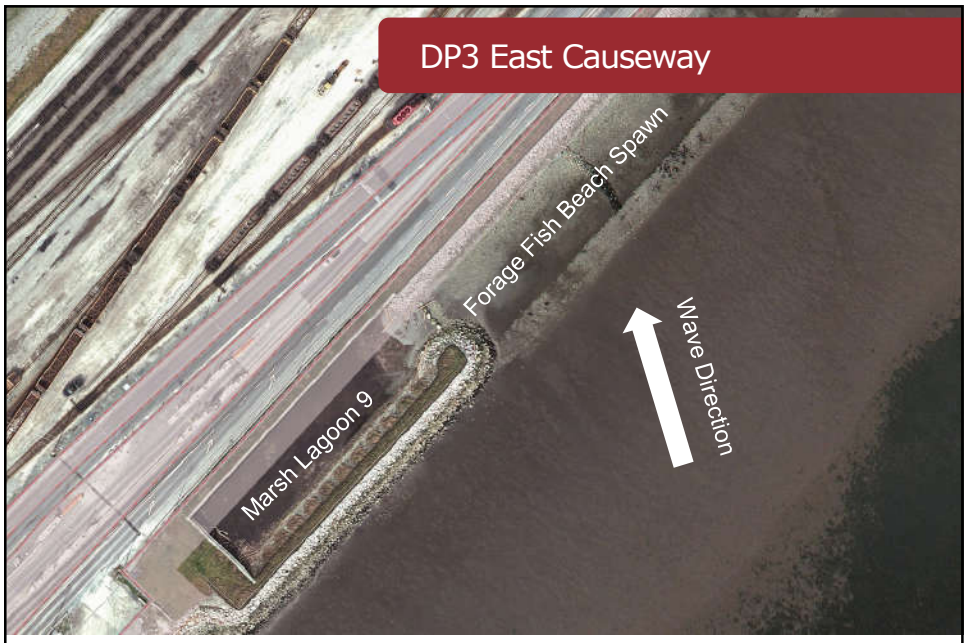


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DP3 East Causeway



Marsh Lagoon 9 – looking northeast towards Ladner

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DP3 East Causeway remediation



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DP3 East Causeway remediation – March #9 (May 2017)



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Discussion



- Questions?
- Comments?

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Presentation overview

- Follow-up program introduction
- Deltaport Third Berth (DP3) Environmental Management Program
- **Proposed Roberts Bank Terminal 2 follow-up program**
- Next steps

Developing the RBT2 follow-up program

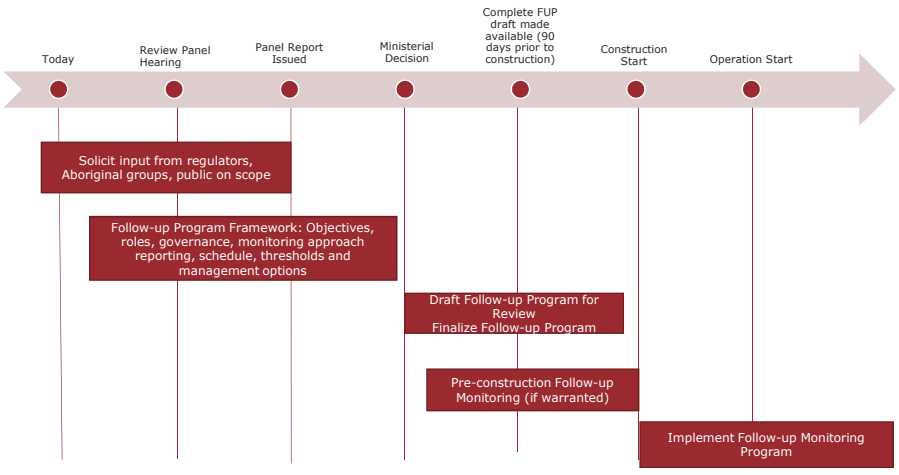
- The RBT2 Follow-up Program will describe:
  - Thresholds of acceptable environmental change in monitored parameters;
  - Options for corrective action to be undertaken if monitoring reveals such thresholds are exceeded;
  - Adaptive management measures that may be applied, as required;
  - Reporting plan, including frequency, report recipients and opportunities for input;
  - How the RBT2 Follow-up Program addresses project approval conditions.

Developing the RBT2 follow-up program

- The RBT2 Follow-up Program will be structured by project phase
  - Pre-construction
  - Construction
  - Operation
- The VFPA will collaborate with regulators and Aboriginal groups to establish the RBT2 Follow-Up Program governance structure, schedule and implementation
- The VFPA will build on lessons learned from the DP3 Follow-up Program

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RBT2 follow-up program – process map



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RBT2 follow-up program – proposed elements

- Appendix 33-A of the EIS provides a preliminary list of proposed follow-up program elements
- Monitoring to verify predictions related to:
  - Marine Vegetation – biofilm assemblage;
  - Marine Invertebrates –bivalves, Dungeness crab and sea pens;
  - Marine Fish – forage fish and flatfish;
  - Marine Mammals – behavioral effects of SRKW;
  - Coastal Birds – diving birds;
  - Light – sky glow and light trespass; and
  - Human Health – noise and air quality related to health effects;

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What we've heard

From Hwlitsum, Lake Cowichan, Semiahmoo and Tsleil-Waututh Nations on RBT2 Follow-up Program and Monitoring:

- Interest in lessons learned from DP3, and outcome of monitoring specific to:
  - Killer whales
  - Armoured shelves
  - Reef construction and reef fish
- Concern that commitments from past projects are not monitored / desire for certainty that monitoring will take place
- Interest in implementation of adaptive management strategy similar to DP3
- Interest in the duration of the monitoring period
- Request for funding to support First Nation review of reports and participation in meetings

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What we've heard (continued)

Interest in:

- Interest in how success will be measured
- What will happen if predictions are incorrect or mitigation measures do not work as planned.
- How certain species would be monitored (e.g. biofilm)
- Monitoring for the encroachment of species on others
- Monitoring the success of eelgrass and sea pen transplants
- Monitoring of geomorphological processes including shoreline erosion and sediment deposition
- Underwater noise monitoring and management
  - Request for consideration of PLOS One monitoring technology for marine mammals

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What we've heard: key topics of interest

- Impacts to fishing activities (crab, salmon) in the vicinity of the Project:
  - Access
  - Stocks and level of catch
  - Impacts to harvest livelihood / crab licensees
  - Small vessel safety
- Black crabs caught in the vicinity of the Project
- Marine fish including:
  - Eulachon and Herring/herring spawning habitat
  - Resident herring stocks
  - Migrating salmon
  - Effects from underwater noise

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What we've heard: key topics of interest (cont.)

- Shellfish contamination
- Southern Resident Killer Whales
  - Vessel strikes to marine mammals
  - Effects from underwater noise
- Marine vegetation including: biofilm, eelgrass and eelgrass habitat, cattail, bulrush and other marsh plants
- Human health effects related to noise (e.g. rail shunting)
- Light effects from terminal and vessel traffic

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Discussion



- The VFPA is seeking input on the RBT2 follow-up program:
  - What is important to you and your community?
  - How would you like to be involved moving forward?

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Presentation overview

- Follow-up program introduction
- Deltaport Third Berth (DP3) Environmental Management Program
- Proposed Roberts Bank Terminal 2 follow-up program
- **Next steps**

Next steps

- Consider input from today's consultation, plus future engagements
- Draft the RBT2 follow-up program framework, determining:
  - Best way to monitor key parameters;
  - Appropriate thresholds and options for corrective action (if required); and
  - Program governance structure and reporting approach.
- Share draft RBT2 follow-up program framework
- Share final RBT2 follow-up program with regulators and Aboriginal groups

Questions? Comments?

Thank you!

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IR10-12 Current Use of Lands and Resources for Traditional Purposes – Environmental Management Plans for Indigenous Peoples

Information Source(s)

EIS Guidelines: Section 11.4; Section 16

EIS Volume 1: Appendix 7.2-B

EIS Volume 5: Section 32; Section 33; Table 33-1; Table 33-2; Table 35-2

Context

According to the EIS Guidelines, environmental management plans are meant to clearly define the Proponent's ongoing commitment to consultation and collaboration with Indigenous groups. In Section 33 of the EIS, the Proponent has proposed four sub-plans that include consultation or collaboration with Indigenous groups. They are:

1. the Archaeological Monitoring and Management Plan
2. the Land and Marine Traffic Management Plan
3. the Communication Plan
4. the Operation and Compliance Monitoring Plan.

In their submissions to the Review Panel, and throughout Section 32 and Appendix 7.2-B of the EIS, Indigenous groups expressed a desire to be involved in the preparation and implementation of the Environmental Management Plans (EMPs) to ensure the protection of their traditional activities and cultural heritage. Some Indigenous groups also expressed concerns that there were no specific EMPs specifically addressing the potential effects of the Project on current use and cultural heritage. Tables 33-1 and 33-2 in Section 33 of the EIS list no such specific plans.

Sustainability reporting referred to by the Proponent in terms of its approach to environmental management includes the consideration of effects on communities in planning and managing operations and how to respond to raised issues and concerns. In this respect, more information is required on the Proponent's commitment to address potential Project-related effects on current use and cultural heritage, health and safety of Indigenous peoples.

Information Request

Provide an outline of a plan that would be developed and implemented to address potential environmental effects during construction and operation of the proposed Project on current use, cultural heritage, health and safety of Indigenous peoples. Clearly define the Proponent's ongoing and proposed environmental commitment and identify concrete actions that would consider contemporary interests and aspirations of Indigenous groups, such as representation on a management committee, funding for necessary studies or any other reasonable endeavors.

VFPA Response

Based on the assessment presented in the EIS, the VFPA has proposed mitigation measures to address potential environmental effects during construction and operation of the proposed Project on current use of lands and resources for traditional purposes (Current Use), cultural heritage, and the health and safety of Indigenous peoples. As noted in EIS Section 32.2.7, the effectiveness of mitigation measures for predicted effects to linked or inter-related valued components (VCs) were evaluated for effectiveness in the applicable VC assessment sections of the EIS. Such measures include standard operating practices, as well as management practices or measures developed to specifically avoid or reduce the potential adverse effects of the Project on those VCs. Mitigation measures for VCs that were considered effective at also reducing potential Project-related effects on Current Use, inclusive of cultural heritage, and the health and safety of Indigenous peoples, are described and summarised in EIS Table 32-6 (included below). The effectiveness of the proposed mitigation measures and their relevance to specific Indigenous groups is further discussed in IR10-09, and the commitments made by the VFPA to meaningfully engage and consult with Indigenous groups during drafting of environmental management plans and sub-plans, including mitigation frameworks, is further discussed in the VFPA's forthcoming response to IR13-29.

EIS Table 32-6 Summary of Mitigation Measures to Address Adverse Project-related Effects on Current Use

#	Potential Effect	Applicable Phase(s)	Mitigation Measures
1	Changes in Access to Preferred Current Use Locations	Construction, Operation	Continue to abide by the [Memorandum of Agreement (MOA)] in place with Tsawwassen First Nation to accommodate Tsawwassen First Nation for effects from the Project. Work with Musqueam First Nation to draft Terms of Reference to guide future discussions related to accommodation for effects from the Project Implement mitigation for Marine Commercial Use and Outdoor Recreation VCs (**Sections 21.0** and **24.0**) to address potential displacement-related effects on commercial and recreational crab harvesting. Work with DFO to ensure necessary consultations with [Indigenous] domestic or [food, social, or ceremonial (FSC)] crabbers concerning the proposed expansion of the area closed to commercial and recreational crabbing. Support [Indigenous] crabbing for domestic or FSC within the area closed to commercial and recreational crabbing. Implement measures for Land and Water Use VC (**Section 26.0**) to reduce potential disturbance to marine access to Tsawwassen First Nation community lease lands (Tsawwassen Water Lots). Develop a communications protocol to inform appropriate [Indigenous] groups of planned or unplanned events related to Project construction or operation that may affect Current Use access. Work with [Indigenous] groups to develop and implement a communications mechanism that will support dialogue between [the VFPA] and appropriate [Indigenous] groups on topics of concern that arise during the construction and initial operation phases.
2	Changes in Availability of Preferred Current Use Resources	Construction, Operation	Implement mitigation identified in **Section 32.2.7.1**. Implement mitigation to reduce Project-related effects to marine resources, including Marine Vegetation, Marine Invertebrates, Marine Fish, Marine Mammals, and Coastal Birds VCs (**Sections 11.0** through **15.0**). Share with appropriate [Indigenous] groups information gained through environmental monitoring and follow-up programs to support monitoring, by [Indigenous] groups, of environmental conditions related to Current Use. Work with appropriate [Indigenous] groups to identify opportunities to participate in environmental monitoring and follow-up programs.
3	Changes in Quality of Preferred Current Use Resources	Construction, Operation	Implement mitigation identified in **Section 32.2.7.2**. Implement mitigation for Human Health VC (**Section 27.0**) to address perceived contamination of traditional food sources.

#	Potential Effect	Applicable Phase(s)	Mitigation Measures
4	Changes in Quality of Current Use Experience	Construction, Operation	Implement the mitigation identified in **Section 32.2.7.3**. Implement mitigation for Visual Resources VC (**Section 25.0**) to reduce Project-related changes in daytime and nighttime visibility. Implement mitigation for Human Health VC (**Section 27.0**) to decrease potential effects from Project-related noise, light, subsistence food avoidance, and air emissions Implement mitigation to identify and reduce potential damage to fish trap stakes.

Note: This table is reproduced from the EIS. Square brackets ([ ]) indicate changes made to the original text.

As discussed in the response to IR10-11, the VFPA intends to continue consultation with Indigenous groups regarding proposed mitigation measures, including the proposed environmental management plans listed in EIS Tables 33-1 and 33-2 and those noted in EIS Table 32-6. The VFPA anticipates such consultation will further inform mitigation measures to address potential environmental effects during construction and operation of the proposed Project on Current Use, cultural heritage, health, and safety of Indigenous peoples.

Indigenous groups were invited to participate in an Indigenous Advisory Forum (IAF) held on September 18 and 19, 2018 and were provided funding to support their participation. In total, 23 individuals attended the IAF representing 15 of the 16 Indigenous groups that the VFPA has consulted at a high or moderate depth in relation to the Project. During the IAF, there were many discussions and opportunities to provide feedback on proposed mitigation, environmental management plans, offsetting, and follow-up programs. Pending an evaluation of its effectiveness in communicating and receiving input, the VFPA may continue to use the IAF format (or a modified version thereof based on feedback) as an ongoing way to engage Indigenous groups on topics, such a the environmental management plans, following the Panel Hearing and through to the start of construction. In addition, the VFPA will continue to meet individually with specific Indigenous groups as part of its ongoing RBT2 consultation program. The VFPA will consider the information provided at the recent IAF sessions as it continues to work with Indigenous groups to develop the environmental management plans and mitigation.

The VFPA, in consultation with Indigenous groups, is also considering a variety of engagement and consultation mechanisms that could facilitate meaningful ongoing Indigenous group involvement in the construction and operation phases of Project. As further discussed in the response to IR10-11, the VFPA is proposing the establishment of a RBT2 Indigenous Advisory Committee and also Indigenous representation on the RBT2 Follow-up Advisory Committee. The VFPA has and will also continue to provide funding for necessary studies and reasonable costs to enable Indigenous participation and incorporation of Indigenous traditional knowledge into the RBT2 Project and RBT2 environmental program planning. Where possible, the VFPA will make available opportunities for Indigenous groups to participate in environmental monitoring associated with the Project (see further discussion in the response to IR10-11).

IR10-13 Current Use of Lands and Resources for Traditional Purposes – Effects Assessment; Access, Availability and Quality of Preferred Current Use Resources

Information Source(s)

EIS Guidelines: Section 17.4.2

Marine Shipping Addendum: Section 9.5.2.1; Section 9.5.4; Section 9.5.5; Section 9.5.6; Section 9.5.7

Proponent Response to Additional Information Requirements of February 24, 2016 (CEAR Doc#391): IR2

Proponent Response to Additional Information Requirements of January 13, 2016 (CEAR Doc#572)

Responses to Review Panel Request for Information: Musqueam Indian Band (CEAR Doc#1098); Métis Nation British Columbia (CEAR Doc#1099); Pacheedaht First Nation (CEAR Doc#1118)

Context

In Section 9.5.7 of the Marine Shipping Addendum, the Proponent stated that, with the application of the proposed mitigation measures, all residual environmental effects in relation to marine shipping associated with the proposed Project on current use would be negligible.

These conclusions were challenged by some Indigenous groups based on the following points:

1. The assessment of potential environmental effects for current use was carried out for all of the groups combined rather than individually;
2. The absence of using all available group-specific information;
3. The methodology used by the Proponent for the characterization of potential effects did not take into consideration concerns and perspectives of each group, including risk tolerance and thresholds and the effectiveness of the mitigation measures;
4. The absence of considering seasonality or certain sites, such as Swiftsure Bank, as critical components of the assessment;
5. The absence of information regarding which Indigenous groups harvested in the shipping lanes versus groups traveling through to access fishing, harvesting and cultural sites elsewhere and, groups using the marine shipping area for activities other than fishing;
6. The consideration that fishing is the only activity which would be subject to adverse effects from the increase in ship traffic compared to other activities;
7. The use of the term 'temporary displacement' and its implications; and
8. The lack of adequately addressing issues and concerns raised by Indigenous groups, such as safety, wake-wave effects, and restrictions in access to traditional harvesting areas and cultural sites.

Considering all of the above, the assessment of potential effects and characterisation of residual effects of the marine shipping associated with the Project needs to be provided for each Indigenous group addressed in the Marine Shipping Addendum and CEAR Doc#572.

Information Request

Provide a group-specific assessment of potential effects and the characterization and significance of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources for each Indigenous group listed in Tables 1-C and 1-D of Attachment 2.

At minimum, the assessment should:

- Present baseline data of:
    - preferred species and locations;
    - timing of the current activities, such as frequency, duration and seasonality;
    - FSC harvest achieved and desired to meet the FSC requirements of the community;
    - existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
- Provide maps indicating marine harvest sites for each Indigenous group;

In addition, with respect to ship pass-bys, the following should be provided:

1. a list of issues/concerns raised by each Indigenous group in relation to effects on current use from vessel transit associated with the Project;
2. whether each Indigenous group considered that these issues/concerns were adequately addressed by the Proponent;
3. the views of the Proponent regarding:
    a) thresholds of acceptance for measuring effects on access to preferred locations and resources, incorporation of Indigenous Knowledge and whether the studies relied upon for considering the existing conditions were considered acceptable;
    b) risk tolerance in relation to the use or avoidance of a site; and,
    c) acceptable 'temporary' or 'permanent' displacement conditions.

VFPA Response

Preface

The overarching information request asks the VFPA to provide a group-specific assessment of potential effects and the characterisation and significance of residual effects of the marine shipping associated with the proposed Project on current use of lands and resources for traditional purposes (Current Use) in terms of changes to access and availability and quality of preferred marine resources for each Indigenous group listed in Tables 1-C and Table 1-D of Attachment 2.

Group-specific assessments of the potential effect of the marine shipping associated with the proposed Project for Indigenous groups listed in Tables 1-C and 1-D of Attachment 2 to Information Request Package 10 are presented in Appendix IR10-A (the VFPA notes that the assessments for Musqueam First Nation and Tsleil-Waututh Nation were group-specific in the

AIMSA (Additional Information to the Marine Shipping Addendum (MSA) – Musqueam First Nation and Tsleil-Waututh Nation; CEAR Document #572[1]). These assessments consider the VFPA's responses to each of the three main sub-requests to the overarching request (Part 1 through Part 3), as reviewed in sequence below.

Part 1 – Present baseline data of: preferred species and locations; timing of the current activities, such as frequency, duration and seasonality; FSC harvest achieved and desired to meet the FSC requirements of the community; and existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

Baseline Information Previously Provided

Part 1 of the response to IR10-06 ("Baseline Information Previously Provided") details the relationship of the scope of the baseline information included for each Table 1-A Indigenous group in Section 32.2.4 of the EIS and for each Table 1-B Indigenous group in Section 7.2.4 of the AIEIS (Additional Information to the EIS – *W*SÁNEĆ Nation; CEAR Document #930[2]) to section 9.1.8 and section 9.2 of the *EIS Guidelines* regarding information requirements related to Current Use, aspects of cultural heritage, and rights.

The scope described in Part 1 of the response to IR10-06 largely applies to the baseline information included for each Table 1-C Indigenous group in Section 9.5.4 of the MSA and for each Table 1-D Indigenous group in Section 7.2 of the AIMSA.

In addition to the requirements in section 9.1.8 and section 9.2 of the *EIS Guidelines*, the scope of the baseline information presented in Section 9.5.4 of the MSA for Table 1-C Indigenous groups and Section 7.2 of the AIMSA for Table 1-D Indigenous groups also took into account the information requirements of section 17.3.2 of the *Updated EIS Guidelines* in terms of their applicability to Current Use and aspects of cultural heritage, as well as the requirements of section 17.5 regarding rights. The VFPA notes that fishing activities were a focus of the requirements listed under section 17.3.2.

As with the EIS and AIEIS, the baseline information in Section 9.5.4 of the MSA and Section 7.2 of the AIMSA also included information about past use and the effects of other projects and activities on use, with a particular emphasis on existing effects that Table 1-C and Table 1-D Indigenous groups attributed to marine shipping. Information regarding desired or aspirational use, where known to the VFPA, was also included.

[1] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).
[2] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).

Table 1-C and Table 1-D Indigenous groups were asked by the VFPA to review and comment on the accuracy, appropriateness, and completeness of the baseline information prior to submission of the MSA and AIMSA. *Refer to Appendix IR10-A for group-specific details of the process that the VFPA undertook with each Table 1-C and Table 1-D Indigenous group to obtain and confirm baseline information.*

Additional Baseline Information Requested

As detailed in Part 1 of the response to IR10-06 ("Additional Baseline Information Requested"), the VFPA identified limitations with the baseline information presented in the EIS and AIEIS. Similar to the limitations described in relation to the EIS and AIEIS, the introduction to Section 9.5.4 of the MSA stated the following(p. 9.5-6):

> *"Some Aboriginal groups have advised that Current Use or the absence of Current Use may not be reflective of desired future use or where Aboriginal and treaty rights exist or may be exercised in the future. Aboriginal groups have also indicated that an absence of reported Current Use in a given area does not necessarily reflect the absence of actual use by individual community members, which is often not known in any detail by Aboriginal group representatives."*

The introduction to Section 7.2 of the AIMSA further emphasised that the summaries of baseline information were indicative but not exhaustive of past, present, or future use of the marine shipping area by Indigenous groups (p. 32).

The direction provided to the VFPA in section 17 of the *Updated EIS Guidelines* to "maximise the use of existing information" (see "Anticipated Level of Effort") was also identified by Indigenous groups as a limitation on the baseline information. In the discussion of administrative and technical boundaries for the Current Use assessment in the MSA (which were applied to the AIMSA), the VFPA notes the following (p. 9.5-4):

> *"Some Aboriginal groups have expressed concern over the use of existing information to characterise their Current Use. They have said it is not appropriate to assume that the information developed in the context of other circumstances (i.e., Trans Mountain Expansion Project) is applicable to another set of circumstances, in this case marine shipping associated with the Project. Certain Aboriginal groups requested that they be provided with more time and resources to provide information specific to marine shipping associated with the Project. They report that time and resource constraints, as well as a reluctance to share sensitive community information, have limited their ability to provide the range or depth of information that may be relevant to the assessment to augment existing material."*

The VFPA notes that the additional baseline information requested as part of this information request in relation to the MSA and AIMSA is the same as the additional baseline information requested in Part 1 of IR10-06 in relation to the EIS and AIEIS for the following items:

- Preferred species and locations;

- Timing of the current activities, such as frequency, duration, and seasonality; and
- FSC harvest achieved and desired to meet the FSC requirements of the community.

As explained in Part 1 of the response to IR10-06 (including the subsection on "FSC harvest desired"), the VFPA has no further information to provide in relation to the above for any Table 1-C or Table 1-D Indigenous group that is not already contained in EIS Section 32.2.4, AIEIS Section 7.2.4, MSA Section 9.5.4, AIMSA Section 7.2, or in response to previous information requests (e.g., AIR-12.04.15-29, AIR-12.04.15-30 of CEAR Document #388[3]).[4]

With regard to the additional baseline information requested within this information request—that is, the existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting, and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes—the VFPA notes that the information available to the VFPA regarding past, present, or desired use in, through, or adjacent to the shipping lanes within the marine shipping area is summarised for Table 1-C and Table 1-D Indigenous groups in Section 9.5.4 of the MSA and Section 7.2 of the AIMSA. These summaries related to 27 Indigenous groups collectively amount to approximately 135 pages of information and therefore are not repeated here (*refer to Appendix IR10-A for group-specific index tables that identify where existing baseline data for each Indigenous group can be found within the MSA or AIMSA*).

The VFPA recognises that Indigenous groups may have more information regarding the baseline information requested by the Review Panel and leaves it to the discretion of Indigenous groups to submit this information (which could be sensitive or confidential) directly to the Review Panel for its consideration.

Part 2 – Provide maps indicating marine harvest sites for each Indigenous group.

The VFPA has provided a response regarding the Review Panel's request to provide maps indicating marine harvest sites for Table 1-A and Table 1-B Indigenous groups in Part 2 of the response to IR10-06. That response is also applicable to Table 1-C and Table 1-D Indigenous groups (16 of which also appear on Table 1-A or Table 1-B).

For the same reasons expressed in that response, the VFPA leaves it to the discretion of Table 1-C and Table 1-D Indigenous groups to submit the information requested by the Review Panel, or any other specific information Indigenous groups consider relevant to their Current Use, directly to the Review Panel for its consideration. The VFPA notes that some Indigenous groups have already opted to submit this site-specific mapping directly to the Review Panel (refer to response to IR10-06), including under the Review Panel's confidentiality procedures (e.g., Pacheedaht First Nation).

[3] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.
[4] There are Table 1-C and Table 1-D Indigenous groups that also appear on Table 1-A and Table 1-B of Attachment 2 to Information Request Package 10.

Part 3 – In addition, with respect to ship pass-bys, the following should be provided: 1. a list of issues/concerns raised by each Indigenous group in relation to effects on current use from vessel transit associated with the Project; 2. whether each Indigenous group considered that these issues/concerns were adequately addressed by the Proponent; 3. the views of the Proponent regarding: a) thresholds of acceptance for measuring effects on access to preferred locations and resources, incorporation of Indigenous Knowledge and whether the studies relied upon for considering the existing conditions were considered acceptable; b) risk tolerance in relation to the use or avoidance of a site; and, c) acceptable 'temporary' or 'permanent' displacement conditions.

1. Lists of Issues/Concerns

Issues or concerns raised by each Table 1-C and Table 1-D Indigenous group in relation to the effects on Current Use from vessel transit associated with the Project, including those specific to ship pass-bys, are provided in group-specific issues and interests tracking tables in the VFPA's forthcoming response to IR10-01.

The VFPA notes that the issues and concerns of each Table 1-D Indigenous group regarding effects on Current Use from vessel transit associated with the Project that had been received prior to submission of the AIMSA were identified in the effects assessment associated with each Current Use indicator in Section 7.3 of the AIMSA (these issues and concerns are specifically discussed in relation to ship pass-bys in AIMSA Sections 7.3.1, 7.3.4, and 7.3.5). The issues and concerns of Table 1-D Indigenous groups were also provided on a group-specific basis in the table that appears in Appendix 2-B of the AIMSA (CEAR Document #572[5]).

2. Adequacy of Proponent's Response

The VFPA notes that Table 1-C and Table 1-D Indigenous groups have been requested by both the Canadian Environmental Assessment Agency (CEA Agency) and Review Panel to comment on the VFPA's assessment of potential effects of marine shipping associated with the Project, including potential effects on Current Use, from both a completeness and sufficiency perspective.

It is understood that many Indigenous groups characterise existing effects on their Current Use as already significantly affected by marine shipping, and that any further incremental effect on that Current Use, no matter how small, could be nothing but significant. The VFPA has also been informed by Indigenous groups that they disagree with the VFPA's predictions regarding the effects of Project-associated shipping on Current Use (i.e., negligible-to-minor; refer to "Proponent's Views on Thresholds of Acceptability and Risk" below).

The VFPA would like to emphasise that, as marine shipping associated with the Project is beyond the care and control of the VFPA and that most issues and concerns raised by

[5] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

Indigenous groups regarding marine shipping associated with the Project were often presented in the context of existing (and increasing) effects of marine shipping in the shipping lanes generally, the VFPA is not in a position to (adequately) address issues and concerns of Indigenous groups regarding marine shipping on its own, but is prepared to be an active participant in a collaborative effort to address these issues and concerns. Refer to the responses to IR10-17 through IR10-20, which provide clarification on mitigation measures suggested by the VFPA for consideration by the appropriate regulatory authorities regarding the potential effects on Current Use from vessel traffic associated with the Project, the VFPA's proposed role in the implementation of those measures, and consultation activities in relation thereto (including confirming accuracy of predictions) with Table 1-C and Table 1-D Indigenous groups.

3. Proponent's Views on Thresholds of Acceptability and Risk

In relation to the VFPA's views on thresholds of acceptability and risk presented below in subsections (a) through (c), the VFPA recognises and respects that Indigenous groups may not agree with the VFPA's views and leaves it to the discretion of Indigenous groups to provide their own analysis and assessment of effects on their Current Use as a result of Project-associated ship pass-bys directly to the Review Panel for its consideration.

(a) (i) Thresholds of Acceptance for Measuring Effects on Access

The VFPA has previously provided information on its views of thresholds of acceptance for measuring potential effects on Current Use from vessel traffic associated with the Project, and specifically on the measurability of potential effects on access to locations and resources as a result of Project-associated ship pass-bys, in Section 9.5.5 of the MSA and in the response to IR-2, which is referenced in the information sources to this Information Request.

In assessing the potential effect on Current Use access as a result of Project-associated ship pass-bys as negligible-to-minor (per Section 9.5.5 of the MSA, Section 7.3 of the AIMSA, and the response to MSA IR-02.24.16-2 of CEAR Document #391[6]), the VFPA was attempting to reflect its understanding of how detectable those ship pass-bys may reasonably be, considering the following:

- These pass-bys would be occurring in established shipping lanes (3 movements every 2 days on average per year), which transit the traditional territory or otherwise defined area of use for each Table 1-C and Table 1-D Indigenous group (all of whom reported use in, through, and adjacent to those shipping lanes, in qualitative terms);
- Only one of the established shipping lanes—the outbound lane—is in Canadian waters (*Canadian Environmental Assessment Act*, *2012* 5(1)(c) only contemplates effects occurring in Canada) (1.5 movements every 2 days—or 0.75 movements per day—on average per year); and

[6] CEAR Document #391 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Marine Shipping Addendum Completeness Review - Responses to Additional Information Requirements (See Reference Document #386).

- Not every pass-by in the outbound shipping lane would likely overlap with a Current Use activity.

As explained in the response to MSA IR-02.24.16-2 (CEAR Document #391):

> *"It is reasonable to expect that these temporary overlaps [between a Current Use activity and a transiting ship] would be less than the incremental increase in ship pass bys [0.75 movements per day], but by an unknown amount, and that this amount could effectively be zero. Taking a precautionary approach, the analysis assumed that there may be some detectable or measurable increase in temporary overlaps as a result of the additional pass bys for all Aboriginal groups with reported use in Section 9.5.4, and moved the effect forward to Section 9.5.5.2 for further assessment [i.e., as a measurable effect]."*

As a transiting Project-associated ship would cross the territory or otherwise defined area of use for each Table 1-C and Table 1-D Indigenous group, the predicted level of effect was assessed as the same for each group (i.e., negligible-to-minor).

The VFPA is aware that temporary displacement as a result of overlaps between Current Use and Project-associated ship pass-bys could effectively become permanent if the potential increase in overlaps as a result of Project-associated ship pass-bys is not mitigated (use may be avoided given existing conditions of use, which Indigenous groups consider already significantly affected). Refer to the response to (c) below.

(a) (ii) Incorporation of Indigenous Knowledge

In the course of consultation on marine shipping associated with the Project (and per the requirements of sections 17.3.2 and 17.5 of the *Updated EIS Guidelines*), the VFPA obtained the views of Indigenous groups regarding the effects of existing marine shipping in the marine shipping area, including the view that no further risks or displacement (whether temporary or permanent) were acceptable, as the existing conditions of risk and displacement were already unacceptable. This view was universal.

Indigenous Knowledge regarding existing effects on Current Use as a result of marine shipping—including the view that existing conditions of risk and displacement are already unacceptable—was incorporated into the group-specific baseline summaries within Section 9.5.4 of the MSA and Section 7.2 of the AIMSA. It was also taken into account in the suggested mitigation measures in Section 9.5.6 (and repeated in Section 7.4 of the AIMSA) to address what the VFPA predicted to be at most a minor incremental effect on Current Use in relation to Project-associated ship pass-bys given the understanding reflected in (a)(i) above, but in the context of existing conditions described by Indigenous groups. Refer to the responses to IR10-17 through IR10-20 for further discussion of these suggested measures.

As the measures suggested by the VFPA are expected to be effective at addressing the potentially measurable effect on Current Use access as a result of Project-associated ship pass-bys, residual effects on that access were assessed as negligible for all Table 1-C or

Table 1-D Indigenous groups and were not assessed further for significance. Accordingly, a cumulative effects assessment was not carried out (per the methodology applied to valued components assessed in the EIS and MSA).[7]

(a) (iii)Whether the Studies Relied upon for Considering the Existing Conditions were Considered Acceptable

The VFPA has described limitations on the sources relied upon for considering existing conditions of use in Part 1 of the response to this information request, including but not limited to concerns expressed by Indigenous groups regarding the use of existing materials to describe those conditions. The VFPA has also explained in Part 1 to this information request that the use of existing materials was augmented by additional information provided to the VFPA by Indigenous groups in the course of consultation on marine shipping associated with the Project, including additional written information and studies (refer to Section 9.5.3 of the MSA, Section 7.1.2 of the AIMSA, and each group-specific summary in Section 9.5.4 of the MSA and Section 7.2 of the AIMSA). As stated in Part 1 of the response to this information request, the baseline summaries that were generated from this information were provided to Indigenous groups for review and comment regarding the accuracy, appropriateness, and completeness of the information prior to submission.

The VFPA is of the view that, while there are known and stated limitations associated with sources of information on use, the information relied upon for considering the existing conditions provides an acceptable (sufficient) snapshot of use to support the VFPA's predictions of potential effects on Current Use as a result of Project-associated ship pass-bys, as well as the development of the mitigation measures suggested by the VFPA in Section 9.5.6 of the MSA (and repeated in Section 7.4 of the AIMSA), measures that were informed by Indigenous perspectives on existing effects from marine shipping. Refer to response (a)(ii) above.

(b) Risk Tolerance in Relation to the Use or Avoidance of a Site

The VFPA is of the view that the effect of Project-associated ship pass-bys on Current Use, to the extent that any such effect may be detectable, can be mitigated through the measures suggested by the VFPA in Section 9.5.6 of the MSA (and repeated in Section 7.4 of the AIMSA), and will not magnify the risk conditions that Indigenous groups currently describe as unacceptable. Refer to the response in (a)(ii) above.

(c) Acceptable 'Temporary' or 'Permanent' Displacement Conditions

The VFPA is of the view that the effect of Project-associated ship pass-bys on Current Use, to the extent that any such effect may be detectable, can be mitigated through the measures suggested by the VFPA in Section 9.5.6 of the MSA (and repeated in Section 7.4 of the AIMSA),

[7] A cumulative effects assessment was only carried out when a residual adverse effect of the Project was predicted and the residual adverse effect was considered likely to interact cumulatively with the effects of other projects and activities that have been or will be carried out.

and will not magnify the displacement conditions that Indigenous groups currently describe as unacceptable. Refer to the response in (a)(ii) above.

IR10-14 Current Use of Lands and Resources for Traditional Purposes – Socio-economic Conditions

Information Source(s)

Marine Shipping Addendum: Section 9

Marine Shipping Addendum: Appendix 5-B

Proponent Response to Follow-up Additional Information Requirements of February 24, 2016 (CEAR Doc#391): IR9

Context

Section 17.4.2 of the EIS Guidelines requires assessment of effects of changes to the environment on Indigenous peoples, including socio-economic conditions that may arise as a result of the Project.

In response to additional information requirement #9 from the Canadian Environmental Assessment Agency (CEAR Doc#391), the Proponent considered that effects of any changes to the environment caused by marine shipping associated with the Project on socio-economic conditions applied only in relation to Marine Commercial Use and Outdoor Recreation.

The Proponent provided an assessment for all Indigenous groups combined for marine commercial use and outdoor recreation, but did not describe socio-economic implications of potential displacement as a result of marine shipping associated with the Project. For instance, in Appendix 5-B of the marine shipping addendum, Pacheedaht First Nation reported that, due to the high volume of vessel traffic, members must hire charters at great expense to safely fish in the area as most do not own boats with radar.

Additional information is required in order to assess effects of changes to the environment on socioeconomic conditions of each Indigenous group.

Information Request

For each of the Indigenous groups listed in Tables 1-C and 1-D of Attachment 2, consider the socio-economic implications of potential or necessary displacement (permanent and/or temporary) in terms of:

- sufficiency of resources at alternate locations to meet the requirements of the community;
- constraints of displacement (areas further from their community or already alienated to other interests);
- extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and

- constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediment to the revival of traditions surrounding coastal harvesting activities.

VFPA Response

Group-specific assessments of potential effects of Project-associated shipping on current use of lands and resources for traditional purposes (Current Use) for Indigenous groups listed in Table 1-C and Table 1-D of Attachment 2 to Information Request Package 10 are presented in Appendix IR10-A (the VFPA notes that the assessments for Musqueam First Nation and Tsleil-Waututh Nation were group-specific in the AIMSA (Additional Information to the Marine Shipping Addendum (MSA) – Musqueam First Nation and Tsleil-Waututh Nation; CEAR Document #572[1]*)). The assessments in Appendix IR10-A consider the VFPA's response below.*

The Current Use assessment presented in Section 9.5.5 of the MSA and Section 7.3 of the AIMSA has already considered the socio-economic implications of displacement in terms of the four factors listed in this information request. In the response to the information request that follows, the VFPA addresses the last factor first, followed by a discussion of the first three factors.

As explained in Part 1 of the response to IR10-13, the baseline information presented in Section 9.5.4 of the MSA for each Table 1-C Indigenous group and Section 7.2 of the AIMSA for each Table 1-D Indigenous group, included each Indigenous group's perspectives about existing effects of other projects and activities, including existing marine shipping, on their Current Use, aspects of cultural heritage, and rights to date. These existing effects included existing constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns, and impediments to the revival of traditions surrounding coastal harvesting activities.

For example, Section 9.5.4.10 of the MSA, which presents the baseline information for Pacheedaht First Nation (referenced in the context to this information request), cites a long list of factors that have combined cumulatively over time, "eroding their once thriving economy based on the harvest, trade, and sale of marine products, and resulting in other effects on the Pacheedaht community" (p. 9.5-63). Among the factors cited were the following:

- Depletion of fisheries and other marine resources, and the imposition of fishing and marine harvesting regulations, including loss of economic rights related to the harvesting of marine resources; and

[1] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

- Re-routing of the international shipping lanes in 2005,[2] causing them to interfere with Pacheedaht's "safe" access to Swiftsure Bank, one of Pacheedaht's preferred fishing areas.

Later in MSA Section 9.5.4.10 (p. 9.5-68), the VFPA expands on Pacheedaht's views on the existing effects of the movement of the outbound shipping lane on their fishing at Swiftsure Bank, including the use of charter boats as a means to improve their sense of safety when accessing and using Swiftsure Bank, since these boats are equipped with the technology (e.g., radar) to help avoid interactions between Pacheedaht and transiting ships. These concerns of Pacheedaht are repeated in the effects assessment regarding access to Current Use locations and cultural heritage linked to that access (MSA Section 9.5.5.1, pp. 9.5-127, 9.5-140; MSA Section 9.5.5.2, p. 9.5-144).

The VFPA notes that the first three factors in this information request pertaining to socio-economic implications were also identified in IR10-07 in relation to the EIS and AIEIS (Additional Information to the Environmental Impact Statement – *W*SÁNEĆ Nation; CEAR Document #930[3]).

Part 1 of the response to IR10-07 explains how Indigenous perspectives on existing socio-economic constraints were considered in the VFPA's evaluation of the potential level of effect of the Project on the Current Use of each Indigenous group before the implementation of mitigation. Quoting from Part 3 of the response to IR10-06, Part 1 of the response to IR10-07 states the following:

> *"Considerations in this regard included whether the effect could lead to displacement of activities that are not portable or are limited in their portability to other areas (e.g., requiring considerably more travel time or financial resources to support) … [.]"*

This consideration was also taken into account in the analysis of potential effects of marine shipping associated with the Project on Current Use.

As explained in Part 3 of the response to IR10-13 (3(a)(ii)), the VFPA has reported that Table 1-C and Table 1-D Indigenous groups universally expressed the view that no further risks or displacement (whether temporary or permanent) as a result of marine shipping were acceptable, as the existing conditions of risk and displacement were already considered unacceptable. As also explained in this section of Part 3 of the response to IR10-13 (3(a)(i)), the VFPA is of the view that the contribution of Project-associated ship pass-bys in designated

[2] Transport Canada, in its submission to the Review Panel dated October 14, 2016 (CEAR Document #580, Clarification #8), noted as follows, in response to the information provided by Pacheedaht (at p. 9.5-68 of Section 9.5.4.10 of the MSA): "[T]he widening of the outbound lane came into force December 2006. The previous lane was narrower and also passed over Swiftsure Bank. The lane was widened to dilute the density of traffic transiting the area to reduce the encounters between transiting vessels and vessels fishing in the area."

[3] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).

shipping lanes to these existing effects (before mitigation) is so small (as discussed in detail in IR10-13) as to be likely undetectable against these existing conditions; however, the VFPA treated it as potentially measurable (before mitigation), and is of the view that the effect, for all Indigenous groups, can be effectively mitigated through the measures suggested by the VFPA (refer to the responses to IR10-17 through IR10-20).

As the VFPA expects the potentially measurable access effect on Current Use as a result of Project-associated ship pass-bys can be mitigated, incremental socio-economic implications as a result of marine shipping associated with the Project are not anticipated for any Table 1-C or Table 1-D Indigenous group.

IR10-15 Current Use of Lands and Resources for Traditional Purposes – Effects Assessment, Quality of the Current Use Experience

Information Source(s)

Marine Shipping Addendum: Section 9.5.5.1; Section 9.5.5.2; Section 9.5.5.3; Section 9.5.6; Section 9.5.7; Table 9.5-35; Figure 10.1

Ditidaht First Nation (CEAR Doc#636)

Pacheedaht First Nation Submission to the Review Panel (CEAR Doc#672)

Context

In Section 9.5.5 of the Marine Shipping Addendum, the Proponent assessed the potential effects of marine shipping associated with the proposed Project on the quality of the current use experience, including:

- Sensory disturbance associated with noise, light and air quality;
- Safety; and
- Cultural Landscape (defined as important cultural sites).

The Proponent concluded that:

- Ship-generated noise, light and air quality were expected to have a negligible effect on the quality of the current use experience;
- A measurable change in safety risk during current use activities as a result of marine shipping associated with the Project was not expected; and
- Marine shipping associated with the Project was not expected to measurably affect the existing quality of the current use experience through further erosion to sites of importance.

For the cultural landscape, the relative contribution of ship-related wave effects to erosion affecting these sites compared to other sources were considered by the Proponent as 'difficult if not impossible' to measure. The Proponent concluded that while cumulative effects to traditional use are acknowledged, Project-associated shipping is not expected to measurably affect the existing quality of the current use experience within the marine shipping addendum through further erosion to sites of importance. In the Proponent's view, pre-existing effects had led to changes in use patterns and the amount of time spent on the land and water for traditional purposes, such as the creation of international borders, placement of shipping lanes, natural erosion to important sites. Alterations to the physical landscape over time had already resulted in influencing how these landscapes were experienced culturally.

Indigenous groups, such as Ditidaht First Nation and Pacheedaht First Nation, challenged the Proponent's conclusions and considered that their Current Use experience had already been eroded in terms of perceived threats to safety at sea resulting in potential avoidance of important sites, such as Swiftsure Bank. An associated consequence was the loss of inter-

generation transmission of Traditional Knowledge regarding resource gathering, practices and sites.

Pacheedaht First Nation members considered that the acceptable threshold for the amount of traffic in the shipping lanes had already been exceeded and the term "temporary displacement" did not accurately describe the required actions to avoid commercial shipping vessels on Swiftsure Bank.

Additional information on how the Project could affect the quality of the current use experience of Indigenous groups using the marine shipping area is required.

Information Request

Provide a group-specific assessment of potential effects of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterization and significance of residual effects. The assessment should include the Indigenous groups listed in Tables 1-C and 1- D of Attachment 2.

The assessment should evaluate:

- Sites of importance to Indigenous groups;
- Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances;
- Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and
- Loss of opportunities for the cultural transmission of Traditional Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

VFPA Response

Group-specific assessments of the potential effect of the marine shipping associated with the Project on the quality of current use of lands and resources for traditional purposes (Current Use) experience for Indigenous groups listed in Table 1-C and Table 1-D of Attachment 2 to Information Request Package 10 are presented in Appendix IR10-A (the VFPA notes that the assessments for Musqueam First Nation and Tsleil-Waututh Nation were group-specific in the AIMSA (Additional Information to the Marine Shipping Addendum (MSA) – Musqueam First Nation and Tsleil-Waututh Nation; CEAR Document #572[1])). The assessments in Appendix IR10-A consider the VFPA's response below.

The VFPA notes that the context to this information request states that, in Section 9.5.5 of the MSA, "the Proponent assessed the potential effects of marine shipping associated with the proposed Project on the quality of the current use experience, including:

[1] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

- Sensory disturbance associated with noise, light and air quality;
- Safety; and
- Cultural Landscape (defined as important cultural sites)."

The VFPA would like to clarify that, with regard to safety, the assessment in MSA Section 9.5.5.1 explains that a potential detectable or measurable change in safety risk during Current Use activities as a result of Project-associated shipping, *based on statistical data*, is not expected; however, the reader is referred to MSA Section 9.5.5.2 for a discussion of potential effects of a *perceived change in safety risk* tied to a potential incremental change in access to Current Use locations due to Project-associated increases in ship pass-bys (pp. 9.5-141 to 9.5-142).

The VFPA also wishes to clarify that it did not define cultural landscape as "important cultural sites." Rather, the "Cultural Landscape Considerations" subsection within MSA Section 9.5.5.1 indicates that (physical) sites of importance *help* define the cultural landscape of each Indigenous group, and are a *key* component of how lands and resources are used and experienced. The section also notes how alterations to the physical landscape over time have influenced how these landscapes are experienced culturally. How these landscapes are experienced culturally—the intangible or cultural heritage aspects of landscape—were taken into account in MSA Section 9.5.5.2 (p. 9.5-144).

The VFPA further wishes to clarify that, while only Ditidaht First Nation and Pacheedaht First Nation are referenced in the context to this information request, the baseline information presented in Section 9.5.4 of the MSA for Table 1-C Indigenous groups and Section 7.2 of the AIMSA for Table 1-D Indigenous groups, as well as in the issues and interests tracking tables submitted with the MSA (MSA Appendix 5-B) and AIMSA (AIMSA Appendix 7-2) (refer also to the VFPA's forthcoming response to IR10-01), indicate that all Indigenous groups with traditional territories or otherwise defined areas of use overlapping the marine shipping area (i.e., each Indigenous group on Table 1-C and Table 1-D) similarly described, within that area, the following:

- Sites of importance;
- Decreased willingness or ability to access, and even avoidance of, Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances;
- Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and
- Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

As previously clarified in the response to AIR-12.04.15-29 (CEAR Document #388[2]) (revisited in the response to IR10-08) and MSA IR-02.24.16-10 (CEAR Document #391[3]), the VFPA's assessment of potential effects on the quality of Current Use experience took into account two pathways. The factors listed above are predominantly relevant to the second pathway (i.e., effects on the quality of experience tied to access), whereby a predicted effect (before mitigation) on any one of the Current Use indicators (in this case access) was assumed to have a potentially corresponding effect on quality of experience (before mitigation) related to cultural heritage. As explained in the assessment in Section 9.5.5.2 (p. 9.5-144) of the MSA (and further applied in Section 7.3.4 of the AIMSA):

> *"This [up to] minor change in access to preferred Current Use locations could also potentially result in an associated change in cultural practices [and cultural heritage] that that are tied to the affected use of locations and resources, such as incrementally affecting the transmission of knowledge (e.g., adding to circumstances that may be keeping children from experiencing fishing at a traditionally important location because of safety concerns with existing traffic. … [T]his incremental effect of an increase on Project-associated [ship] pass bys on the quality of Current Use experience, if measurable, is also expected to be minor relative to existing conditions."*

Clarifications regarding the VFPA's assessment of potential effects on access to Current Use locations (including displacement considerations) as a result of Project-associated vessel traffic in designated shipping lanes—that is, as potentially measurable (i.e., negligible-to-minor) for all Table 1-C and Table 1-D Indigenous groups—has been provided in the responses to IR10-13 and IR10-14. As summarised in the response to IR10-14:

> *"As explained in Part 3 of the response to IR10-13 (3(a)(ii)), the VFPA has reported that Table 1-C and Table 1-D Indigenous groups universally expressed the view that no further risks or displacement (whether temporary or permanent) as a result of marine shipping were acceptable, as the existing conditions of risk and displacement were already considered unacceptable. As also explained in this section of Part 3 of the response to IR10-13 (3(a)(i)), the VFPA is of the view that the contribution of Project-associated ship pass-bys in designated shipping lanes to these existing effects (before mitigation) is so small as to be likely undetectable against these existing conditions; however, the VFPA treated it as measurable (before mitigation), and is of the view that the effect, for all Indigenous groups, can be effectively mitigated through the measures suggested by the VFPA (refer to the responses to IR10-17 through IR10-20)."*

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[2] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.

[3] CEAR Document #391 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Marine Shipping Addendum Completeness Review - Responses to Additional Information Requirements (See Reference Document #386).

As the VFPA expects that the potentially measurable access effect on Current Use as a result of Project-associated ship pass-bys can be mitigated, residual effects on the quality of experience (e.g., cultural heritage) tied to that access were assessed as negligible for all Table 1-C or Table 1-D Indigenous groups and were not assessed further for significance. Accordingly, a cumulative effects assessment was not carried out (per the methodology applied to valued components assessed in the EIS and MSA).[4] The VFPA is of the view that this remains a reasonable conclusion.

[4] A cumulative effects assessment was only carried out when a residual adverse effect of the Project was predicted and the residual adverse effect was considered likely to interact cumulatively with the effects of other projects and activities that have been or will be carried out.

IR10-16 Current Use of Lands and Resources for Traditional Purposes – Effects Assessment, Access to Current Use Locations and Vessel Pass-bys

Information Source(s)

Marine Shipping Addendum: Section 9.5.5.1; Section 9.5.5.2; Section 9.5.6; Figure 7.2-2

Context

In Section 9.5.5.1 of the Marine Shipping Addendum, the Proponent determined that the residual effects from vessel transit on Current Use within the marine shipping area were negligible.

First, the Proponent presented some of the Indigenous perspectives on existing interactions with vessel transit on Current Use and provided the following arguments to conclude that the effects were negligible:

- According to regulations, any vessel less than 20 metres must not impede the transit of a larger vessel; this would render the effect similar as existing conditions;
- The Current Use activities would need to occur simultaneously with ship pass-bys, in which case, the frequency of the temporary displacement could be increased by nine per cent for Segment D and 12 per cent for Segment B and it is difficult to assess quantitatively the potential for overlaps;
- 44 per cent of Project-associated vessel movements are expected to occur at night when Current Use activities are reduced compared to day-time activities.

Second, the Proponent considered that with an increase of approximately 1.5 ship movements per 24 hours, there is a potential minor incremental effect on the ability of Indigenous groups to access Current Use locations as a result of a potential increase in spatial and temporal overlaps between Current Use activities and ship pass-bys.

Some Indigenous groups questioned these conclusions since they did not accurately address the use of important sites and the displacement of fishing vessels and gear. They also considered that their perception of potential collisions between fishing craft and marine commercial traffic in the shipping lanes was not sufficiently addressed.

Additional information is required to address and clarify the potential increases in overlap between Current Use activities and ship pass-bys.

Information Request

Present for each specific Indigenous group listed in Tables 1-C and 1-D of Attachment 2:

- The current activities taking place during the day or the night with a quantification of day and night duration;
- The access required within, outside or through the shipping lanes;
- The seasons that activities are practised;

- The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and
- The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

VFPA Response

The VFPA wishes to clarify the information provided in context to this information request regarding the VFPA's predictions on the effects of Project-associated vessel transit on current use of lands and resources for traditional purposes (Current Use) presented in Section 9.5.5 of the Marine Shipping Addendum (MSA).

First, residual effects on Current Use are not discussed in Section 9.5.5.1 of the MSA. Rather, MSA Section 9.5.5 discusses potential effects on Current Use that are predicted to be negligible (MSA Section 9.5.5.1) or measurable (MSA Section 9.5.5.2) before mitigation. Residual effects, which are expected to be negligible, are discussed in MSA Section 9.5.7.

Second, the VFPA's analysis of the potential effects of Project-associated ship pass-bys presented in Section 9.5.5 of the MSA, including the rationale for level of effect predictions on Table 1-C Indigenous groups (i.e., negligible-to-minor before mitigation), has been previously clarified in the response to MSA IR-02.24.16-2 (CEAR Document #391[1]), and has been further clarified in Part 3 of the response to IR10-13 (for both Table 1-C and Table 1-D Indigenous groups). The clarification in Part 3 of the response to IR10-13 has also been summarised in the response to IR10-14, as follows:

> *"As explained in Part 3 of the response to IR10-13 (3(a)(ii)), the VFPA has reported that Table 1-C and Table 1-D Indigenous groups universally expressed the view that no further risks or displacement (whether temporary or permanent) as a result of marine shipping were acceptable, as the existing conditions of risk and displacement were already considered unacceptable. As also explained in this section of Part 3 of the response to IR10-13 (3(a)(i)), the VFPA is of the view that the contribution of Project-associated ship pass-bys in designated shipping lanes to these existing effects (before mitigation) is so small as to be likely undetectable against these existing conditions; however, the VFPA treated it as measurable (before mitigation), and is of the view that the effect, for all Indigenous groups, can be effectively mitigated through the measures suggested by the VFPA (refer to the responses to IR10-17 through IR10-20).*

With regard to the additional baseline information requested in this information request, Part 1 of the response to IR10-13 explains why the information contained in Section 9.5.4 of the MSA and Section 7.2 of the AIMSA (Additional Information to the MSA – Musqueam First

[1] CEAR Document #391 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Marine Shipping Addendum Completeness Review - Responses to Additional Information Requirements (See Reference Document #386).

Nation and Tsleil-Waututh Nation; CEAR Document #572[2]) is the extent of the information known to the VFPA, or that the VFPA is in a position to provide, regarding past, present, and desired future use in, through, and adjacent to the designated shipping lanes by Table 1-C and Table 1-D Indigenous groups.

The VFPA has no further baseline information to provide with respect to this information request for Table 1-C or Table 1-D Indigenous groups; however, as explained in Part 3(a)(iii) of the response to IR10-13, the VFPA is of the view that the information provided is sufficient to support the VFPA's predictions of potential incremental effects on Current Use as a result of Project-associated routine vessel transit, as well as the development of suggested mitigation measures that were informed by Indigenous perspectives on existing effects from marine shipping.

[2] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

IR10-17 Current Use of Lands and Resources for Traditional Purposes – Mitigation Measures, Current Use Access

Information Source(s)

Marine Shipping Addendum: Section 9.5.6

Transport Canada Submission to the Review Panel (CEAR Doc#580)

Context

In Section 9.5.6 of the Marine Shipping Addendum, the Proponent suggested mitigation measures to address potential effects on Current Use access resulting from the potential increase in overlap between Current Use activities with Project-associated marine shipping traffic. These mitigation measures were suggested for consideration by the appropriate regulatory authorities and included the following:

1. Consultation on the development of a potential marine shipping communication plan that would provide affected Indigenous groups with real-time information regarding the movement of Project associated shipping traffic through the Marine Shipping Area, including:
   - the estimated time of arrival of Project associated container ships and their expected duration of use of the shipping lanes for inbound and outbound movements; and
   - circumstances outside normal operations that might affect the expected frequency or concentration of Project-associated vessel traffic along the shipping routes, such as the clearing of backlogs in shipping traffic due to storms requiring ships to temporarily anchor before proceeding.
2. Consultation with the affected Indigenous groups to identify measures that would reduce the effects of the international shipping lanes to fishing by Indigenous groups.

Some Indigenous groups expressed concerns that the mitigation measures proposed by the Proponent were vague and incomplete since they addressed only fishing within the shipping lanes but not adjacent areas. A description of the process that would be used to implement the mitigation measures was also needed.

Clarification of the proposed mitigation measures is required.

Information Request

With respect to the marine shipping communication plan, provide clarification on:

1. Which appropriate regulatory authorities has the Proponent engaged with to discuss the potential mitigation measures; and
2. What role does the Proponent intend to play in the development and implementation of the marine-shipping-communication plan.

Discuss the expected effectiveness of a marine shipping communication plan to address the concerns raised by Indigenous groups concerning Current Use access and navigation in and through the marine shipping lanes.

Discuss how the mitigation measures will mitigate the potential adverse effects of marine shipping associated with the proposed Project considering that the mitigation measures are reliant on entities outside the care and control of the Proponent.

VFPA Response

Part 1 – With respect to the marine shipping communication plan, provide clarification on which appropriate regulatory authorities has the Proponent engaged with to discuss the potential mitigation measures.

Marine shipping associated with the Project occurs in an area that is beyond the care and control of the VFPA, but within the jurisdiction of the federal government. The VFPA was therefore directed by the *Updated EIS Guidelines* to *suggest* mitigation measures for consideration by the federal government, for use by programs and activities within federal jurisdiction.

To date, the VFPA has engaged Transport Canada on the mitigation measures suggested by the VFPA regarding marine shipping associated with the Project. Meetings have occurred subsequent to the submission of Transport Canada's responses to TC IR-08 and TC IR-09 (CEAR Document #1147[1]) pertaining to these measures. Further discussions are expected (refer to Part 2 of this response).

Part 2 – With respect to the marine shipping communication plan, provide clarification on what role does the Proponent intend to play in the development and implementation of the marine shipping-communication plan.

Although marine shipping associated with the Project is beyond the care and control of the VFPA, the VFPA considers itself a key stakeholder with a critical interest in marine shipping associated with the Project. As a key stakeholder, the VFPA expects that it would be actively involved in "*consultation on the development of a potential* marine shipping activities communication plan" (emphasis added), which, for clarification, is the language of the first of two suggested measures in Marine Shipping Addendum (MSA) Section 9.5.6.

As noted in Part 1 of this response, the VFPA has engaged Transport Canada on the measures suggested by the VFPA, and subsequent to the submission of Transport Canada's responses to TC IR-08 and TC IR-09 (CEAR Document #1147). The VFPA is aware that there are other federal government agencies in addition to Transport Canada (e.g., Fisheries and Oceans Canada, Environment and Climate Change Canada, and Canadian Coast Guard) and stakeholders in addition to the VFPA (e.g., Pacific Pilotage Authority), with a mandate or interest in marine shipping associated with the Project.

[1] CEAR Document #1147 From Transport Canada to the Review Panel re: Response to Information Requests issued by the Review Panel on December 19, 2017 (See Reference Document #1128).

At the time the MSA was prepared, the marine shipping activities communication plan was contemplated by the VFPA as a potential tool for the consideration of the federal government for use in federal programs and activities. The VFPA also assumed that such a tool, were the federal government to consider it, would be discussed and developed in consultation and collaboration with Indigenous groups, other appropriate regulatory authorities, and stakeholders (e.g., the VFPA), such as in the 'forum' format suggested by Tsawout First Nation (i.e., per Table MSA IR13-1, "Establish a forum including Aboriginal groups, government, project proponents, and researchers to consider impacts of increased marine shipping from multiple projects, including RBT2, on Aboriginal and treaty rights"; see MSA IR-02.24.16-13 of CEAR Document #391[2]).

The MSA was submitted to the Canadian Environmental Assessment Agency (CEA Agency) in October 2015. On November 7, 2016, the federal government launched the national Oceans Protection Plan (OPP) to improve marine safety and responsible shipping, protect Canada's marine environment, and offer new opportunities for Indigenous and coastal communities (Transport Canada 2018). The VFPA notes that the OPP has been identified by the CEA Agency in communications with Indigenous groups in relation to marine shipping associated with the Project (see for example CEAR Document #1073[3], October 17, 2017), and specifically in relation to the VFPA's suggested mitigation measures related to marine shipping, both of which were based on suggestions by Indigenous groups (refer to Part 3 of this response). The VFPA is aware through this correspondence that the federal government has initiated meetings with Indigenous groups "to discuss concerns regarding the location of the shipping lanes"—reflected in the VFPA's second suggested measure after the marine shipping communications plan—and that these "marine safety-related discussions" are continuing as part of a "newly formed [OPP] Working Group" that includes Indigenous groups and "federal representatives from Transport Canada, Canadian Coast Guard and Fisheries and Oceans" (CEAR Document #1073).

The VFPA notes that the OPP Working Group presents an opportunity for consultation on the development of a potential marine shipping activities communications plan for marine shipping associated with the Project. The VFPA is prepared to actively participate as a key stakeholder in the OPP Working Group or other OPP/federal initiatives, as appropriate and as relevant to the Project. Some of these other federal initiatives were identified by Transport Canada in its response to TC IR-08 and TC IR-09 (CEAR Document #1147), including those of the Canadian Coast Guard (i.e., Enhanced Maritime Situational Awareness (EMSA) initiative, Proactive Vessel Management (PVM) initiative, and Common Situational Awareness Portal (CSAP)). The VFPA notes that some of these initiatives, such as those pertaining to marine communications, capture the key aspects of the VFPA's suggested measure for a potential marine communications plan (refer to Part 3 of this response).

[2] CEAR Document #391 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Marine Shipping Addendum Completeness Review - Responses to Additional Information Requirements (See Reference Document #386).
[3] CEAR Document #1073 From the Canadian Environmental Assessment Agency to the Pacheedaht First Nation re: Preliminary Depth Reassessment for Pacheedaht First Nation.

Part 3 – Discuss the expected effectiveness of a marine shipping communication plan to address the concerns raised by Indigenous groups concerning Current Use access and navigation in and through the marine shipping lanes.

The VFPA expects that a marine shipping communication plan would be effective for the following reasons:

- As discussed in Part 2 of this response, it is assumed that such a plan would be developed and implemented in consultation and collaboration with Indigenous groups that have raised concerns regarding current use of lands and resources for traditional purposes (Current Use) access and navigation, in, through, and adjacent to the marine shipping lanes.
- The VFPA considered the specific concerns raised by Indigenous groups regarding the potential effects of marine shipping generally and marine shipping associated with the Project on Current Use access and navigation in, through, and adjacent to the marine shipping lanes. It also considered specific measures suggested by Indigenous groups (refer to Table MSA IR13-1 of CEAR Document #391) to address potential effects of marine shipping,[4] when it suggested the marine shipping communications plan as a potential measure to reduce what the VFPA predicts will be up to a minor potential effect on Current Use (and associated cultural heritage, including intangible cultural heritage) as a result of Project-associated ship pass-bys in established shipping lanes.
- Similar plans have been identified by federal and provincial regulators as approval conditions for a number of projects with marine shipping components having the potential to interact with Current Use. These projects include, for example, LNG Canada Project (Marine Activities Plan; LNG Canada 2015), Woodfibre LNG Project (Marine Transportation and Monitoring Plan; Woodfibre 2015, and the Trans Mountain Expansion (TMX) Project (i.e., Marine Public Outreach Program / Aboriginal Marine Outreach Program; NEB 2016, TMX 2017).[5]
- As discussed in Part 2 of this response, federal government agencies have already started to implement initiatives similar to the suggested marine shipping communication plan. For example, in the response to TC IR-08, the Canadian Coast Guard identified CSAP (as identified in Part 1 of this response), an initiative "to provide local communities with real-time information and data on marine traffic," which is "complimentary to the [EMSA] initiative being developed by [Transport Canada]" (CEAR Document #1147). The Canadian Coast Guard goes on to describe CSAP as a

[4] Per Table MSA IR13-1 (CEAR Document #391), measures were suggested by Ditidaht First Nation, Lake Cowichan First Nation, Lyackson First Nation, Malahat Nation, Pacheedaht First Nation, Tsawout First Nation, Tsawwassen First Nation, and Tseycum First Nation.

[5] Similar to the VFPA's suggested measure, these plans contemplate the communication of applicable information on project-related vessel timing and scheduling and the following, for example:

- Specific actions to inform affected Indigenous groups of potential interference with marine navigation and use;
- Specific Indigenous navigation routes, fishing areas, or other potentially affected marine areas and applicable timing windows;
- Specific measures to reduce disruption to these routes and areas; and
- Specific activities to monitor the effects of project-associated shipping activities during project operation.

"long-term initiative intended to provide more comprehensive, accurate, and timely marine traffic information," which would presumably include marine traffic associated with the Project.

In addition to a potential marine shipping communication plan, the VFPA also suggested consultation with Indigenous groups to identify measures to reduce the impact of the established shipping lanes on Current Use (and associated cultural heritage, including intangible cultural heritage).

The VFPA expects that consultation regarding the established shipping lanes would be effective for the following reasons:

- The VFPA considered the specific measures suggested by Indigenous groups in relation to fishing at Swiftsure Bank (refer to Table MSA IR13-1 of CEAR Document #391),[6] as well as concerns raised more broadly by Indigenous groups regarding the potential effects of marine shipping generally and marine shipping associated with the Project, when it suggested consultation regarding the established shipping lanes as a potential measure to reduce what the VFPA predicts will be up to a minor potential effect on Current Use (and associated cultural heritage, including intangible cultural heritage) as a result of Project-associated ship pass-bys in established shipping lanes..
- The VFPA is aware that Transport Canada, in the context of the TMX Project, offered to meet with Indigenous groups to discuss issues surrounding the location of the shipping lanes near Swiftsure Bank (NRC 2016).
- In its response to TC IR-08 and TC IR-09, Transport Canada cited their involvement in TMX-related measures that may "assist in responding to [RBT2] Project-related marine shipping concerns identified by Indigenous groups," including but not limited to the "Trans Mountain Indigenous Advisory Monitoring Committee" (CEAR Document #1147).
- Also in its response to TC IR-08 and TC IR-09, Transport Canada committed to facilitating a smooth transition of the Crown Consultation Coordinator role from the environmental assessment phase to the regulatory phase of the Project and anticipates continued participation in post-environmental assessment decision consultations related to marine shipping, as appropriate (where Transport Canada is not the "responsible authority") (CEAR Document #1147).

Given that the VFPA considered the concerns and suggested measures of Indigenous groups in the development of the VFPA's suggested measures, and that similar approaches to the management of effects on Current Use have been identified for other projects with marine shipping components (and have even been made conditions of project approvals, which indicates regulator confidence), the VFPA expects that the suggested measures will be effective at reducing, to a negligible level, the potentially measurable (i.e., up to minor) incremental effect of marine shipping associated with the Project on Current Use access and

[6] Per Table MSA IR13-1 (CEAR Document #391), measures regarding fishing at Swiftsure Bank were suggested by Ditidaht First Nation and Pacheedaht First Nation, with Pacheedaht First Nation specifically referencing the location of the outbound shipping lane.

navigation, in, through, and adjacent to the marine shipping lanes (and associated cultural heritage effects, including intangible cultural heritage).

Part 4 – Discuss how the mitigation measures will mitigate the potential adverse effects of marine shipping associated with the proposed Project considering that the mitigation measures are reliant on entities outside the care and control of the Proponent.

As reviewed in Part 1 of this response, the VFPA conducted its assessment of potential effects of marine shipping associated with the Project according to the *Updated EIS Guidelines*, which clearly state that jurisdiction for marine shipping associated with the Project lay with the federal government.

As reviewed in Part 2 of this response, these measures, which were suggested by the VFPA for consideration by the federal government for use in federal programs and activities, appear to fit well with federal initiatives that are already underway. The VFPA expects to actively participate in federal initiatives that are relevant to marine shipping associated with the Project, as a key stakeholder.

Part 3 of this response explains how the suggested measures are expected to mitigate the potential adverse effects of marine shipping associated with the Project on Current Use by explaining why the VFPA is of the view that the suggested measures will be effective.

References

LNG Canada. 2015. LNG Canada Export Terminal Project, Environmental Assessment Certificate E15-01, June 17, 2015, Schedule B, Table of Conditions for an Environmental Assessment Certificate, Condition 17 Marine Transportation.

National Energy Board (NEB). 2016. National Energy Board Report, May 2016, Appendix 3, Conditions Applied to Legal Instruments, Condition 131 Marine Public Outreach Program.

Natural Resources Canada (NRC). 2016. Joint Federal and Provincial Consultation and Accommodation Report on the Trans Mountain Expansion Project, November 2016.

Trans Mountain Expansion (TMX). 2017. Trans Mountain Expansion Project, Environmental Assessment Certificate E17-01, January 10, 2017, Schedule B, Table of Conditions for an Environmental Assessment Certificate, Condition 11 Aboriginal Marine Outreach Program.

Transport Canada. 2018. Oceans Protection Plan. Available at https://www.tc.gc.ca/eng/oceans-protection-plan.html. Accessed August 2018.

Woodfibre LNG. 2015. Woodfibre LNG Project, Environmental Assessment Certificate E15-02, October 26, 2015, Schedule B, Table of Conditions for an Environmental Assessment Certificate, Condition 17 Marine Transportation – Operations.

IR10-18 Current Use of Lands and Resources for Traditional Purposes – Mitigation Measures, Clarification

Information Source(s)

Marine Shipping Addendum: Executive Summary, p. 15 Section 9.5.5.3

Transport Canada Submission to the Review Panel (CEAR Doc#580)

Context

In the Executive Summary of the Marine Shipping Supplemental Report, the Proponent suggested the "development of a marine shipping activities communication plan and consultation with affected Aboriginal groups concerning the outbound international shipping lane location" as a possible mitigation measure.

However, in Section 9.5.5.3 of the Marine Shipping Addendum, the Proponent indicated it did not carry out an assessment of the potential environmental effects of marine shipping associated with the proposed Project occurring outside of Canada, in accordance with the requirements of CEAA 2012.

Clarification is required as to the extent of the consultation.

Information Request

Clarify the extent of the consultation activities for the development of a marine shipping communication plan concerning the outbound international shipping lane location and if Indigenous groups outside of Canada would be included.

Clarify what regulatory authorities, Indigenous groups and stakeholders would be consulted.

VFPA Response

The VFPA notes that the information request appears to combine two separate mitigation measures suggested by the VFPA in Section 9.5.6 of the Marine Shipping Addendum (MSA). To clarify, the mitigation measures identified in the Executive Summary of the MSA, and quoted in the context to the information request, in fact reflect two separate mitigation measures suggested by the VFPA in Section 9.5.6 of the MSA. The first suggested measure relates to consultation on the development of a potential marine shipping activities communication plan. The second suggested measure relates to consultation with affected Indigenous groups to identify measures that would reduce the impact of the international

shipping lanes, and specifically the outbound shipping lane, which is the lane located in Canadian waters.[1]

In the response to IR10-17, the VFPA identified the regulatory authorities that the VFPA has engaged in discussion of both the suggested measures (i.e., Transport Canada, subsequent to Transport Canada's submission referenced in the information sources to the information request, CEAR Document #580[2]). The VFPA expects to play a key stakeholder role in further discussions between federal government agencies and other regulatory authorities, Indigenous groups, and stakeholders regarding the suggested measures and their relationship to other federal initiatives pertaining to marine shipping that the federal government has announced subsequent to the submission of the MSA, and is in the process of implementing.

With specific regard to the extent of consultation activities concerning the outbound shipping lane location, based on the VFPA's discussions with Transport Canada to date, it is the VFPA's understanding that Transport Canada would continue to lead consultation activities (as discussed in IR10-17) on behalf of the federal government, and that, accordingly, the extent of consultation activities with other regulatory authorities, Indigenous groups, and stakeholders will be guided by Transport Canada on behalf of the federal government. The VFPA is therefore not in a position to identify what other regulatory authorities, Indigenous groups, or stakeholders would be consulted.

[1] The reference to the outbound shipping lane being in Canadian waters is germane to information contained within the context to the information request, which notes that the VFPA indicated in Section 9.5.5.3 of the MSA that it did not carry out an assessment of the potential environmental effects of marine shipping associated with the proposed Project occurring outside of Canada, in accordance with the requirements of the *Canadian Environmental Assessment Act*, 2012 (*CEAA* 2012). The VFPA wishes to clarify that the specific requirement of *CEAA* 2012 to which this relates is subsection 5(1)(c), which states: "with respect to aboriginal peoples, *an effect occurring in Canada* of any change that may be caused to the environment on: [among other factors] (iii) the current use of lands and resources for traditional purposes" (emphasis added).

[2] CEAR Document #580 From Transport Canada to the Review Panel re: Comments on the information relating to the environmental assessment of the Roberts Bank Terminal 2 Project.

IR10-19 Current Use of Lands and Resources for Traditional Purposes – Mitigation Measures

Information Source(s)

Marine Shipping Addendum: Section 9.5.5.1

Proponent Response to Follow-Up Additional Information Requirements of February 24, 2016 (CEAR Doc#391): IR13

Context

In response to additional information requirement #13 from the Canadian Environmental Assessment Agency (CEAR Doc#391), the Proponent submitted a list of mitigation measures proposed by Indigenous groups related to potential adverse effects of the proposed Project – including marine shipping associated with the Project – on potential or established Aboriginal and Treaty rights and related interests.

Clarification is required on the applicability and effectiveness of these measures intended to mitigate the potential effects of the marine shipping associated with the Project. The clarification pertains to Current Use related to access to preferred sites, availability and quality of resources and quality of the current use experience.

Information Request

Provide a discussion of the measures proposed by Indigenous groups to mitigate potential impacts on asserted or established Aboriginal and Treaty rights and related interests that could be used to mitigate potential effects on current use resulting from the marine shipping associated with the proposed Project.

VFPA Response

The VFPA wishes to clarify that MSA IR-13, referenced in the information sources to this information request, asked that VFPA provide "a table of mitigation measures proposed by Aboriginal groups related to potential adverse impacts of the Project—including marine shipping associated with the Project—on potential or established Aboriginal and Treaty rights and related interests." The provided table (Table MSA IR13-1 of CEAR Document #391[1]) presents measures suggested by Table 1-C Indigenous groups. For Table 1-D Indigenous groups, refer to Additional Information to the Marine Shipping Addendum – Musqueam First

[1] CEAR Document #391 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Marine Shipping Addendum Completeness Review - Responses to Additional Information Requirements (See Reference Document #386).

Nation and Tsleil-Waututh Nation (AIMSA) Section 7.4 and 7.8.3 (no specific measures were suggested; CEAR Document ##572[2]).

In the context of Marine Shipping Addendum (MSA) Section 9.5, the VFPA *first* considered the measures suggested by Indigenous groups in relation to potential effects of marine shipping associated with the Project on the current use of land and resources for traditional purposes (Current Use). The suggested measures for Current Use are presented in MSA Section 9.5.6, and are the same as the measures identified in MSA Section 9.5.11.3 with regard to potential adverse impacts of marine shipping associated with the Project on the exercise of rights.

Part 3 of the response to IR10-17 discusses how the concerns (and potential mitigation measures) identified by Indigenous groups to the VFPA in relation to marine shipping associated with the Project were factored into the two measures suggested by the VFPA to reduce, to a negligible level, the potentially small (up to minor) incremental effect on access to Current Use locations (and potential 'knock-on' cultural heritage effects) as a result of ship pass-bys. In addition, the response to IR10-13 provides a discussion of the VFPA's thresholds of acceptance for measuring effects on access as a result of ship pass-bys (and the linked response to IR10-16), and the responses to IR10-15 and IR10-22 regarding the VFPA's approach to the assessment of potential effects on cultural heritage.

As potential interactions between marine shipping associated with the Project (i.e., routine vessel transit) and Current Use related to the availability or quality of Current Use resources or quality of Current Use experience (other than knock-on cultural heritage effects linked to potential access effects) were not predicted to be measurable before the application of mitigation, they were therefore not considered further in the assessment as per the methodology adopted for Section 5 environmental effects (i.e., because they were predicted to be negligible before the application of mitigation, mitigation was not required).

The VFPA notes that, while no measurable interactions were identified with regard to availability or quality of Current Use resources or quality of Current Use experience (other than knock-on cultural heritage effects related to potential access effects), the VFPA expects that the suggested measures, which are consultative and collaborative in nature, have the potential to assist with monitoring these negligible predictions, as well as the measurable predictions related to access as a result of ship pass-bys and associated cultural heritage considerations.

[2] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

IR10-20 Current Use of Lands and Resources for Traditional Purposes – Follow-up Program

Information Source(s)

EIS Guidelines: Section 11.4

Marine Shipping Addendum: Section 9.5.10

Context

In Section 9.5.10 of the Marine Shipping Addendum, the Proponent stated that since marine shipping associated with the proposed Project was not expected to result in any measurable or detectible residual effects to current use by Indigenous peoples, no specific follow-up measures were suggested.

Section 11.4 of the EIS Guidelines outlined the specific requirements needed in a follow-up program to verify the accuracy of the effects assessment and to determine the effectiveness of the measures implemented to mitigate any potential adverse effects of the Project.

Where the predictions of the effects assessment for the four indicators analyzed by the Proponent: access, availability and quality of resources and quality of the current use experience; and where the effectiveness of the proposed mitigation measures for the increase in ship pass-bys appears uncertain, a follow-up program would be required and be developed and implemented by Federal authorities.

Information Request

Describe the elements of the follow-up program the Proponent considers necessary to verify the accuracy of the conclusion that there will be no measurable or detectible residual effects of marine shipping associated with the proposed Project on current use by Indigenous peoples.

VFPA Response

A discussion of the anticipated effectiveness of the suggested mitigation measures for potential effects of marine shipping associated with the Project on the current use of land and resources for traditional purposes (Current Use) by Indigenous peoples is presented in the response to IR10-17.

As indicated in the responses to IR10-17 and IR10-18, the VFPA expects to play a key stakeholder role in further discussions between federal government agencies and other regulatory authorities, Indigenous groups, and stakeholders regarding the suggested mitigation measures and their relationship to other federal initiatives pertaining to marine shipping that the federal government has announced subsequent to the submission of the Marine Shipping Addendum and is in the process of implementing.

While confident that suggested measures would address any potential measurable effects, the VFPA will continue to work with all parties, as appropriate and as relevant to marine shipping associated with the Project, to determine the scope, responsibilities, and potential methods of mitigation measure implementation and follow-up program, should the need for a follow-up program be identified in the course of discussions with regulators, Indigenous groups, and stakeholders.

IR10-21 Physical and Cultural Heritage – Baseline Information, Effects Assessment: Physical and Cultural Heritage Sites

Information Source(s)

EIS Volume 4: Section 28; Appendix 28-A

EIS Volume 5: Section 32.2.4

Marine Shipping Addendum: Section 9.4.5.2; Section 9.4.5.3; Section 9.5.4; Figure 9.4-1; Figure 9.4-2

Parks Canada Submission to the Review Panel (CEAR Doc#549)

Review Panel Information Request Package 7 (CEAR Doc#1000): IR7-13 to IR7-23

Context

In the Marine Shipping Addendum, the Proponent provided physical and cultural heritage-related maps:

- Figure 9.4-1, indicating spatial boundaries for the archaeological and heritage resources assessment in the marine shipping area; and
- Figure 9.4-2, indicating the primary and secondary focus areas for the archaeological and heritage resources assessment in the marine shipping area in relation to wave effects.

However, there are no maps that indicate sites of physical or cultural importance to Indigenous peoples that may be affected by the proposed Project or marine shipping associated with the Project.

In their submissions to the Review Panel, some Indigenous groups raised concerns that sites of physical or cultural importance, such as house sites, seasonal sites, and place-names were not included in the EIS or the Marine Shipping Addendum. They considered that a clear understanding of physical and cultural resources, as well as their importance within the cultural landscape, was critical to properly assess the effects of the Project and marine shipping associated with the Project and in determining the potential significance of those effects. This included the inability to access these sites, which could potentially sever the transmission of place-based knowledge from generation to generation.

Further, Parks Canada raised the necessity for a clear understanding of potential effects on physical and cultural resources, their significance and required mitigations. In order to achieve the proper analysis, there was a need for the provision of a complete description and map of all Indigenous physical and cultural heritage sites.

In addition, some Indigenous groups stated that they were of the view that the Proponent did not outline adequate measures to mitigate the loss of these sites.

Information Request

Provide a complete description and maps showing sites of physical and cultural importance to Indigenous peoples located on the shores of the marine shipping area and in the shipping lanes for each group listed in Attachment 2. Include the names of the sites, where possible.

Any new data should be cross-referenced with existing data, such as the locations provided in the EIS (Sections 32.2.4 and Appendix 28-A; Section 3.2.1.1) and the Marine Shipping Addendum (Sections 9.5.4, 9.4.5.2 and 9.4.5.3) to ensure complete coverage of the physical and cultural heritage potential in the marine shipping area or the heritage resources regional assessment area for the proposed Project.

Present an assessment of the effects of the potential loss of sites of physical or cultural importance to Indigenous peoples resulting from natural and ship-wake waves greater than 10 cm. When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to the wave environment requests of Package 7.

Provide information regarding any plans to mitigate the loss or deterioration of physical or cultural heritage sites occurring in the heritage resources regional assessment area of the marine shipping associated with the Project.

VFPA Response

Part 1 – Provide a complete description and maps showing sites of physical and cultural importance to Indigenous peoples located on the shores of the marine shipping area and in the shipping lanes for each group listed in Attachment 2. Include the names of the sites, where possible.

Any new data should be cross-referenced with existing data, such as the locations provided in the EIS (Sections 32.2.4 and Appendix 28-A; Section 3.2.1.1) and the Marine Shipping Addendum (Sections 9.5.4, 9.4.5.2 and 9.4.5.3) to ensure complete coverage of the physical and cultural heritage potential in the marine shipping area or the heritage resources regional assessment area for the proposed Project.

Group-specific descriptions of sites of importance, as identified by Indigenous groups to the VFPA (including sites such as house sites, seasonal sites, and place names), were provided in the baseline summaries of the current use of lands and resources for traditional purposes (Current Use) for each Indigenous group within EIS Section 32.2.4, Additional Information to the EIS – *WSÁNEĆ* Nation (AIEIS) Section 7.2.4 (CEAR Document #930[1]), Marine Shipping Addendum (MSA) Section 9.5.4, and Additional Information to the MSA – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA) Section 7.2 (CEAR Document #572[2]). As explained

[1] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).
[2] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

in the VFPA's response to AIR-12.04.15-29 (CEAR Document #388[3]) relating to physical and cultural heritage, these descriptions were not confined to certain subsections within the summaries (i.e., "Other Cultural Considerations" or "Other Cultural Practices and Considerations"), based on Indigenous perspectives shared with the VFPA that all sites of use—past, present, future—are valued as integral to cultural continuity and sense of place and identity, and include sites where traditional or ancestral use (practices, traditions, and customs) continues to take place, such as marine harvesting sites.

For reasons described in the responses to IR10-06 and IR10-13, the VFPA is not in a position to provide maps or 'complete' descriptions of marine harvesting sites in the vicinity of the Project or in the marine shipping area for each Indigenous group listed in Attachment 2 to Information Request Package 10 (CEAR Document #1130[4]).[5] This applies to other sites of importance as well, such as those for non-consumptive uses or associated with spirituality and beliefs, like sacred tunnels.[6]

The VFPA notes that given the continuity of ancestral use over time by Indigenous groups and the importance of location to that use, specific sites for marine harvesting and other practices, traditions, and customs (such as house sites, seasonal sites, and named places) on the shores of the marine shipping area are likely to coincide with archaeological sites (as described in Section 28.0 of the EIS, Section 6.0 of the AIEIS, Section 9.4 of the MSA, and Section 6.0 of the AIMSA). Archaeological sites are an aspect of physical heritage that, as described in the response to IR10-15, help to define the cultural landscape of each Indigenous group, and that, as such, are a key component of how lands and resources are used and experienced culturally by Indigenous groups. The importance of all archaeological sites to Indigenous groups in terms of cultural continuity and sense of place and identity has been described in the response to IR10-23. As also described in that response, the VFPA is not in a position to disclose the precise location of archaeological sites, but has provided overview level mapping in Figure IR10-23-1 of that response. The VFPA is of the view that the spatial distribution of sites shown in this mapping is strongly indicative of the degree to which the entire shoreline and waters of the Salish Sea, as well as specific sites within this geographical context, have been and remain important to Indigenous groups as physical and cultural heritage.

As explained in Part 2 of the response to IR10-06 (and referenced in the response to IR10-13), the baseline summaries of information on each Indigenous group's use, including sites of importance, were shared with Indigenous groups for review and comment on the accuracy,

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[3] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.
[4] CEAR Document #1130 From the Review Panel to the Vancouver Fraser Port Authority re: Information Request Package 10.
[5] Refer to MSA Section 9.5.4.1 (MSA Figure 9.5-1A, p. 9.5-9) for a place name and reef net site map provided by Tsawout First Nation to the VFPA for inclusion in the MSA.
[6] The VFPA notes that sacred tunnels are the subject of the study prepared by Tsleil-Waututh Nation, "Intangible Cultural Heritage – Potential Impacts to Sacred Tunnels from the Proposed Roberts Bank Terminal 2 Project Report." Tsleil-Waututh Nation requested that this study be kept confidential under the Review Panel's confidentiality procedures (CEAR Document #1197). The VFPA notes that the Review Panel has agreed to keep this study confidential (CEAR Document #1222).

appropriateness, and completeness of the information prior to submission to the CEA Agency. No group requested that the VFPA include site-specific mapping as part of their baseline summary; however, the site-specific information (descriptions and mapping) was considered by the VFPA in its assessment of potential changes to Current Use, including access to locations and the ability to transmit place-based knowledge (see responses to IR10-06 (Part 3 and Part 4), IR10-07, IR10-08, IR10-13 (Part 3), IR10-14, IR10-15, and IR10-16).

To the extent that some Indigenous groups have raised concerns that sites of physical or cultural importance, such as house sites, seasonal sites, and place-names, were not included in the EIS or the MSA, the VFPA leaves it to the discretion of those Indigenous groups to provide this information (which could be sensitive or confidential) directly to the Review Panel for its consideration. As the VFPA has noted in Part 2 of the responses to IR10-06 and IR10-13, some Indigenous groups have already opted to submit descriptions and mapping directly to the Review Panel, including under the Review Panel's confidentiality procedures (e.g., Pacheedaht First Nation, Tsleil-Waututh Nation).

Part 2 – Present an assessment of the effects of the potential loss of sites of physical or cultural importance to Indigenous peoples resulting from natural and ship-wake waves greater than 10 cm. When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to the wave environment requests of Package 7.

The VFPA notes that IR10-23 asks the VFPA to present an assessment of the effects of the potential loss or deterioration of archaeological sites, an aspect of physical heritage, resulting from natural and ship-wake waves greater than 10 cm, and further asks the VFPA to include any relevant elements covered in the VFPA's responses to the wave environment requests in Information Request Package 7.

The response to IR10-23 summarises the approach to assessing wake for the wave assessment presented in the *Preamble for IR7-13 to IR7-23 Wave Environment Information Requests* (CEAR Document #1141[7]), and concludes that, regardless of additional baseline information (i.e., maps of archaeological sites located on the shores of the marine shipping area), no measurable loss or deterioration of archaeological sites—all of which are considered by the VFPA to be sites of importance to Indigenous peoples—is predicted as a result of Project-associated ship-wake waves (the response to IR10-23 notes that Project-associated ship-wake waves were assessed in combination with natural waves, which were described in existing conditions, but the effects of natural waves were not assessed separately).

The conclusion of no measurable effects on this aspect of physical heritage remains unchanged from that presented in MSA Section 9.4. The conclusion presented in MSA Section 9.4 was considered in the Current Use assessment in MSA Section 9.5.5, and specifically in the discussion relating to potential effects on the quality of Current Use experience.

[7] CEAR Document #1141 From the Vancouver Fraser Port Authority to the Review Panel re: Responses to Information Requests IR2-01a, IR7-04, IR7-13 to IR7-23 (See Reference Documents #991 & #1000).

As described in Section 9.5.5.1 of the MSA ("Cultural Landscape Considerations," pp. 9.5-142 to 9.5-143), since incremental physical alteration of the landscape through potential loss or deterioration of archaeological sites was not anticipated as a result of Project-associated vessel wake, a change in how the landscape would be experienced culturally by Indigenous peoples through this pathway was considered to be negligible (before mitigation); however, as explained in responses to earlier information requests (i.e., AIR-12.04.15-29, AIR-12.04.15-30 of CEAR Document #388; IR10-08 and IR10-15), this was not the only pathway through which the VFPA considered potential effects of Project-associated vessel wake on the physical and cultural heritage of Indigenous peoples. The VFPA has also considered potential Project-associated vessel wake effects on Indigenous peoples' access to sites of physical and cultural importance (or physical and cultural heritage).

As described in MSA Section 9.5.5.1 (pp. 9.5-129 to 9.5-130), Project-associated vessel wake was not anticipated to have a potentially measurable effect on access to Current Use locations (i.e., all of which were considered by the VFPA to be sites of importance to Indigenous peoples), either along the shoreline or in open water in the marine shipping area. The VFPA has considered the responses to Information Request Package 7 in relation to this analysis and is of the view that those responses do not change this prediction.[8] As such, the potential effect on the transmission of Indigenous peoples' cultural heritage (place-based knowledge) associated with that access is also considered negligible. For a discussion of potentially measurable effects on access to Current Use locations (including sites of importance) as a result of displacement from ship pass-bys in the established shipping lanes, and potentially measurable effects on the transmission of Indigenous peoples' cultural heritage (place-based knowledge) linked to that access, refer to the responses to IR10-13 through IR10-16.

For the reasons presented in Part 1 of this response, the VFPA is of the view that it has sufficiently understood the importance of physical and cultural resources to Indigenous peoples, as well as their importance within the cultural landscape, and reflected this understanding in the group-specific baseline summaries in EIS Section 32.2.4, AIEIS Section 7.2.4, MSA Section 9.5.4, and AIMSA Section 7.2. For the reasons explained above in this part of the response, the VFPA is of the view that the effects of the potential loss of sites of physical and cultural importance to Indigenous peoples as a result of Project-associated vessel wake was sufficiently considered by the VFPA in the analysis of potential changes to Current Use presented in MSA Section 9.5.5 and AIMSA Section 7.3, and that the analysis in the responses to requests in Information Request Package 7 do not change the VFPA's predictions regarding potential physical and cultural heritage effects.

The VFPA recognises and respects that Indigenous groups may not agree with the VFPA's views, and leaves it to the discretion of Indigenous groups to provide their own analysis and

[8] The VFPA notes that the response to IR7-22 (CEAR Document #1141) explains that vessel wake from Project-associated vessels is not expected to introduce new navigational hazards for small-craft operators in any segment of the marine shipping area. This conclusion applies to Indigenous groups using small craft for traditional purposes to access and use sites of importance, which is consistent with the analysis in Section 9.5.5.1 of the MSA.

assessment of effects on their sites of physical and cultural importance directly to the Review Panel for its consideration.

Part 3 – Provide information regarding any plans to mitigate the loss or deterioration of physical or cultural heritage sites occurring in the heritage resources regional assessment area of the marine shipping associated with the Project.

The VFPA notes that IR10-23 asks the VFPA to describe any suggested measures to mitigate for the loss or deterioration of any archaeological sites resulting from natural and ship-wake waves greater than 10 cm. As no potentially measurable effects on archaeological sites are expected as a result of Project-associated ship-wake waves (refer to Part 2 of this response above), no mitigation measures have been suggested by the VFPA specifically in relation to the potential loss or deterioration of these sites of physical and cultural importance.

While potential effects on access to sites of physical and cultural importance are not anticipated as a result of Project-associated vessel wake, mitigation measures have been suggested by the VFPA in Section 9.5.6 of the MSA for potentially measurable effects on access to sites of physical and cultural importance as a result of Project-associated vessel pass-bys in established shipping lanes, and the potentially measurable associated effects on cultural heritage (place-based knowledge) associated with that access (as reviewed in Part 2 above). Refer to the responses to IR10-17 through IR10-20 for further details regarding these measures.

IR10-22 Cultural Heritage – Effects Assessment

Information Source(s)

EIS Volume 5: Section 32.2.6.4

Marine Shipping Addendum: Section 9.5.5.1; Section 9.4.5.2; Section 9.4.5.3

Proponent Response to Follow-Up Additional Information Requirements of December 4, 2015 (CEAR Doc#388): IR29

Proponent Response to Follow-Up Additional Information Requirements of February 24, 2016 (CEAR Doc#391): IR10

Context

The EIS suggests that alterations to the physical landscape over time influence how these landscapes are experienced culturally. The Proponent concluded that while there are existing effects to traditional activities, marine shipping associated with the proposed Project is not expected to measurably affect the existing quality of the current use experience within the marine shipping area through changes to light, noise, or air emissions, increased risk to safety on the water, or further erosion to sites of importance that help to define cultural landscapes.

The Agency noted that the Proponent addressed cultural effects, including intangible aspects, not with an analysis of effects on physical and cultural heritage but with an analysis of current use of lands and resources for traditional purposes. The Agency recognized that some baseline information was provided by the Proponent on cultural places, sites and features but requested an assessment of the environmental effects of marine shipping associated with the Project since no analysis was provided on cultural heritage.

In response, the Proponent reiterated the value of its 'proxy approach' by using the four indicators of access, availability and quality of resources, quality of experience and cultural aspects being evaluated under the quality of the current use experience. Changes in these indicators could reflect associated changes in use patterns such as avoidance of certain locations or the amount of time spent on the water or the land. Changes in experience, access to current use locations or availability or quality of current use resources could also lead to associated changes in cultural practices tied to the use of locations and resources. These include intangible cultural heritage considerations, such as the expression and transmission of cultural values or ways of knowing including environmental knowledge, language, laws, stories and spiritual beliefs. In addition, the Proponent's effects rating was applied equally to all Indigenous groups with reported use in the marine shipping area (Doc#391: IR10, p. 3).

Some participants, including Indigenous groups, have contested the Proponent's approach considering that an assessment of individual valued components such as the current use of lands and resources for traditional purposes is not equivalent to an assessment of cultural heritage. They consider that there was no baseline discussion of cultural heritage, no attempt to link it to the effects assessment, and no assessment of the Project's effects.

Some Indigenous groups have also contested the Proponent's conclusions with respect to the Project's effects on cultural heritage:

- The terms "negligible" and "minor" employed to measure Project-related effects to traditional use and access minimized the severity of cultural loss associated with Project-related effects to Traditional Use; and
- Effects on Traditional Use and access attributed to Project-related activities would result in interruptions to the transfer of knowledge to younger generations, connections to other traditional use sites and places of cultural importance, kinship ties, and social and trade networks, in turn leading to the fragmentation of the cultural landscape.

The information found in the description of existing conditions in the EIS and Marine Shipping Addendum needs to be carried forward for the analysis of effects of the Project and associated marine shipping on cultural heritage of Indigenous peoples, including intangible heritage.

Information Request

Provide an assessment of effects from the proposed Project and associated marine shipping on cultural heritage for each group listed in Attachment 2, including intangible cultural heritage.

In addition, include for each group potentially affected, mitigation measures and a determination of significance of residual effects on the following:

- Disruptions or loss of ceremonial and cultural practices;
- Disruption to sense of belonging, identity and spirituality resulting from the fragmentation of the cultural landscape.

VFPA Response

Group-specific assessments of potential effects from the proposed Project and marine shipping associated with the Project on the cultural heritage of each Indigenous group listed in Attachment 2 are presented in Appendix IR10-A (refer to lines IR10-08 and IR10-15 in each group's assessment table). These assessments consider the VFPA's response below.

In the response to AIR-12.04.15-29 (CEAR Document #388[1]), which is cited in the information sources and context to this information request, the VFPA employed the Canadian Environmental Assessment Agency's (CEA Agency's) *Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archaeological, Paleontological or Architectural Significance under the Canadian Environmental Assessment Act, 2012* (CEAA 2012 Technical Guidance; CEA Agency 2015) to support the approach applied to the assessment of cultural heritage within the assessment of the current use of lands and resources for traditional purposes (Current Use).

[1] CEAR Document #388 From Port Metro Vancouver to the Canadian Environmental Assessment Agency re: Completeness Review - Responses to Additional Information Requirements Follow-Up (See Reference Document # 345) including 22 Technical Data Reports.

According to the CEAA 2012 Technical Guidance, "a land or resource (e.g., an artifact, object or place) that is considered as heritage or any structure, site or thing is distinguished from other lands and resources by the value placed on it." The CEAA 2012 Technical Guidance also states that this value "originates from its:

- Association with one or more important aspects of human history or culture;
- Historical, archaeological, paleontological or architectural significance; and
- Association with a particular group's practices, traditions or customs" (CEA Agency 2015, p. 2).

The CEAA 2012 Technical Guidance goes on to explain that perceptions of heritage tend to be broad, encompassing a wide range of dimensions (e.g., social, economic, political, natural, and cultural), and include the concept of cultural landscapes, or "any geographical area that has been modified, influenced, or given special cultural meaning by people." With regard to Indigenous groups specifically, the CEAA 2012 Technical Guidance states that "lands and resources identified as heritage or any structure, site or thing may also fit under *current use of lands and resources for traditional purposes*" (emphasis added), while also noting that the "[s]piritual and cultural practices of Aboriginal Groups' are often integrally linked to specific locations and surrounding landscape features" (CEA Agency 2015, p. 3). Consequently, "[e]nvironmental effects resulting from a designated project may impact these places, which may in turn limit the ability of Aboriginal peoples to engage in their spiritual and cultural practices" (CEA Agency 2015, p. 5). The CEAA 2012 Technical Guidance also states that "Aboriginal traditional knowledge may provide important information on an Aboriginal group's connection to heritage or any structure, site or thing on a given landscape" (CEA Agency 2015, p. 8).

The VFPA notes that all lands and resources within traditional territories (or otherwise defined areas of use) were broadly identified by Indigenous groups as heritage, valued as integral to their practices, traditions, and customs, their cultural continuity, and sense of place and identity. The group-specific descriptions of lands (locations) and resources identified as important by Indigenous groups to the VFPA—provided throughout the baseline summaries of the Current Use within EIS Section 32.2.4, AIEIS Section 7.2.4, MSA Section 9.5.4, and AIMSA Section 7.2—reflect this broad understanding of heritage.

Potential direct effects of the Project and marine shipping associated with the Project on locations identified as important by Indigenous groups (including for ceremonial and cultural practices), in terms of access to and quality of use (experience) at those locations (as well as the availability and quality of resources at those locations), were in turn considered in relation to potential indirect effects on intangible cultural heritage, such as sense of belonging, identity, and spirituality associated with the cultural landscape (the meaning or value placed on the physical landscape). The visual resources assessment and archaeological and heritage resources assessment also considered elements of Indigenous heritage related to sense of place and identity, beliefs, landscapes, and cultural continuity, which were in turn carried forward in the Current Use assessment.

Several responses to requests in Information Request Package 10 have reviewed the VFPA's approach to the assessment of Current Use and associated effects on cultural heritage,

including intangible cultural heritage. In particular, refer to the responses to IR10-08, IR10-15, and IR10-21. As reviewed in those and other linked responses to requests within Information Request Package 10 (e.g., IR10-06, IR10-07, IR10-13, IR10-14, IR10-16), the VFPA acknowledges that the Project and marine shipping associated with the Project would take place within a context (including a cultural heritage context) that is already significantly affected; however, for reasons described in the responses to IR10-11, IR10-12, and IR10-17 through IR10-20, the VFPA is of the view that the potential effects of the Project and marine shipping associated with the Project can be effectively mitigated. Without a measurable residual effect from the Project or marine shipping associated with the Project, an evaluation of significance was not required.

The VFPA is of the view that the methods used to assess potential effects of the Project and marine shipping associated with the Project on cultural heritage, including intangible cultural heritage, were reasonable and consistent with the federal guidance referenced above.

References

Canadian Environmental Assessment Agency (CEA Agency). 2015. Technical Guidance for Assessing Physical and Cultural Heritage or any Structure, Site or Thing that is of Historical, Archaeological, Paleontological or Architectural Significance under the *Canadian Environmental assessment Act, 2012*. Available at https://www.canada.ca/content/dam/ceaa-acee/documents/policy-guidance/technical-guidance-assessing-physical-cultural-heritage-or-structure-site-or-thing/technical-guidance-assessing-physical-cultural-heritage-structure-site-thing-historical-archeological-paleontological-architectural-significance-2015.pdf. Accessed August 2018.

IR10-23 Archaeological and Heritage Resources – Baseline Information, Effects Assessment: Archaeological Sites

Information Source(s)

Marine Shipping Addendum: Section 9.4; Section 9.4.5.3; Section 9.4.5.4; Figure 9.4-1; Figure 9.4-2; Figure 9.4-12; Figure 9.4-13; Figure 9.4-14

Review Panel Information Request Package 7 (CEAR Doc#1000): IR7-13 to IR7-23

Context

In the Marine Shipping Addendum, the Proponent provided several archaeological-related maps:

- Figures 9.4-1 and 9.4-2, indicating the spatial boundaries for archaeological resources assessment in the marine shipping area and
- Figures 9.4-12 to 9.4-14, indicating areas of archaeological potential within two kilometres of the marine shipping route for Saturna Island, the Victoria shoreline from Gordon Head to Ogden Point and, Stuart Island.

However, there is no identification of the locations of the archaeological sites discussed and listed in Sections 9.4.5.3 and 9.4.5.4 of the Marine Shipping Addendum on these maps, nor are these sites carried forward into the assessment of potential effects of marine shipping associated with the Project.

The information used by the Proponent and gathered from the Provincial Archaeology Branch did not describe the importance of each site to inform the assessment. There is a need to consult with the British Columbia Ministry of Forests, Lands and Natural Resource Operations and Rural Development to incorporate this information.

Information Request

Provide maps of the archaeological sites located on the shores of the marine shipping area that cross-reference the locations provided in the Marine Shipping Addendum (Sections 9.4.5.3 and 9.4.5.4).

Present an assessment of the effects of the potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm, and considered important by Indigenous peoples and the British Columbia Ministry of Forests, Lands and Natural Resource Operations and Rural Development. When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to the wave environment requests of Package 7.

Describe any suggested measures to mitigate for the loss or deterioration of any of those archaeological sites.

VFPA Response

Provide maps of the archaeological sites located on the shores of the marine shipping area that cross-reference the locations provided in the Marine Shipping Addendum (Sections 9.4.5.3 and 9.4.5.4).

The specific locations of archaeological sites in British Columbia are kept confidential in order to prevent sites from being looted or damaged intentionally. Further, archaeological site information accessed from the B.C. Archaeology Branch Remote Access to Archaeological Data (RAAD) system are only to be shared on a limited basis with third parties.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development's "Terms and Conditions Concerning Access to Archaeological and Heritage Site Information" state "Digital data is copyright of the Province of British Columbia and files cannot be copied or re-distributed without the permission of the Archaeology Branch. Information may be copied for internal use. A user may present information to a third party or parties who have a need to know."[1]

Further, archaeological site information for Sections 9.4.5.3 and 9.4.5.4 of the Marine Shipping Addendum (MSA, CEAR Document #316[2]) was accessed under a signed information sharing agreement detailing the terms and conditions of website usage, information access and distribution. Specifically, the information was accessed under the following condition:

> "Archaeological information will not be shared or redistributed to a third party without the written permission of the Branch. Under this agreement, sharing of archaeological information is permitted when the third party is:
>
> - A representative of a First Nation government organization.
> - A third party with a registered interest in the land (e.g., land owner, tenure holder, licensee).
> - An agent of a third party with a registered interest in the land (e.g., realtor, notary public). In all cases, archaeological information that is shared with a third party will be accompanied by this disclaimer: *Archaeological information must not be shared or redistributed without the permission of the Archaeology Branch.*"

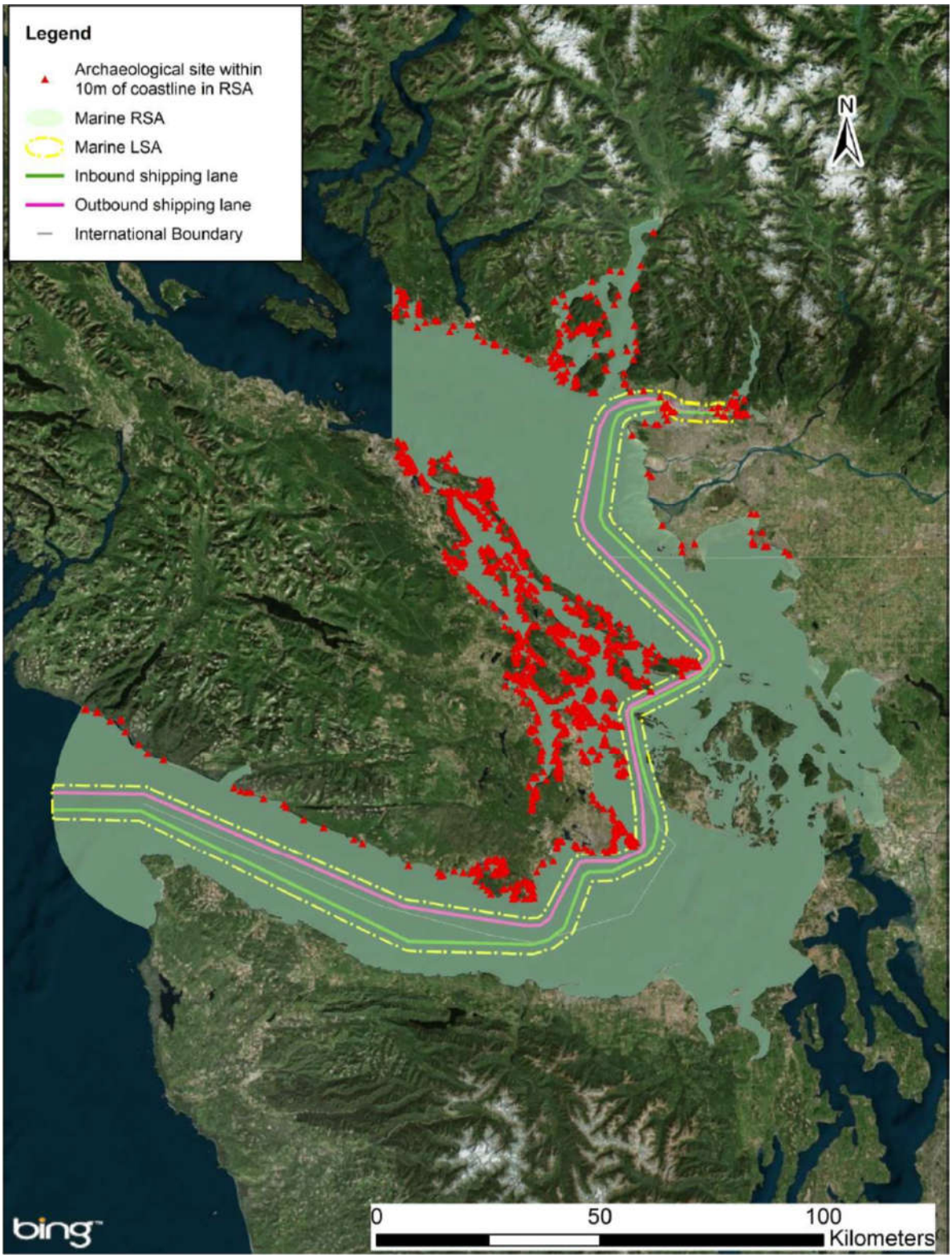
[1] Limits on the distribution of archaeological information are specified in the Archaeology Branch Policy "Access to Provincial Archaeological Information" (May 2012). The Branch acknowledges that user groups requiring access to archaeological information include Federal Government Branches, specifically "Staff supporting land and resource management planning and authorisations"; however, "Archaeological information is not placed in the public domain and site specific information is not distributed to the general public as this information may be misused to damage archaeological sites." Further details are provided at http://www.for.gov.bc.ca/ftp/archaeology/external/!publish/web/Access_to_Information_Policy_May_2012.pdf.

[2] CEAR Document #316 Marine Shipping Addendum to the Environmental Impact Statement (see reference document # 181).

The VFPA wishes to maintain the confidentiality of the maps of archaeological sites requested by the Panel. If the Panel believes further information (beyond the overview information provided below) is necessary, the VFPA would only proceed following a confidentiality request to the Panel.

From an overview perspective, the mapped information is similar to that shown in a figure contained in an archaeological overview assessment report prepared by Millennia (2015) for a different project in the same region in British Columbia as the RBT2 Project and in a similar timeframe as the RBT2 EIS. This figure from that report is reproduced (unamended) in **Figure IR10-23-1**.

Figure IR10-23-1 Submerged Sites and Terrestrial Sites within 10 m of the Shoreline in the Regional Study Area as Presented in Millennia (2015)



Source: Millennia 2015, p. 26.

Present an assessment of the effects of the potential loss or deterioration of archaeological sites resulting from natural and ship-wake waves greater than 10 cm, and considered important by Indigenous peoples and the British Columbia Ministry of Forests, Lands and Natural Resource Operations and Rural Development. When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to the wave environment requests of Package 7.

Additional information regarding the wave environment effects assessment, provided in the responses for IR7-13 to IR7-23 of CEAR Document #1141[3], does not change the conclusions regarding potential effects on archaeological and heritage resources. The response to IR7-18 (CEAR Document #1141), concluded that except during calm conditions, vessel wake would be indistinguishable from the spectrum of wind-generated waves at most shoreline locations. In addition, from the point of view of physical processes at a shoreline, wake-generated waves arriving at a shoreline during calm periods have the same interaction as waves arriving during non-calm periods. Although the probability slightly increases from Project-associated vessels (0.034% during calm conditions, as shown in Table IR7-21-1 of CEAR Document #1141), wake-generated waves from Project-associated vessels will not result in a change to the shorelines in Zones 1, 2, and 3 due to the similarity of interaction at the shoreline from wake-generated and wind-generated waves. As such, all potential incremental effects on archaeological and heritage resources related to Project-associated vessel transit activities, including shoreline erosion from vessel wake greater than 10 cm, remain negligible, as wake waves predicted from Project-associated marine vessel traffic are predicted to be within the range of natural conditions.

Natural waves were described in existing conditions, and considered in combination with wake waves from marine shipping associated with the Project; the effects of natural waves alone were not assessed.

All archaeological sites are considered important to Indigenous groups in terms of cultural continuity and sense of place and identity; thus, this response does not distinguish any archaeological sites that are not important to Indigenous groups.

All archaeological sites within Provincial jurisdiction (on private and provincial Crown land) are protected under the *Heritage Conservation Act* and are assumed to be valued by the British Columbia Ministry of Forests, Lands, Natural Resource Operations and Rural Development which administers this legislation. This provincial ministry does not manage archaeological and heritage resources present on federal lands (e.g., First Nation reserves, National Defence lands, and federal parks) but may include information on these archaeological resources in the Provincial registry of archaeological sites (RAAD) in order to assist in the management of provincial archaeological sites, e.g., in order to model and identify areas of archaeological potential. This response does not distinguish which archaeological sites may be important to the ministry because on December 19, 2017, the

[3] CEAR Document #1141 From the Vancouver Fraser Port Authority to the Review Panel re: Responses to Information Requests IR2-01a, IR7-04, IR7-13 to IR7-23 (See Reference Documents #991 & #1000).

Panel requested the ministry to "Provide a ranking of importance of 'high' and 'moderate' for the archeological sites referred to by the Proponent in the EIS and Marine Shipping Addendum." In its response to the Panel's request, the ministry notes (see CEAR Document #1227[4]) site significance is not an attribute it records within its inventory of archaeological sites.

Describe any suggested measures to mitigate for the loss or deterioration of any of those archaeological sites.

As potential incremental effects on archaeological and heritage resources related to Project-associated vessel transit activities, including shoreline erosion from vessel wake greater than 10 cm, remain negligible (as per the EIS), the VFPA does not expect there will be loss or deterioration of archaeological and heritage resources from marine shipping associated with the Project that requires mitigation.

References

Millennia Research Limited (Millennia). 2015. Trans Mountain Pipeline Expansion Project Marine Transportation: An Archaeological Overview Assessment. Prepared for Trailmark Systems and The Pauquachin First Nation. (Appendix A in Pauquachin 2015)

[4] CEAR Document #1227 From the British Columbia Ministry of Forests, Lands, Natural Resource Operations and Rural Development to the Review Panel re: Response to Information Request issued by the Review Panel on December 19, 2017 (See Reference Document #1127).

IR10-24 Archaeological and Heritage Resources – Chance Find Procedure

Information Source(s)

EIS Volume 4: Section 28.7; Section 28.12; Section 33.2; Section 33.3.4

Parks Canada Submission to the Review Panel (CEAR Doc#549)

Context

In Section 28.7 of the EIS, the Proponent proposed to include a "chance find procedure" as part of its Archaeological Monitoring and Management Plan, in order to manage any inadvertent discovery of cultural materials or artifacts, such as fish trap stakes, during construction. In Section 33.2, the Proponent stated that the Archaeological Monitoring and Management Plan would be developed and finalized closer to the start of the construction phase for the proposed Project.

In their submission to the Review Panel, Parks Canada considered that details concerning the chance find procedure were lacking. More information regarding the chance find procedure is required.

Information Request

Provide details on the chance find procedure proposed by the Proponent; management guidelines for workers; relations with relevant authorities, such as the British Columbia Ministry of Forests, Lands and Natural Resource Operations and Rural Development, Parks Canada and others; and participation of Indigenous groups.

VFPA Response

Overview

The chance find procedure, identified in EIS Section 28.12, will be part of the Project's Archaeological Monitoring and Management Plan, as outlined in the Construction Environmental Management Plans (EMPs; EIS Section 33.3). The Construction EMP will consist of a series of stand-alone sub-plans to be developed prior to commencement of construction. The plans and their sub-plans will be updated during the course of the construction work by the Environmental Monitor to reflect evolving site conditions and any applicable learnings. The Archaeological Monitoring and Management Plan will be developed in consultation with appropriate agencies (e.g., B.C. Archaeology Branch, Parks Canada) and Indigenous groups. The chance find procedure, as described below, will be incorporated into the body of, or an appendix to, the Archaeological Monitoring and Management Plan.

The purpose of the chance find procedure is to provide direction to Project personnel and contractors to appropriately manage any inadvertent discovery of cultural materials or

artifacts, such as fish trap stakes, during construction. The chance find procedure will address procedures for the inadvertent discovery of other types of cultural remains, including the unlikely discovery of human remains. This stop-work procedure involves seeking professional archaeological advice when suspected cultural materials or artifacts are found during construction, and includes steps such as notifying and consulting regulators and Indigenous groups, assessing the find for significance, determining mitigation strategies on a case-by-case basis, and providing appropriate protection and documentation.

Elements of the Chance Find Procedure

Regulatory Context and Jurisdiction

The chance find procedure will provide an overview of the regulatory context, which depends greatly on which level of government controls the use of the land in which Project effects may occur. Potential Project effect #1 as identified in EIS Section 28.6 (crushing or biological degradation of potential fish trap stakes) and #2 (reduced access for future archaeological study or preservation of potential fish trap stakes) were identified on federal lands in proximity to the north end of the widened causeway.

Archaeological materials or sites on federal lands and lands under water fall under the jurisdiction of the minister responsible for Parks Canada Agency (S.4(1) B) and the *Parks Canada Agency Act*, SC 1998, c. 31. Guidelines provided by the federal government pertaining to archaeological materials or sites include *Parks Canada Guidelines for the Management of Archaeological Resources* (Parks Canada 2005) and *Canada Research and Collection Permit Process* (Government of Canada 2017) as well as the Treasury Board's *Guide to the Management of Moveable Heritage Assets* (2008). Parks Canada refers to certain aspects of provincial laws "for guidance as a matter of practicality" (Parks Canada 2005), and generally accepts as best practice the archaeological standards established by the B.C. Archaeology Branch. These include the *Archaeological Impact Assessment Guidelines* (MFLNRO 1998) and the *Found Human Remains Policy* (MFLNRO n.d.).

Potential Project effect #3 (exposure of potential fish trap stakes) may occur on provincial land (a historic tidal channel that formerly drained a portion of Canoe Passage). Archaeological sites on provincial (and private) land are managed by the Ministry of Forests, Lands and Natural Resource Operations and Rural Development under the B.C. *Heritage Conservation Act*.

Archaeological and Cultural Resources in Project Area

The chance find procedure will provide an overview of the expected archaeological and cultural resources in the Project area. This description will focus on sites that may be immediately visible to a non-archaeologist, including the following:

- Surface features such as fish weirs and traps. Fish weirs and traps typically comprise linear arrangements of wooden stakes interwoven with brush or mats to trap fish on the falling tide. Look for short stubs of small-diameter branches in linear arrangements in the intertidal zone or along the river bank. Other typical surface features include

depressions created by former habitations, earthen fortifications, rock cairns, clam gardens, and burned rock.

- Waterlogged deposits or wet sites, which are locations containing organic artifacts (i.e., wood, bark, or plant fibre), that are preserved due to their presence in an anaerobic (oxygen free) environment. Look for fragmentary baskets, rope, carved wood implements (e.g., wedges), and similar objects eroding from intertidal silts or clay deposits.
- Shell middens, which are cultural accumulations of shells, stratified in white and grey layers, mixed with streaks of charcoal, ash, and other debris. Shell middens were also commonly used as human burial sites. Look for accumulations of layered, crushed, and whole shell possibly mixed with charcoal, black soil, and other food remains (i.e., fish bone).
- Artifacts that have become visible on the land surface owing to erosion or recent land-altering activity. These may be produced in a variety of materials such as stone, bone, antler, wood, or shell. Look for obviously formed stone objects or pieces of stone that have been chipped or ground in a non-natural way. Bone and antler artifacts will exhibit obvious modification (i.e., cutting, shaping, incision, etc.).
- Buried cultural remains that may be sighted in a cut-bank, excavation, eroded shoreline, or other exposed deposit.

Photographic examples of the above-noted archaeological and cultural heritage resources will be provided in an appendix to the chance find procedure. **Figure IR10-24-1** provides an example of a fish weir.

Figure IR10-24-1 Intertidal Fish Weir



Source: Lepofsky and Caldwell 2013.

Specific Actions

The chance find procedure will outline the following specific actions to be taken by personnel or contractors that inadvertently discover archaeological or heritage resources:

1. Stop work immediately – All construction activity in the vicinity of the chance find is to cease immediately.
    - Notify the Terminal Operator, Infrastructure Developer site/project manager, and VFPA contact as soon as possible.
    - Avoid disturbing the site. Erect barriers (e.g., pylons) or flag off the affected location to prevent further disturbance.
    - If in a busy location, assign an employee to stand guard.
    - Ensure that cultural materials are treated with full dignity and respect by all those at the scene.
2. Contact the project archaeologist and applicable regulator.
3. In the case of human remains, contact the RCMP immediately.
4. Record the find location, and leave all cultural materials, including human remains, in place.

5. Potential significance of the cultural materials will be assessed and mitigative options will be identified by the project archaeologist.
6. If the significance of the cultural materials is judged to be sufficient to warrant further action and they cannot be avoided, then the project archaeologist in consultation with the regulator and representatives of local Indigenous groups will determine the appropriate course of action.
7. In the case of human remains, if the remains are assessed to be archaeological, then the regulator and local Indigenous groups will be consulted to determine how to handle them. Options could include avoidance or respectful removal and reburial.

Notifications

The chance find procedure will also include a contact list of all appropriate contacts (e.g., project manager, project archaeologist, federal and provincial regulators, local Indigenous groups, RCMP, and coroner), a Record of Contact Form, and a Report Form. The individual reporting the chance find will be directed to complete an Archaeological Chance Find Procedure Record of Contact form which will be attached as an appendix to the chance find procedure. The project archaeologist will be directed to complete the Archaeological Chance Find Report Form, which will be attached as an appendix to the chance find procedure and inform the Project when work may resume in the cordoned-off area of the site.

The Archaeological Monitoring and Management Plan, including the chance find procedure, will describe the protocols to be followed in communicating with the VFPA, Parks Canada, the B.C. Archaeology Branch, Tsawwassen First Nation, and other Indigenous groups as necessary. For example, the B.C. Archaeology Branch would be advised of any cultural materials observed on provincial lands during implementation of proposed mitigation measure #2 (annually monitor tidal erosion) (EIS Section 28.7.2) and any archaeological sampling and investigation would be undertaken under a provincial heritage inspection permit and related heritage inspection permits issued by Indigenous groups. The B.C. Archaeology Branch would not necessarily be advised of chance finds on federal lands.

Tsawwassen First Nation (Natural Resources Department Manager) and Musqueam First Nation (Archaeologist) would be notified in the event of a chance find. Additional Indigenous groups would be notified of a chance find, and/or invited to participate in follow-up, as arranged in advance by protocol developed in consultation between the Indigenous groups and the VFPA, or as judged necessary by the Project's professional archaeologist.

Awareness and Implementation of the Chance Find Procedure

The construction phase Environmental Training Plan (EIS Section 33.3.2) will set out training objectives and identify the mechanisms to be used to keep Project personnel (including sub-contractors) informed about key environmental considerations relevant to Project construction, including heritage or cultural characteristics or requirements. All Project personnel will be required to complete environmental and safety orientation and awareness training prior to commencing work on the Project site. The training will include training requirements of the Construction EMP sub-plans, including the Archaeological Monitoring and

Management Plan containing the chance find procedure. Project personnel (including sub-contractors) will be reminded of the chance find procedure at opportunities such as daily safety tailgate meetings and other safety/environmental training opportunities.

References

British Columbia Ministry of Forests, Land and Natural Resource Operations (MFLNRO). n.d. Procedures for Reporting Human Remains - Archaeology - Ministry of Forests, Lands and Natural Resource Operations. Government of British Columbia - Archaeology. Provincial Government. Available at https://www.for.gov.bc.ca/archaeology/reporting_archaeological_artifact_finds/procedures_for_reporting_human_remains.htm. Accessed June 2017.

British Columbia Ministry of Forests, Land and Natural Resource Operations (MFLNRO). 1998. Archaeological Impact Assessment Guidelines. Available at https://www.for.gov.bc.ca/archaeology/docs/impact_assessment_guidelines/index.htm. Accessed August 2017.

Government of Canada. 2017. Parks Canada - Guidelines for Research Permit Applications. Available at https://www.pc.gc.ca/apps/rps/EtudeStudyDoc_e.asp. Accessed July 2017.

Lepofsky, D. and M. Caldwell. 2013. Indigenous Marine Resource Management on the Northwest Coast of North America. Ecological Processes 2:12. Available at https://ecologicalprocesses.springeropen.com/articles/10.1186/2192-1709-2-12. Accessed March 2018.

Parks Canada. 2005. Guidelines for the Management of Archaeological Resources. Available at http://www.pc.gc.ca/eng/docs/pc/guide/gra-mar/index.aspx. Accessed June 2017.

Treasury Board of Canada Secretariat (Treasury Board). 2008. Guide to the Management of Movable Heritage Assets. Available at http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=13872. Accessed July 2014.

IR10-25 Archaeological and Heritage Resources – Mitigation Measures: Indigenous Input

Information Source(s)

EIS Volume 4: Section 28.7; Appendix 28-A

Marine Shipping Addendum: Section 9.4.7

Parks Canada Submission to the Review Panel (CEAR Doc#549)

Review Panel Information Request Package 7 (CEAR Doc#1000): IR7-13 to IR7-23

Context

In Section 28.7 of the EIS, the Proponent stated that the selection of mitigation measures was informed by:

- a review of mitigation measures and follow-up programs undertaken for past developments at Roberts Bank;
- recommendations from the Archeological Overview Assessment (Appendix 28-A of the EIS);
- internal evaluation of technical and economic feasibility; and
- consultation with Indigenous groups.

In Section 9.4.7 of the Marine Shipping Addendum, the Proponent did not suggest mitigation measures for marine shipping associated with the Project.

Information Request

Provide a summary of the information regarding mitigation measures provided by Indigenous groups living or using the marine shipping area or the archaeological and heritage resources regional assessment area for the proposed Project.

Discuss how that information would be used for the development of mitigation measures, including for any standard operating practices and standard management practices developed to specifically avoid or reduce the potential adverse effects of the proposed Project or marine shipping associated with the Project on the archeological and heritage resources of Indigenous peoples.

When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to the wave environment requests of Package 7.

VFPA Response

Provide a summary of the information regarding mitigation measures provided by Indigenous groups living or using the marine shipping area or the archaeological and heritage resources regional assessment area for the proposed Project.

A review of all comments provided by Indigenous groups since initial consultation, and since submission of the Marine Shipping Addendum, has been conducted to identify any suggested mitigation measures related to potential effects of marine shipping associated with the Project (vessel transits) on archaeological and heritage resources.

Comments focused on the RBT2 terminal construction site were provided by the following Indigenous groups:

1. Tsawwassen First Nation requested the opportunity to review and comment on any 'Chance Find Procedure' that is developed for the Project area (see response to IR10-24).
2. Musqueam First Nation provided comments related to the construction area, including interest in proposed archaeological monitoring. Musqueam First Nation also requested more detail on the methodology for monitoring and expressed concern that the proposed test trench mitigation may not detect archaeological materials or features.
3. Tseycum First Nation expressed interest in monitoring, and suggested having an Indigenous observer on site during construction to avoid disturbance to gravesites and artifacts. Tseycum First Nation noted the proximity of the Project to burial cairns at Point Roberts and the likelihood of archaeological potential in proximity to the Project. Tseycum suggested scanning the beach for artifacts. They also requested involvement in cultural/archaeological work undertaken in the Project area.

Comments focused on the marine shipping were provided by the following Indigenous groups:

4. Beecher Bay First Nation suggested an additional mitigation measure: that the speed for container ships be reduced to enhance situational awareness, which could reduce wave actions and thereby reduce potential adverse impacts to archaeological and heritage resources if predicted to occur.
5. Esquimalt First Nation requested the opportunity to suggest additional mitigation measures if proposed measures prove inadequate; for example, altering the location of the marine shipping lanes for the Project.
6. Lyackson First Nation suggested a slow bell be introduced to help mitigate effects.
7. Tsawout First Nation requested funding to protect shoreline sites and assist with reburial and ceremonies that follow. Tsawout members noted the occurrence of super high tides in winter, which combine with effects from ferries and anchors to erode the land and expose gravesites on the island. Suggested protection measures included rip-rap reinforcement of shorelines.

Discuss how that information would be used for the development of mitigation measures, including for any standard operating practices and standard management practices developed to specifically avoid or reduce the potential adverse effects of the proposed Project or marine shipping associated with the Project on the archeological and heritage resources of Indigenous peoples.

Regarding Tsawwassen First Nation's request (#1 above) for the opportunity to review and comment on the 'Chance Find Procedure', the VFPA indicated in EIS Table 33-1 (EIS Section 33.3) the commitment to consult and/or provide review functions to the Canadian Environmental Assessment Agency, B.C. Archaeology Branch, and appropriate Indigenous groups, including Tsawwassen First Nation, during the development of the Archaeological Monitoring and Management Plan.

Musqueam First Nation's comment (#2 above) was received early in the consultation process. Subsequent to receiving this comment, the VFPA incorporated archaeological monitoring, and involvement of Indigenous groups in implementation of this mitigation, into the EIS within the mitigation proposed (EIS Section 28.7). This comment is specific to the monitoring for Project-related effects. There are no predicted measurable effects from marine shipping associated with the Project, and therefore no archaeological monitoring proposed.

Regarding Tseycum First Nation's comments (#3 above), there are no predicted effects of the Project that would affect archaeological resources on beaches at Roberts Bank or Point Roberts. The suggested measure would also not apply to the Marine Shipping Addendum, as there are no measurable effects predicted from marine shipping associated with the Project, and therefore mitigation is not required.

Mitigation measures suggested by Beecher Bay, Esquimalt, Lyackson, and Tsawout First Nations were considered, but are not viewed as necessary as there are no measurable effects predicted from marine shipping associated with the Project, and therefore mitigation is not required.

When responding to this request, the Proponent should include any relevant elements that will be covered in its responses to the wave environment requests of Package 7.

The response to IR10-23 reiterates that there are no changes to the wave assessment, nor the archaeological and heritage resources assessment, as a result of information requests on the wave environment in Package 7 (see responses to IR7-13 to -23 of CEAR Document #1141[1]). Therefore, no mitigation is required for potential marine shipping wake wave effects on archaeological and heritage resources.

[1] CEAR Document #1141 From the Vancouver Fraser Port Authority to the Review Panel re: Responses to Information Requests IR2-01a, IR7-04, IR7-13 to IR7-23 (See Reference Documents #991 & #1000).

IR10-26 Current Use of Lands and Resources for Traditional Purposes – Effects Assessment, Future Availability of Preferred Marine Resources

Information Source(s)

EIS Volume 1: Appendix 7.2-B

EIS Volume 5: Section 32.2.4; Section 32.2.6.1; Section 32.2.6.2; Section 32.3.2.1

Malahat First Nation Submission to the Review Panel (CEAR Doc#621)

Musqueam Indian Band Submission to the Review Panel (CEAR Doc# 776)

Proponent Response to Additional Information Requirements of January 3, 2016 (CEAR Doc#930): Section 7.2.2.1

Responses to Review Panel Request for Information: T'Sou-ke First Nation (CEAR Doc#1107); Pacheedaht First Nation (CEAR Doc#1118)

Technical Guidance for Assessing the Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*

Context

The Agency's technical guidance for *"Assessing the Current Use of Lands and Resources for Traditional Purposes under the Canadian Environmental Assessment Act, 2012"* defines "current use" as uses by Aboriginal peoples that are actively being carried out at the time of the assessment and uses that are likely to occur in the reasonably foreseeable future provided that they have continuity with traditional practices, traditions or customs.

Several Indigenous groups expressed concerns that the potential future use of lands and resources was not considered in the assessment of effects for the proposed Project.

For example, in Section 32 of the EIS, the Proponent stated that since the current harvesting of marine mammals by Indigenous groups did not appear to be occurring within the marine mammal local assessment area, the Project was not expected to have an effect on the current use of marine mammals. However, in their submissions to the Review Panel, T'Sou-ke First Nation and Pacheedaht First Nation considered whales as an integral part of their customs, practices, traditions and spirituality. Any resulting effects from increased marine shipping should be considered as a significant adverse effect to T'sou-ke First Nation's and Pacheedaht First Nation's ongoing relationship with whales. Further, Tsleil-Waututh First Nation expressed the view that the environmental assessment process is not designed to capture or appreciate the deep cultural or spiritual connection that past, current, and future members may have with marine mammals.

Other examples of potential effects on future use of traditional lands and resources have been identified, such as the ecosystem restoration activities by T'Sou-ke First Nation, or the

imposed moratorium on Eulachon considered by Musqueam Indian Band as an adverse effect. Malahat First Nation stated that the appearance - or lack thereof - of current harvesting activities by Indigenous groups was not representative of the overall temporal scale or frequency of traditional use practices, or the level of importance placed upon patterns and areas of use. Malahat First Nation stated that it was of the view that future use remains an integral part of the holistic nature of traditional use and must be considered in assessing Project-related effects to traditional use and access.

These examples illustrate that any effect of the Project on habitats, marine resources, traditional sites or existing conditions could potentially impinge on future activities of Indigenous groups or desires to protect or enhance the environment for future uses.

Consideration of reasonably foreseeable future activities of Indigenous groups is required in the Project effects assessment.

Information Request

Provide an assessment of the potential effects of the proposed Project on the reasonably foreseeable future current use activities that have been identified by Indigenous groups listed in Attachment 2, and that have continuity with traditional practices, traditions or customs.

At minimum, the assessment should address:

- Potential loss of any future opportunities in terms of socio-economic conditions;
- Effects on environmental stewardship activities for activities presently being refrained for conservation purposes, such as traditional harvesting of marine mammals, fish harvesting and traditional fishing practices; and
- Potential loss of practices due to restricted access to seafood, marine mammals and plants traditionally harvested and reasonably expected to resume in the future.

VFPA Response

Given that the information request pertains to the potential effects of the proposed Project on reasonably foreseeable future use activities for traditional purposes, the VFPA's response to this information request is limited to Indigenous groups listed in Table 1-A and Table 1-B of Attachment 2.

The VFPA notes that the context to the information request cites to the Canadian Environmental Assessment Agency's (CEA Agency's) technical guidance for *"Assessing the Current Use of Lands and Resources for Traditional Purposes under the* Canadian Environmental Assessment Act, 2012,*"* (CEA Agency 2015) and specifically the guidance document's definition of the current use of lands and resources for traditional purposes (Current Use) (i.e., uses by Indigenous peoples that are actively being carried out at the time of the assessment and uses that are likely to occur in the reasonably foreseeable future provided that they have continuity with traditional practices, traditions, or customs). This guidance document was issued in draft form for public comment in December 2015, several months after the submission of the EIS, and is understood to remain in draft form at the time of this submission.

While the guidance document was not available to the VFPA at the time the EIS was prepared, as reviewed in Part 1 of the response to IR10-06, the baseline information summarised for

each Table 1-A Indigenous group in the EIS (EIS Section 32.2.4) and each Table 1-B Indigenous group in the Additional Information to the EIS – *WSÁNEĆ* Nation (AIEIS) (Section 7.2.4; CEAR Document #930[1]) is not limited to uses by Indigenous groups that were actively being carried out at the time of the assessment. Rather, the baseline summaries also contain information, as provided by Indigenous groups, regarding each Indigenous groups' past use, their perspectives on existing effects that have constrained their use over time and that therefore limit their present use, and their expressed desire to increase or restore use in the future. Accordingly, the VFPA was working with a definition of Current Use that understood the continuity between past, present, and future use for traditional purposes. As Part 1 of the response to IR10-06 states, based on information provided in the introduction to Section 32.2.4 of the EIS:

> *"Indigenous groups had advised the VFPA that existing levels of use (or lack of use) may not be indicative of desired future use, particularly where there are ongoing concerns with existing conditions of access, availability and quality of resources, or quality of experience (p. 32-25). Where information about desired or aspirational use was provided, the VFPA included it in the existing conditions summaries…, and considered this desired or aspirational use in the effects assessment."*

The VFPA considered desired use in the Current Use effects assessment precisely because it recognised, as expressed in the context to the information request, that "any effect of the Project on habitats, marine resources, traditional sites or existing conditions could potentially impinge on future activities of Indigenous groups or desires to protect or enhance the environment for future uses." Moreover, the VFPA took a more cautious approach with regard to desired use than indicated by the CEA Agency's technical guidance document on Current Use (quoted above), insofar as the VFPA assumed that use reported as carried out in the past, even if it was not evident or clear that the use was being actively carried out at present, could potentially be carried out again in the future, and hence subject to potential incremental effects as a result of the Project.

For example, in Section 7.2.6 the AIEIS, the VFPA predicted negligible potential Project-related effects on Current Use by *WSÁNEĆ*, as reports of their active use of the Project area (per their baseline summaries in AIEIS Section 7.2.4) was limited or absent; however, the VFPA considered the potential for future use based on reports of past (ancestral) patterns of use (p. 89):

> *"In the context of consultation with the VFPA,* WSÁNEĆ *have indicated a desire to restore or increase traditional use in the area of the Project. Should use in the vicinity of the Project area be restored or increased, there is a high degree of confidence that the mitigation measures identified in Section 32.2.7 of the EIS would also be effective at addressing any potential effects to future use of*

[1] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).

the area of the Project by Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, and Malahat Nation."

As the VFPA has explained in the responses to IR10-06, IR10-07, and IR10-08 (and summarised in the response to IR10-09), the measures listed in Section 32.2.7 of the EIS for all four Current Use indicators were conservatively proposed to address potential Project-related effects on Current Use not only for potential effects predicted as measurable by the VFPA (before mitigation), but also for potential effects predicted by the VFPA as non-measurable (i.e., negligible, before mitigation), in part in recognition of the desire expressed by Table 1-A and Table 1-B Indigenous groups to increase or restore their use of lands and resources at Roberts Bank for traditional purposes. These measures include ongoing consultation between the VFPA and Table 1-A and Table 1-B Indigenous groups, regardless of the amount of present-day Current Use activities, to continue discussion of the mitigation measures, the follow-up program, and implementation of Project-related benefits (refer to the responses to IR10-11 and IR10-12).

For the foregoing reasons, the VFPA is of the view that:

- The assessment of the potential effects of the proposed Project on Current Use, as presented in Section 32.0 of the EIS and Section 7.0 of the AIEIS and reiterated in the responses to IR10-06, IR10-07, and IR10-08, has sufficiently considered reasonably foreseeable future use activities by Table 1-A and Table 1-B Indigenous groups; and
- The VFPA's predictions of Project-related effects on the Current Use of Table 1-A and Table 1-B Indigenous groups, as identified in the group-specific assessments in Appendix IR10-A for the responses to IR10-06, IR10-07, and IR10-08, apply to reasonably foreseeable future use access, resource availability and quality, and quality of experience for each Indigenous group and remain unchanged (i.e., negligible for all Indigenous groups after mitigation, including ongoing consultation; refer to IR10-11 and IR10-12 responses).

References

Canadian Environmental Assessment Agency (CEA Agency). 2015. Technical Guidance for assessing the Current Use of Lands and Resources for Traditional Purposes under the *Canadian Environmental Assessment Act, 2012*. Draft for public comment. Available at https://www.canada.ca/content/dam/ceaa-acee/documents/policy-guidance/assessing-current-use-lands-resources-traditional-purposes/current_use_final_draft-eng.pdf. Accessed August 2018.

IR10-27 Effects Assessment Socio-economic Conditions – Commercial Ventures for Indigenous Peoples

Information Source(s)

EIS Volume 1: Appendix 7.2-B

EIS Volume 5: Section 32.2.4

Marine Shipping Addendum: Appendix 5-B

Context

Indigenous groups expressed concerns that effects from the proposed Project on existing commercial activities and potential future commercial ventures were not considered in the Proponent's assessment.

For instance, Lyackson First Nation expressed concerns about the potential adverse economic effects of increased lighting on their commercial campground located on the eastern side of Le'eyqsun. Dididaht First Nation was concerned that marine shipping could affect the wilderness character of their ecotourism business with respect to visual and auditory disturbances. Their members were further concerned that an accident, resulting in an oil, fuel, or other cargo contaminant spill, might affect Ditidaht First Nation's ability to develop and maintain its ecotourism industry, which is a major source of economic development.

Esquimalt Nation, Pauquachin First Nation, the First Nations of the Maa-Nulth Treaty Society, and Scia'new (Beecher Bay) First Nation have expressed concerns regarding potential effects to Indigenous economic interests and requested that these interests on the development of lands or revenues from business be included in the assessment.

There is a need to assess how commercial ventures could be affected by the Project.

Information Request

Provide an assessment of the potential effects of the proposed Project on existing business ventures that have been identified by Indigenous groups listed in Tables 1-A and 1-B.

Include consideration of the loss of any existing business and any identified future opportunity in terms of socioeconomic conditions.

VFPA Response

The EIS assessed Project effects on businesses, including Indigenous businesses, where a potential Project interaction with, and effect on businesses was identified based on pathways analysis methodology as described in EIS Section 8.1.5. Indigenous businesses assessed in the EIS include businesses identified by Table 1-A and Table 1-B Indigenous groups through baseline data collection and consultation for the Project. Project effects on businesses,

including those identified by Indigenous groups, were assessed in the labour market, economic development, and marine commercial use (MCU) assessments in EIS Sections 19.0, 20.0, 21.0, and in the MCU AIEIS Section 3.1[1]. The visual quality assessment (EIS Section 25.0) also considered and assessed locations of known Indigenous commercial activity. The results of these assessments with respect to effects on Indigenous businesses are summarised below to address this information request.

EIS Section 19.0 Labour Market and EIS Section 20.0 Economic Development

As described in EIS Section 19.7.2, changes in indirect and induced employment opportunities during Project construction and operation would have a positive effect to contracting businesses, including Indigenous businesses. These changes would occur as a result of companies supplying goods and services during Project construction and operation, and through induced employment generated within consumer businesses accessed by Project-associated direct and indirect workers during Project construction and operation.

As identified in EIS Section 20.6.2, the Project will generate contracting opportunities during Project construction and operation, resulting in positive effects to businesses, including Indigenous businesses, such as increased revenue and employment as described above. Based on available information, known existing and planned Indigenous business profiles for Table 1-A and 1-B Indigenous groups are described, related to Project spending and procurement requirements, in EIS Section 20.5.2.2, EIS Appendix 18-A, and EIS Appendix 18-B. Measures to support potential contracting and revenue opportunities for Table 1-A and Table 1-B Indigenous groups are outlined in EIS Section 32.3.3.3 and AIEIS Section 7.3.3.3 and include the following:

- Continue to abide by the Memorandum of Agreement in place with Tsawwassen First Nation to accommodate Tsawwassen First Nation for effects from the Project (EIS Section 32.3.3.3);
- Work with Musqueam First Nation to draft Terms of Reference to guide further discussions related to accommodation for effects from the Project (EIS Section 32.3.3.3);
- Work with Lake Cowichan First Nation and Tseycum First Nation to implement commitments within their respective negotiated Mutual Benefit Agreements;
- Continue discussions with groups, including Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Métis Nation British Columbia, Hwlitsum, Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, and Malahat Nation on Mutual Benefit Agreements; and
- Assist all Indigenous groups identified above in accessing potential economic opportunities resulting from the Project, including contracting opportunities and construction employment opportunities. To support these Indigenous groups in

[1] The AIEIS (Additional Information to the Environmental Impact Statement – *W*SÁNEĆ Nation; CEAR Document #930) did not include an assessment of Project effects on economic development as effects to economic development as outlined in the EIS were deemed to be not applicable to the Indigenous groups comprising *W*SÁNEĆ Nation.

preparing for employment opportunities, the VFPA will provide training funding. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014, with these groups (EIS Section 32.3.3.3; AIEIS Section 7.3.3.3).

As described in EIS Section 20.6.1, changes in construction aggregate availability and price due to increased demand for Project construction aggregate would have a negligible effect on aggregate availability and price in the local assessment area. As a result, effects to businesses within the local assessment area (including Indigenous businesses) demanding or supplying aggregate and sand is not anticipated.

EIS Section 21.0 Marine Commercial Use

As described in EIS Section 21.7, potential Project effects on MCU sub-components, including change in seafood harvesting access and resource availability; change in marine fish harvesting area, access, resource availability, and harvesting revenue; change in guided sport fishing area, access, resource availability, and revenue; and marine-based tourism, were identified as negligible. Therefore, effects on associated marine commercial Indigenous businesses due to these changes are not anticipated.

As indicated in EIS Section 21.7.5 and further discussed in IR7-33 of CEAR Document #1172[2], the proposed navigational closure expansion during construction and operation has the potential to affect the MCU sub-component "change in area, harvest, and revenue" for commercial crab harvesting. Commercial crab harvesting is also influenced by a variety of other factors.[3] The potential displacement could affect businesses holding commercial crab licences in Crab Management Area (CMA) I (where the proposed navigational closure expansion for construction and operation is located) and in other CMAs by relocating harvesting activity out of the proposed navigational closure expansion. This could increase harvesting competition among commercial harvesters[4]. Additionally, as indicated in EIS Section 21.1.7.5, commercial harvesters who choose to harvest in other parts of CMA I or re-select their harvest area may experience higher fuel costs if the new locations are farther from their place of moorage than the proposed navigational closure expansion. EIS Section 21.5.2 and AIEIS Section 3.1.1.2 identify CMA I communal commercial crab licences held by Table 1-A and Table 1-B Indigenous groups, including Tsawwassen First Nation, Tsleil-

[2] CEAR Document #1172 From the Vancouver Fraser Port Authority to the Review Panel re: Responses to Information Requests IR5-50, IR7-07, IR7-33, IR7-34, IR7-35, and IR7-43 (See Reference Documents #975 and #1000).

[3] Factors, including fluctuations in crab productivity, movement of crabs to baited traps, ability to harvest in other areas, fluctuation in market price for Dungeness crab, and individual decisions by commercial crab harvesters on preferred harvesting locations, will further influence the potential adjustments to commercial crab harvesting and landing values from the proposed navigational closure expansion. Based on variety of factors, it is difficult to quantifiably estimate, or predict, reductions in landing values due to the decrease in the size of the fishing areas in sub-area 29-6 and sub-area 29-7 directly attributable to the navigational closure expansion. See the response to IR7-33 (CEAR Document #1172) for further discussion.

[4] For additional discussion on mitigation for the potential increase in competition amongst commercial and recreational user groups and Indigenous groups from the perspective of mitigating effects on Current Use, see response to IR10-07 (CEAR Document #1275).

Waututh Nation, and Salish Seas LP (an equal partnership between Tsleil-Waututh Nation, Musqueam First Nation, and Tla'amin, who are neither Table 1-A or Table 1-B) and Malahat Nation. Commercial crab licences could also be held individually by Indigenous persons who are members of Table 1-A or 1-B Indigenous groups.

With the implementation of mitigation measures as outlined in EIS Section 21.8, the Project would have a residual adverse effect on commercial crab harvest businesses that would be not significant (as described in EIS Sections 21.9 and 21.10). Residual cumulative adverse effects on commercial crab harvesting businesses would also be not significant (as described in EIS Section 21.12.2). Residual Project and cumulative effects could be experienced by Indigenous commercial crab harvesting businesses with commercial crab harvesting licences for CMA I and those with commercial crab harvesting licences in other CMAs that may experience competition and displacement effects from commercial crab harvester relocation.

EIS Section 25.0 Visual Resources

Through consultation prior to the development of the EIS, Lyackson First Nation raised concerns about potential adverse economic effects of Project-related lighting on their commercial campground on the eastern side of Le'eyqsun (Valdes Island) (see Table 24 in EIS Appendix 7.2-B). To address this concern, N-POR12 at Le'eyqsun was included in the analysis undertaken as part of the light study (EIS Section 9.4) and visual resources assessment (EIS Section 25.0). No change in zone classification (i.e., general light condition) for sky glow or light trespass was identified at N-POR12 (EIS Section 9.4.8.2). Based on the results presented in EIS Section 25.6.2, the Project is not expected to result in adverse effects to the Lyackson commercial campground.

Conclusion

In summary, the Project has the potential to positively affect Indigenous businesses—including businesses pertaining to Table 1-A and 1-B Indigenous groups—who secure materials, goods, and services contracting opportunities during construction and operation. Positive effects include changes in revenues and employment. The Project could potentially result in a not significant residual effect on Indigenous commercial crab harvesting businesses who hold CMA I licences, as well as those who hold commercial licences in other CMAs that may experience increased competition from relocation of commercial harvesting activity out of CMA I as a result of the Project (as described in EIS Sections 21.9 and 21.10).

IR10-28 Effects Assessment Socio-economic Conditions – Labour Market for Indigenous Peoples

Information Source(s)

EIS Volume 4: Section 21.5.1.1

EIS Volume 5: Appendix 29-F; Appendix 29-G

Marine Shipping Addendum: Appendix 5-B

Proponent Response to Additional Information Requirements of July 31, 2015 (CEAR Doc#314): IR1

Context

In Appendices 29-F and 29-G of the EIS as well as in the Proponent's response to follow-up information requirement #1 from the Canadian Environmental Assessment Agency (CEAR Doc#314), the Proponent indicated that there will be no change to the environment that will result in adverse residual effects to the labour market for Indigenous peoples. No justification was provided.

One participant considered that changes to the environment could impact the labour market for Indigenous peoples if the tourism or commercial-marine sectors were affected. In addition, Section 21.5.1.1 of the EIS provided details on the crab industry. However, it does not give adequate information on how the negative effects on Dungeness crab harvesting will impact the Indigenous labour market. Another example is with Lyackson First Nation. They have started to hold cultural revival sessions, workshops and retreats on Vancouver Island, the Southern Gulf Islands and the Lower Mainland, investing financially and with the intention to pursue these activities.

A detailed breakdown and analysis of what effects are anticipated from the proposed Project and marine shipping associated with the Project on the existing labour market of Indigenous groups is needed.

Information Request

Provide a detailed breakdown of the anticipated effects on the participation of Indigenous Peoples in the labour market resulting from changes in the environment from the proposed Project and marine shipping associated with the Project.

VFPA Response

The RBT2 assessment considered Project effects on the participation of Indigenous people in the labour market where a potential Project interaction with key aspects of the labour market was identified based on pathways analysis methodology as described in EIS Section 8.1.5 and MSA Section 6.1. These effects were addressed in the labour market valued component (VC)

(considered within the EIS), the marine commercial use VC (considered within the EIS, Additional Information to the Environmental Impact Statement – *W*SÁNEĆ Nation (AIEIS; CEAR Document #930[1]), the Marine Shipping Addendum (MSA), and Additional Information to the Marine Shipping Addendum – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA; CEAR Document #572[2])). These effects are summarised below. As the assessment considered Project effects on Indigenous peoples in the labour market, including the effects on marine commercial use, further assessment of Project effects on the participation of Indigenous peoples in the labour market is not required.

EIS Section 19.0 Labour Market

Based on available information, baseline information related to Indigenous participation in the labour force is described in EIS Section 19.6. The following potential effects to the labour market, as identified in EIS Section 19.7, could in turn positively affect labour market participation, including participation of Indigenous peoples:

- Change in direct, indirect, and induced employment; and
- Training opportunities.

Direct employment opportunities generated in the construction sector of the labour market during Project construction (including those pertaining to labourers, trades and operators, and managers and technical professionals during construction) and within the marine terminal and transportation sector of the labour market during Project operations (including those pertaining to vessel and yard longshore workers, maintenance and security, administration and management) would be available to Indigenous people in the local assessment area labour force (as described in the labour market VC baseline in EIS Section 19.6). In addition, the Project would generate employment opportunities that would be available to Indigenous people in the local assessment area labour force, including through the following:

- Industries supplying goods and services to terminal construction; and
- Economic activity generated by spending of Project associated employment income.

Project hiring, and training processes and practices that recognise and directly address systemic challenges facing Indigenous workers in the local assessment area could be expected to support employment and longer work attachments for Indigenous workers in connection with the Project. Measures to support employment opportunities for Indigenous people are outlined in EIS Section 32.3.3.3 and AIEIS Section 7.3.3.3 and include the following:

[1] CEAR Document #930 From the Vancouver Fraser Port Authority to the Review Panel re: Response to Additional Information on the WSÁNEC Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383).
[2] CEAR Document #572 From the Vancouver Fraser Port Authority to the Review Panel re: Response to the Additional Information to the Marine Shipping Addendum on the Musqueam First Nation and Tsleil-Waututh Nation requested by the Canadian Environmental Assessment Agency on January 13, 2016 (See Reference Document #383) (NOTE: Title of post updated February 16, 2017).

- Continue to abide by the Memorandum of Agreement in place with Tsawwassen First Nation to accommodate Tsawwassen First Nation for effects from the project (EIS Section 32.3.3.3);
- Work with Musqueam First Nation to draft Terms of Reference to guide further discussions related to accommodation for effects from the Project (EIS Section 32.3.3.3);
- Work with Lake Cowichan First Nation and Tseycum First Nation to implement commitments within their respective negotiated Mutual Benefit Agreements;
- Continue discussions with groups including Semiahmoo First Nation, Tsleil-Waututh Nation, Stz'uminus First Nation, Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Métis Nation British Columbia, Hwlitsum, Tsawout First Nation, Pauquachin First Nation, Tsartlip First Nation, and Malahat Nation on Mutual Benefit Agreements; and
- Assist all Indigenous groups identified above in accessing potential economic opportunities resulting from the Project, including contracting opportunities as well as construction employment opportunities. To support these Indigenous groups in preparing for employment opportunities, the VFPA will provide training funding. To support the development and implementation of plans to facilitate access to such Project-related benefits, the VFPA will continue engagement, initiated in December 2014, with these groups (EIS Section 32.3.3.3; AIEIS Section 7.3.3.3).

In summary, potential Project effects to the Indigenous labour market are expected to be beneficial.

EIS Section 21.0 Marine Commercial Use; AIEIS Section 3.0 Marine Commercial Use; MSA Section 9.2 Marine Commercial Use; AIMSA Section 4.0 Marine Commercial Use

As reflected in EIS Section 21.0 and AIEIS Section 3.0, Indigenous people are employed through vessels licensed under communal commercial or commercial Crab Management Area (CMA) I licences as the licence holder or as employees working on vessels harvesting under these licences, such as deckhands. As indicated in the responses to IR10-27 and IR7-33 of CEAR Document #1172[3], and described in EIS Section 21.7.5 and AIEIS Section 3.2, the proposed navigational closure expansion during Project construction and operations could have a non-significant residual effect on commercial seafood (crab) harvest and revenues for commercial crab harvesting business entities holding CMA I crab licences,[4] as well as commercial crab harvesting businesses who hold licences for other CMAs, and who may experience increased harvesting competition if there is relocation of commercial harvesting activity out of CMA I. Depending on the extent of revenue effects, employment within certain businesses may be affected. However, effects on local labour force participation, including Indigenous groups' participation in the regional commercial crab and fishing harvesting sector of the labour market, are not anticipated given the small number of potentially affected

[3] CEAR Document #1172 From the Vancouver Fraser Port Authority to the Review Panel re: Responses to Information Requests IR5-50, IR7-07, IR7-33, IR7-34, IR7-35, and IR7-43 (See Reference Documents #975 and #1000).
[4] The Project navigational closure expansion is located within CMA I.

harvesters compared to the size of the regional commercial crab and fishing industry. This effect is assumed to apply to all CMA I and other CMA commercial crab harvesters and licence holders, including Indigenous communal commercial licence holders, and Indigenous persons holding CMA I and other commercial licences.

As described in EIS Section 21.7 and AIEIS Section 3.2, all other potential Project effects on marine commercial use were identified as negligible. All potential effects to marine commercial use from Project-associated marine shipping as identified in the MSA Section 9.2.5.1 and AIMSA Section 4.2 were also identified as negligible. In summary, these negligible effects would not adversely affect Indigenous groups' participation in the marine commercial use sectors of the labour market.

APPENDIX IR10-A

GROUP-SPECIFIC BASELINE INFORMATION PROCESS SUMMARIES, INDEX AND ASSESSMENT TABLES

Appendix 10-A Group-specific Information Process Summaries, Index and Assessment Tables

IR10-A1	Tsawwassen First Nation
IR10-A2	Musqueam First Nation
IR10-A3	Semiahmoo First Nation
IR10-A4	Tsleil-Waututh Nation
IR10-A5	Stz'uminus First Nation
IR10-A6	Cowichan Tribes
IR10-A7	Halalt First Nation
IR10-A8	Lake Cowichan First Nation
IR10-A9	Lyackson First Nation
IR10-A10	Penelakut Tribe
IR10-A11	Métis Nation British Columbia
IR10-A12	Hwlitsum
IR10-A13	Stó:lō Tribal Council
IR10-A14	Stó:lō Nation
IR10-A15	Tsawout First Nation
IR10-A16	Pauquachin First Nation
IR10-A17	Tsartlip First Nation
IR10-A18	Tseycum First Nation
IR10-A19	Malahat Nation
IR10-A20	Beecher Bay First Nation
IR10-A21	Esquimalt Nation
IR10-A22	Songhees First Nation
IR10-A23	T'Sou-ke Nation
IR10-A24	Pacheedaht First Nation
IR10-A25	Ditidaht First Nation
IR10-A26	Huu-ay-aht First Nations
IR10-A27	Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations
IR10-A28	Toquaht Nation
IR10-A29	Uchucklesaht Tribe
IR10-A30	Ucluelet First Nation

Tsawwassen First Nation[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

In discussions with Tsawwassen First Nation, the VFPA was advised to use information contained in the *"Tsawwassen First Nation Final Agreement"* (Tsawwassen First Nation et al. 2009, 2010), and in documents prepared pursuant to that agreement, including the *"Tsawwassen First Nation Harvest Agreement"* (Government of Canada et al. 2010), and available annual post-season fishing reports prepared since the Tsawwassen First Nation Final Agreement came into effect (LGL Limited and Tsawwassen Fisheries Department 2010, 2011, 2012, 2013). Information was additionally collected through 11 Project-specific workshops or interviews with Tsawwassen Elders and resource users (e.g., Tsawwassen First Nation Elders 2012a, 2012b, 2013, 2014, Tsawwassen First Nation Fishers 2012a, 2012b, 2013, Tsawwassen First Nation Member 2014b, Tsawwassen First Nation Hunters 2014a, 2014b, Tsawwassen First Nation Member 2014a) and ongoing consultation between the VFPA and Tsawwassen First Nation regarding the Project.

Economic and socio-economic information for the Tsawwassen First Nation community was collected through an economic and socio-community study and assessment conducted by the VFPA's consultant, with input from Tsawwassen First Nation regarding the scope and terms of reference for the study (EIS Appendix 18-A). The VFPA worked closely with Tsawwassen First Nation to develop and obtain approval on the terms of reference for the study. Meetings were held to obtain feedback and input from Tsawwassen First Nation on the existing socio-economic conditions of the Tsawwassen First Nation community through meetings in late 2013 and interviews in April 2014. A Community Researcher from Tsawwassen First Nation participated on the socio-economic assessment team for the First Nations Community Assessment for the RBT2 Project Environmental Assessment.

Information regarding Tsawwassen First Nation's reliance on traditional foods was provided directly by Tsawwassen First Nation following requests by the VFPA, and information provided verbally during interviews to collect Indigenous traditional knowledge. Two community meetings were held with the Tsawwassen First Nation community to identify Project-related issues and concerns related to health. Information gathered at these meetings informed the scope of the human health assessment). These meetings were held in November 2013 and April 2014. The Human Health Risk Assessment (HHRA) and Health Impact Assessment (HIA) relied on information provided directly from Tsawwassen First Nation during consultation and through a community well-being study provided by Tsawwassen First Nation to the VFPA, as well as other published information and data sources related to health in B.C. Indigenous communities.

On July 15, 2014, the VFPA provided Tsawwassen First Nation with a draft *"Tsawwassen First Nation Community Profile"* for review and comment. Comments were received from

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

Tsawwassen First Nation on July 30, 2014, and the draft was revised to reflect the input provided by Tsawwassen First Nation.

On November 26, 2014, the VFPA met with Tsawwassen First Nation to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Tsawwassen, and preliminary conclusions of the assessment.

On December 9, 2014, the VFPA provided Tsawwassen First Nation with draft existing conditions sections of the EIS, including *"Potential or Established Aboriginal and Treaty Rights and Related Interests, including Current Use of Lands and Resources for Traditional Purposes"* and *"Aboriginal Commercial Fishing and Seafood Harvesting,"* as well as a report titled *"Existing Socio-economic Conditions of Tsawwassen First Nation Community."* The VFPA requested that Tsawwassen confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections and report were received from Tsawwassen on January 11, 2015, and changes made to the sections as appropriate. The VFPA provided Tsawwassen with a revised version of "Existing Socio-economic Conditions of Tsawwassen First Nation Community" on January 21, 2015, incorporating Tsawwassen First Nation's comments on the draft document, and Tsawwassen confirmed that they were satisfied with the revised report.

On April 2, 2015, the VFPA provided Tsawwassen First Nation with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Tsawwassen First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the Current Use by Tsawwassen First Nation. The VFPA requested information from Tsawwassen First Nation regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained the intent to rely on existing information to inform the assessment of potential effects of marine shipping associated with the Project, including the *"Tsawwassen First Nation Final Agreement"* and documents prepared pursuant to that agreement, and the Trans Mountain Expansion Project Application to the National Energy Board. The VFPA requested any additional information from Tsawwassen First Nation that may help to inform the assessment.

On July 20, 2015, the VFPA sent a draft document titled *Roberts Bank Terminal 2 Project Marine Shipping Study: Tsawwassen First Nation – Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions*. The VFPA requested that Tsawwassen First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Tsawwassen First Nation provided comments on the draft summary in a meeting in July 2015, and phone call in September 2015, and changes were made to the draft summary as appropriate.

On November 9, 2015 the VFPA provided Tsawwassen First Nation with a copy of the MSA.

References

Government of Canada, Tsawwassen First Nation, and Government of British Columbia. 2010. Tsawwassen First Nation Harvest Agreement.

LGL Limited and Tsawwassen Fisheries Department. 2010. Tsawwassen First Nation Post-Season Fisheries Report, 2009. Final Report, Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Information-Centre/Fisheries/TFN_Post_Season_Fisheries_Report_2009.pdf. Accessed November 2014.

LGL Limited and Tsawwassen Fisheries Department. 2011. Tsawwassen First Nation Post-Season Fisheries Report, 2010. Final Report, Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Information-Centre/Fisheries/TFN_Post_Season_Fisheries_Report_2010.pdf. Accessed November 2014.

LGL Limited and Tsawwassen Fisheries Department. 2012. Tsawwassen First Nation Post-Season Fisheries Report, 2011. Final Report, Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Information-Centre/Fisheries/TFN_Post_Season_Fisheries_Report_2011.pdf. Accessed November 2014.

LGL Limited and Tsawwassen Fisheries Department. 2013. Tsawwassen First Nation Post-Season Fisheries Report, 2012. Prepared by A.C. Blakley and K.K. English of LGL Limited and L. Cassidy of Tsawwassen Fisheries Department. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Information-Centre/Fisheries/TFN_Post_Season_Fisheries_Report_2012.pdf. Accessed April 2014.

Tsawwassen First Nation, Government of Canada, and Government of British Columbia. 2009. Tsawwassen First Nation Final Agreement. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Treaty/1_Tsawwassen_First_Nation_Final_Agreement.PDF. Accessed April 2014.

Tsawwassen First Nation, Government of Canada, and Government of B.C. 2010. Tsawwassen First Nation Final Agreement Appendices. Available at http://www.tsawwassenfirstnation.com/pdfs/TFN-About/Treaty/2_Tsawwassen_First_Nation_Final_Agreement_Appendices.PDF. Accessed November 2014.

Tsawwassen First Nation Elders. 2012a. September 6, 2012 Elders TEK Workshop re: Marine Invertebrates.

Tsawwassen First Nation Elders. 2012b. December 13, 2012 TEK re: Shellfish and Crab - Dialogue Bullet-Form Summary.

Tsawwassen First Nation Elders. 2013. April 11, 2013 TEK Workshop re: Finfish - Dialogue Notes. Elders.

Tsawwassen First Nation Elders. 2014. April 24, 2014 Meeting with TFN Elders re: ATK.

Tsawwassen First Nation Fishers. 2012a. December 12, 2012 TEK Workshop with Crabbers - Dialogue Bullet-Form Summary.

Tsawwassen First Nation Fishers. 2012b. September 10, 2012 TEK Workshop re: Invertebrates - Dialogue Bullet - Form Summary.

Tsawwassen First Nation Fishers. 2013. February 25, 2013 TEK Workshop re: Finfish.

Tsawwassen First Nation Member. 2014b. Tsawwassen Culture | Tsawwassen First Nation. Available at http://tsawwassenfirstnation.com/general-info/tfn-history-and-timeline/tsawwassen-culture/. Accessed April 2014.

Tsawwassen First Nation Hunters. 2014a. June 3, 2014 Interview with Hunter Harold Williams re: Current Use for Traditional Purposes.

Tsawwassen First Nation Hunters. 2014b. May 1, 2014 Traditional Use Meeting - Hunters.

Tsawwassen First Nation Member. 2014a. May 6, 2014 Interview with TFN Member Laura Cassidy re: Current and Traditional Aboriginal Use.

Tsawwassen First Nation Group-specific Index and Assessment Tables

Table IR10-A1-1 Tsawwassen First Nation Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Tsawwassen First Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.1 Tsawwassen First Nation, pp. 32-4 to 32-5
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous Groups as affected)	Disaggregated	32.2.4.1 Tsawwassen First Nation, pp. 32-25 to 32-42
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, p. 32-100, para. 4 (measurable potential effect) 32.2.6.1 (Access), p. 32-102, para. 2, 3, 4; p. 32-103, para. 3; p. 32-104, para. 1, 2, 4, 5, differential effect (i.e., measurable)[2] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), differential effect tied to access effect; no differential effect otherwise
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), p. 32-116, p. 32-117, differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures beyond those for the differential access effect
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.1 Potential Impacts on the Exercise of Treaty Rights – Tsawwassen First Nation, pp. 32-126 to 32-129
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), p. 32-146 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, p. 32-147 32.3.3.3 Other Accommodations, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no outstanding issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Tsawwassen First Nation, p. 6 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.13 Tsawwassen First Nation, pp. 9.5-96 to 9.5-101
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[3] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed

[2] In this case, a potential effect is described as a "differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be measurable for some groups but not others in relation to the Project. Mitigation measures that are described as "differential measures" are those that are intended to address the potential differential (i.e., measurable) effect on those specific groups in relation to the Project (in this case Tsawwassen).
[3] In this case, a potential effect is described as "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Tsawwassen First Nation
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit)	9.5.11.1 Approach to the Rights Assessment, Tsawwassen First Nation, p. 9.5-149 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Tsawwassen First Nation, p. 3 (CEAR Document #391)
Issues Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See the forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-04 (Aggregated) MSA – MSA IR-08 (Aggregated)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A1-2 Tsawwassen First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Tsawwassen was presented in Table AIR30-1 (CEAR Document #388; based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30)* Access – Potentially measurable change in access expected for Tsawwassen (before Current Use-specific mitigation) as a result of Project-related displacement effects within Tsawwassen's primary crab harvesting area, in relation to which Tsawwassen is licensed to harvest crab year-round for domestic purposes, with annual catches averaging approximately 20,000 per year. Project-related	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsawwassen access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[5] – No additional information (refer to Tsawwassen-specific information provided in EIS Section 32.2.4.1 and MSA Section 9.5.4.13, per Tsawwassen Index Table above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information for Tsawwassen (including maps) already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[6] – None anticipated given the predicted access effect on Tsawwassen is	No change in EIS predictions for Tsawwassen in terms of Current Use access or availability and quality of Current Use resources

[4] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[5] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[6] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	displacement and activities also expected to result in a potentially measurable change in access (before Current Use-specific mitigation) to Tsawwassen canoe route and *She'səmkəm* (a navigable channel within Roberts Bank leading to Canoe Passage)		expected to be addressed through mitigation (the VFPA is of the view that its predictions in the EIS already sufficiently considered Tsawwassen views regarding existing social constraints on access, as described in EIS Section 32.2.4.1 and MSA Section 9.5.4.13) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Tsawwassen views regarding existing effects, as described in EIS Section 32.2.4.1 and MSA Section 9.5.4.13, as well as Tsawwassen views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Tsawwassen-specific issue tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Tsawwassen views on thresholds are reflected in EIS Section 32.2.4.1 and MSA Section 9.5.4.13, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsawwassen with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Tsawwassen use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsawwassen with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Tsawwassen use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Potentially measurable change in access expected for Tsawwassen (before Current Use-specific mitigation) as a result of Project-related displacement effects within Tsawwassen's primary crab harvesting area, in relation to which Tsawwassen is licensed to harvest crab year-round for domestic purposes, with annual catches averaging approximately 20,000 per year. Project-related displacement and activities also expected to result in a potentially measurable change in access (before Current Use-specific mitigation) to Tsawwassen canoe route and *She'səmkəm* (a navigable channel within Roberts Bank leading to Canoe Passage)	Negligible – Taking mitigation, including ongoing consultation, into account (refer to the response to IR10-12 and the forthcoming response to IR10-11), no residual effect on Tsawwassen access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Tsawwassen views regarding existing constraints on access, as described in EIS Section 32.2.4.1 and MSA Section 9.5.4.13, as well as Tsawwassen views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Tsawwassen-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 regarding the potentially measurable access effect on Tsawwassen (including the analysis in EIS Section 32.2.6.1 and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Tsawwassen is expected to be addressed through mitigation, no residual economic effects for Tsawwassen are anticipated as a result of the Project

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Tsawwassen sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable effect (before Current Use-specific mitigation) is expected on Tsawwassen's ability to reproduce and transmit cultural heritage associated with a potentially measurable incremental access/displacement effect (refer to response to IR10-06)	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsawwassen's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[7] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Tsawwassen baseline summaries in EIS Section 32.2.4.1 and AIMSA Section 9.5.4.13, and that these views and Tsawwassen views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Tsawwassen-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in EIS predictions for Tsawwassen in terms of quality of Current Use experience
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsawwassen as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsawwassen's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[8] – No additional information (refer to Tsawwassen-specific information provided in EIS Section 32.2.4.1 and MSA Section 9.5.4.13, per **Table IR10-A1-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information for Tsawwassen (including maps) already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Tsawwassen in list of issues in MSA Appendix 5-B (also refer to the Tsawwassen-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response	No change in MSA predictions for Tsawwassen in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsawwassen as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsawwassen as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		

[7] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[8] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			Part 3(3) – Proponent's views on thresholds of acceptability and risk - Refer to IR10-13 response	
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[9]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsawwassen as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsawwassen's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Tsawwassen's views regarding existing constraints on access, as described in EIS Section 32.2.4.1 and MSA Section 9.5.4.13, as well as Tsawwassen's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Tsawwassen as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Tsawwassen is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Tsawwassen are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Tsawwassen's sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Tsawwassen's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsawwassen's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[10] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Tsawwassen's baseline summaries in EIS Section 32.2.4.1 and MSA Section 9.5.6.13, and that these views and Tsawwassen's views about potential effects of Project-associated vessel transit on Tsawwassen (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Tsawwassen in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[11]	N/A	N/A	No additional information available (refer to Tsawwassen-specific information provided in EIS Section 32.2.4.1 and MSA Section 9.5.4.13, per **Table IR10-A1-1** above, for available information)	No additional information available

[9] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

[10] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[11] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Musqueam First Nation[1] Group-specific Baseline Information Process Summary (EIS and AIMSA)

Environmental Impact Statement (EIS)

On January 18, 2013, the VFPA met with Musqueam First Nation ("Musqueam") to gather Traditional Ecological Knowledge (TEK) on food, social and ceremonial (FSC) fisheries (both finfish and shellfish) occurring within the proposed Project Area (Roberts Bank) and the wider reaches of the lower Fraser River and Fraser River Estuary by Musqueam First Nation. Musqueam provided information on its FSC in the Project Area.

On December 18, 2013, the VFPA and Musqueam signed a funding agreement to support Musqueam's completion of a Traditional Use study for the Project to assess the potential for interactions between the RBT2 Project and current traditional uses of resources within the Project study area and to work collaboratively with the VFPA to address any potential gaps in the Traditional Use study program for the Project. In the agreement, Musqueam was also requested to share information contained in existing reports or summary reports, as appropriate, to support the Traditional Use component of the environmental assessment.

On June 18, 2014, the VFPA met with Musqueam to seek additional Indigenous traditional knowledge (ITK) information beyond the sources already identified by and available to VFPA. Musqueam provided feedback on the sources of ITK available to the VFPA and shared information and knowledge in response to questions regarding birds, wildlife, plant use, the cultural importance of Roberts Bank, the mudflats and tidal flats, sediment and marine waters, and changes in resources over time in the Roberts Bank area.

On July 11, 2014, the VFPA provided Musqueam with a draft *"Musqueam First Nation Community Profile"* for review and comment. No comments were received.

On August 19, 2014, Musqueam provided the VFPA with a report titled *"Draft Contemporary Musqueam Use of the Southern Fraser Delta"* (Woolman 2014) and on October 7, 2014, Musqueam provided the VFPA with a report titled *"Traditional Musqueam Use of the Southern Fraser Delta"* (Ham 2014).

Economic and socio-community information for the Musqueam community was collected through a social and economic existing conditions study conducted by the VFPA's consultant, with input from Musqueam regarding the scope, terms of reference for the study, and primary and secondary data collection, including interviews with Musqueam representatives (EIS Appendix 18-B). The report was reviewed and approved by Musqueam for inclusion in the

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-D (AIMSA) of Attachment 2 to Information Request Package 10 (identified in those tables as Musqueam Indian Band, but in *EIS Guidelines* as Musqueam First Nation).

EIS. A Musqueam representative worked directly with VFPA's consultant in the collection of information/data from Musqueam participants.

Information regarding Musqueam's reliance on traditional foods was provided directly by Musqueam in its Traditional Use Studies (Woolman 2014 and Ham 2014). The VFPA also met with Musqueam in November 2014 to provide Musqueam with information from the preliminary assessments on human health, and Aboriginal and treaty rights and related interests including current use of lands and resources for traditional purposes (Current Use); and to obtain feedback on preliminary assessment results and identify additional information to inform the assessments. The Human Health Risk Assessment (HHRA) and Health Impact Assessment (HIA) relied on information provided directly from Musqueam during consultation as well as other published information and data sources related to health in B.C. Indigenous communities.

On November 19, 2014, the VFPA met with Musqueam to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and Current Use, and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Musqueam, and preliminary conclusions of the assessment.

On December 9, 2014, the VFPA provided Musqueam with advance drafts of the existing conditions sections of the EIS: *"Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* and *"Aboriginal Commercial Fishing and Seafood Harvesting."* The VFPA requested that Musqueam confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections were received from Musqueam on January 15, 2015 and January 23, 2015, respectively, and changes made to the sections as appropriate. The *"Aboriginal Commercial Fishing and Seafood Harvesting"* section was provided again to Musqueam to confirm the substantial changes made to the section based on Musqueam's comments, and further comments from Musqueam were integrated into the final EIS.

On March 26, 2015, the VFPA provided Musqueam with a table outlining all Musqueam's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Musqueam with a copy of the EIS.

Additional Information to the Marine Shipping Addendum – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA)

On December 4, 2015, the VFPA wrote to Musqueam requesting input regarding the potential effects of marine shipping to Musqueam. Specifically, the VFPA sought information from Musqueam on the effects of changes to the environment as a result of existing marine shipping on the Musqueam's health and socio-economic conditions, physical and cultural heritage, including any structure, site, or thing that is of historical, archaeological, paleontological, or

architectural significance, and Current Use. The VFPA also sought information on the effects of marine shipping on Musqueam's ability to exercise its asserted Aboriginal rights.

On June 22, 2016, the VFPA met with Musqueam to discuss marine shipping associated with the Project, including its request to learn more about Musqueam's use of the marine shipping area. Musqueam expressed concerns regarding time constraints and funding.

In response to a request from Musqueam, on March 15, 2016 the VFPA signed a funding agreement to support Musqueam's completion of a marine shipping-specific use study.

On May 24, 2016, Musqueam provided the VFPA with a study titled *"Musqueam Marine Shipping Effects Assessment"* (Tam et al. 2016).

On June 9, 2016, the VFPA provided Musqueam with the draft existing conditions sections for components considered in the AIMSA (i.e., Human Health, Marine Commercial Use, Outdoor Recreation, Archaeological and Heritage Resources, and Current Use of Lands and Resources for Traditional Purposes and Aboriginal and Treaty Rights), and requested that Musqueam confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final AIMSA.

On June 20, 2016, the VFPA and Musqueam met to discuss the *"Musqueam Marine Shipping Effects Assessment"* report, and the process for integrating this report into the final AIMSA.

On July 15, 2016, Musqueam provided comments on the draft existing conditions sections for components considered in the AIMSA, which were integrated into the draft sections of the AIMSA as appropriate.

On August 3, 2016, the VFPA provided the full draft AIMSA for Musqueam's review and comment, including the existing conditions sections shared earlier and all effects assessment sections. Musqueam responded with comments on September 15, 2016. Musqueam's comments were integrated into the final AIMSA as appropriate.

On September 30, 2016, the VFPA provided Musqueam with a table including all Musqueam's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections.

References

Ham, L. 2014. Traditional Musqueam Use of the Southern Fraser Delta. Overview Report, Prepared for Musqueam Indian Band, Delta, B.C.

Tam, J., R. Olsen, and the Firelight Group. 2016. Musqueam Indian Band Shipping Effects Assessment: Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project. Final report prepared with Musqueam Indian Band, May 9, 2016.

Woolman, J. 2014. Contemporary Musqueam Use of the South Fraser Delta. Preliminary Draft, Prepared for Musqueam Indian Band, Vancouver, B.C.

Musqueam First Nation Group-specific Index and Assessment Tables

Table IR10-A2-1 Musqueam First Nation Index Table

EIS / AIMSA Section	Original EIS / AIMSA Information Presentation (Aggregated / Disaggregated)	Musqueam First Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.2 Musqueam First Nation, pp. 32-5 to 32-6
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous Groups as affected)	Disaggregated	32.2.4.2 Musqueam First Nation, pp. 32-43 to 32-56
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, p. 32-100, para. 4 (measurable potential effect) 32.2.6.1 (Access), p. 32-102, para. 4; p. 32-103, para. 3; p. 32-104, para. 1, 2, 4, 5, differential effect (i.e., measurable)[1] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), differential effect tied to access effect; no differential effect otherwise
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), p. 32-116, p. 32-117, differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures beyond those for the differential access effect
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Musqueam First Nation, p. 32-129 to p. 32-133
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current Use measures in Section 32.2.7), p. 32-146 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no measures suggested by Musqueam 32.3.3.3 Other Accommodations, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, p. 32-149
EIS information request / additional information request	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Musqueam First Nation, p. 6 (CEAR Document #388)
AIMSA Section 7.2 Existing Conditions	Disaggregated	7.2.1 Musqueam First Nation, pp. 32 to 42
AIMSA Section 7.3 Potential Interactions and Effects on Current Use	Disaggregated within each Current Use indicator discussion	7.3 Potential Interactions and Effects on Current Use, pp. 48-55 (Musqueam identified within each subsection, with potential group-specific effects identified as negligible-to-minor)
AIMSA Section 7.4 Suggested Mitigation Measures	Disaggregated within each Current Use indicator discussion	7.4 provides Musqueam perspective on measures suggested by VFPA, p. 56; no specific suggestions were provided by Musqueam, citing the need for further research, p. 56
AIMSA Section 7.5 Residual Effects, 7.6 Cumulative Effects, 7.7 Follow Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)

[1] In this table, a potential effect is described as a "differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be measurable for some groups but not others. Mitigation measures that are described as "differential measures" are those that are intended to address the potential differential (i.e., measurable) effect on those specific groups (in this case Musqueam).

EIS / AIMSA Section	Original EIS / AIMSA Information Presentation (Aggregated / Disaggregated)	Musqueam First Nation
AIMSA Section 7.8 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Effectively disaggregated, with group-specific conclusions, given the limited number of nations included in AIMSA (i.e., two)	7.8, pp. 57-61 (Musqueam are identified within each subsection, with potential group-specific impacts identified as negligible to minor)
Issues tracking tables	EIS – Aggregated AIMSA – Disaggregated by issue/interest	EIS – See forthcoming response to IR10-01 for disaggregated issues tracking tables AIMSA Appendix 2-B Aboriginal Issues and Interests, Musqueam First Nation (disaggregated by issue/interest, but not a separate group-specific table)
Indigenous Traditional Knowledge (ITK)	EIS – MSA IR-02.24.16-4 (Aggregated) (CEAR document #391) AIMSA – Table 9.1 (Disaggregated)	EIS – See response to IR10-02 for disaggregated ITK AIMSA Table 9.1 Additional Aboriginal Traditional Knowledge Supporting the RBT2 Marine Shipping Addendum, Musqueam First Nation, pp. 70 to 79

Table IR10-A2-2 Musqueam First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[2]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Musqueam was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Potentially measurable change in access expected for Musqueam (before Current Use-specific mitigation) as a result of Project-related displacement effects within Musqueam's primary crab harvesting area, in relation to which Musqueam is licensed to harvest crab year-round for FSC purposes, with annual catches understood to be on the same order of magnitude as Tsawwassen First Nation (i.e., over 20,000 per year)	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Musqueam access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[3] – No additional information (refer to Musqueam-specific information provided in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, per **Table IR10-A2-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Maps contained in Musqueam studies already considered by the VFPA in the EIS / AIMSA Current Use assessment *Part 3 – Consider effects on social conditions*[4] – None anticipated given the predicted access effect on Musqueam is expected to be addressed through mitigation (the VFPA is of the view that its predictions in the EIS already sufficiently considered Musqueam views regarding existing social constraints on access, as described in EIS Section 32.2.4.2 and AIMSA Section 7.2.1)	No change in EIS predictions for Musqueam in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Musqueam with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Musqueam use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Musqueam views regarding existing effects, as described in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, as well as the Musqueam views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the	

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[2]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Musqueam with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Musqueam use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	Musqueam-specific issue tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Musqueam views on thresholds are reflected in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Potentially measurable change in access expected for Musqueam (before Current Use-specific mitigation) as a result of Project-related displacement effects within Musqueam's primary crab harvesting area, in relation to which Musqueam is licensed to harvest crab year-round for FSC purposes, with annual catches understood to be on the same order of magnitude as Tsawwassen First Nation (i.e., over 20,000 per year)	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Musqueam access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Musqueam views regarding existing constraints on access, as described in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, as well as Musqueam views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Musqueam-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 regarding the potentially measurable access effect on Musqueam (including the analysis in EIS Section 32.2.6.1 and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Musqueam is expected to be addressed through mitigation, no residual economic effects for Musqueam are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Musqueam sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable effect (before Current Use-specific mitigation) is expected on Musqueam's ability to reproduce and transmit cultural heritage associated with a potentially measurable incremental access/displacement effect (refer to response to IR10-06)	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Musqueam's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Musqueam baseline summaries in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, and that these views and Musqueam views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Musqueam-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in EIS predictions for Musqueam in terms of quality of Current Use experience

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[2]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-13 (AIMSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	*Note: A group-specific assessment for Musqueam was presented in the AIMSA for all indicators* Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Musqueam as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Musqueam access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[6] – No additional information (refer to Musqueam-specific information provided in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, per **Table IR10-A2-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Maps contained in Musqueam studies considered by the VFPA in the EIS / AIMSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Musqueam in the effects assessment for each Current Use indicator in AIMSA Section 7.3 and in the group-specific list of issues in AIMSA Appendix 2-B (also refer to the Musqueam-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in AIMSA predictions for Musqueam in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Musqueam as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Musqueam as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (AIMSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[7]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Musqueam as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Musqueam access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Musqueam views regarding existing constraints on access, as described in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, as well as Musqueam views regarding potential effects of Project-associated vessel transit, described for each group in AIMSA Section 7.3 and AIMSA Appendix 2-B, were already sufficiently considered in the VFPA's predictions in AIMSA Section 7.3.1 regarding a potential access effect on Musqueam as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Musqueam is expected to be addressed through the suggested mitigation identified in AIMSA Section 7.4, no residual economic effects for Musqueam are anticipated.
IR10-15 (AIMSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Musqueam sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Musqueam's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[8] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in AIMSA Section 7.3.4. The VFPA notes that factors contributing to existing effects are reflected in Musqueam baseline summaries in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, and that these views and Musqueam views about potential effects of Project-associated vessel	No change in AIMSA predictions for Musqueam in terms of quality of Current Use experience
	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Musqueam's ability to reproduce and transmit cultural			

[6] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

[7] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

[8] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[2]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)		transit on Musqueam (as referenced in Musqueam's group-specific assessment in AIMSA Section 7.3.4), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (AIMSA)				
Present (the requested group-specific baseline information)[9]	N/A	N/A	No additional information available (refer to Musqueam-specific information provided in EIS Section 32.2.4.2 and AIMSA Section 7.2.1, per **Table IR10-A2-1** above, for available information)	No additional information available

[9] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Semiahmoo First Nation[1] Group-specific Index and Assessment Tables (EIS and MSA)

Environmental Impact Statement (EIS)

On February 25, 2014, the VFPA and Semiahmoo First Nation signed a funding agreement to support Semiahmoo First Nation's completion of a Traditional Use study to assess the potential for interactions between the Project and current traditional uses of resources with the Project study area and to work collaboratively with the VFPA to address any potential gaps in the VFPA's proposed Traditional Use Study program for the Project.

The VFPA worked with Semiahmoo First Nation on finalising the scope and associated funding amount to facilitate Semiahmoo First Nation's sharing of current use information for consideration and integration into the assessment. The VFPA requested information on Semiahmoo First Nation's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge, and culturally important places. The VFPA further requested information related to past use, existing use, and changes that Semiahmoo First Nation anticipated to the landscape and their use of the area over time.

On July 15, 2014, the VFPA provided Semiahmoo First Nation with a draft *"Semiahmoo First Nation Community Profile"* for review and comment. No comments from Semiahmoo First Nation were received.

On August 19, 2014, Semiahmoo First Nation provided the VFPA with a report titled "*An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project"* (Semiahmoo 2014).

On December 4, 2014, the VFPA met with Semiahmoo First Nation to provide information regarding the assessment of human health preliminary effects, potential Project effects, cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use) to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Semiahmoo First Nation, and preliminary conclusions of the assessment. Following the meeting, on January 8, 2015, the VFPA sent a summary of questions and comments raised by Semiahmoo First Nation during the meeting for verification prior to incorporating the information into the EIS.

On December 9, 2014, the VFPA provided Semiahmoo First Nation with an advance draft of the existing conditions section of the EIS, "*Potential or Established Aboriginal and Treaty*

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes." The VFPA requested that Semiahmoo First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Semiahmoo First Nation sent a revised traditional territory map to the VFPA on January 6, 2015, but no further comments were received from Semiahmoo First Nation on the draft summary.

On April 2, 2015, the VFPA provided Semiahmoo First Nation with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Semiahmoo First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on Current Use by Semiahmoo First Nation. The VFPA requested information regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including the report previously provided by Semiahmoo First Nation titled "*An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project*." The VFPA requested any additional information from Semiahmoo First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Semiahmoo First Nation's participation in consultation. The funding was accepted by Semiahmoo First Nation on May 22, 2015.

On June 11, 2015, the VFPA met with Semiahmoo First Nation to discuss marine shipping associated with the Project and Semiahmoo First Nation's Current Use and rights in the marine shipping area. Semiahmoo expressed concern about the timeline and funding to review the draft report and to complete a study of the marine shipping area. Semiahmoo shared some information of its current use of the marine shipping area.

On June 24, 2015, the VFPA provided Semiahmoo First Nation with a draft document titled "*Marine Shipping Study: Semiahmoo First Nation – Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions."* The VFPA requested that Semiahmoo First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

On July 29, 2015, the VFPA met with Semiahmoo First Nation to discuss marine shipping associated with the Project. Semiahmoo First Nation stated that they would provide comments on the draft Current Use document by August 31, 2015.

The VFPA did not receive comments from Semiahmoo First Nation on the draft Current Use document provided.

On November 9, 2015 the VFPA provided Semiahmoo First Nation with a copy of the MSA.

References

Semiahmoo First Nation. 2014a. An Interim Report on the Traditional Land and Marine Resource Use (TLMRU) and Practices of the Semiahmoo First Nation for the Proposed Roberts Bank Terminal 2 Project Port Metro Vancouver (PMV), British Columbia DRAFT Semiahmoo 2014.

Semiahmoo First Nation Group-specific Index and Assessment Tables

Table IR10-A3-1 Semiahmoo First Nation Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Semiahmoo First Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.3 Semiahmoo First Nation, pp. 32-6 to 32-7
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.3 Semiahmoo First Nation, pp. 32-56 to 32-63
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, p. 32-100, para. 4 (no potential effect) 32.2.6.1 (Access), no potential effect 32.2.6.2 (Resource availability), no potential effect 32.2.6.3 (Resource quality), no potential effect 32.2.6.4 (Experiential quality), no potential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.1 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Semiahmoo First Nation, p. 32-133
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no measures suggested by Semiahmoo First Nation 32.3.3.3 Other Accommodations, Semiahmoo First Nation, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Semiahmoo First Nation, p. 6 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.14 Semiahmoo First Nation, pp. 9.5-101 to 9.5-105
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[2] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative	N/A (no residual effects predicted)	N/A (no residual effects predicted)

[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Semiahmoo First Nation
Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program		
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit)	9.5.11.1 Approach to the Rights Assessment, Semiahmoo First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no measurable residuals)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Semiahmoo First Nation, p. 3 (CEAR Document #391)
Issue Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A3-2 Semiahmoo First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Semiahmoo was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – No potential change in access to preferred locations (before Current Use-specific mitigation) expected for Semiahmoo as a result of Project-related displacement effects based on available information, which did not indicate use of locations that may be affected by the Project	N/A (no effect before Current Use-specific mitigation)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Semiahmoo-specific information provided in EIS Section 32.2.4.3 and MSA Section 9.5.4.14, per **Table IR10-A3-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information for Semiahmoo already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given no potential access effect on Semiahmoo is expected (the VFPA is of the view that its predictions in the EIS already sufficiently considered Semiahmoo views regarding	No change in EIS predictions for Semiahmoo in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – No potential change in availability of Current Use resources at preferred locations expected for Semiahmoo with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)		

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of resources – No potential change in quality of Current Use resources at preferred locations expected for Semiahmoo with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)	existing social constraints on access, as described in EIS Section 32.2.4.3 and MSA Section 9.5.4.14 *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Semiahmoo views regarding existing effects, as described in EIS Section 32.2.4.3 and MSA Section 9.5.4.14, as well as Semiahmoo views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Semiahmoo-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information	
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	No potential change in access to preferred locations (before Current Use-specific mitigation) expected for Semiahmoo as a result of Project-related displacement effects based on available information, which did not indicate use of locations that may be affected by the Project	N/A (no effect before Current Use-specific mitigation)	The VFPA is of the view that Semiahmoo views regarding existing constraints on access, as described in EIS Section 32.2.4.3 and MSA Section 9.5.4.14, as well as Semiahmoo views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Semiahmoo-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As no potential effect on Current Use access (including the potential for increased competition) is expected for Semiahmoo (before Current Use-specific mitigation), no residual economic effects for Semiahmoo are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – No potential change in Semiahmoo sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and	No change in EIS predictions for Semiahmoo in terms of quality of Current Use experience

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – No potential change in any indicator (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) expected for Semiahmoo; therefore, no potential effect (before Current Use-specific mitigation) is expected on Semiahmoo's ability to reproduce and transmit cultural heritage associated with preferred locations and resources		assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Semiahmoo's baseline summaries in EIS Section 32.2.4.3 and MSA Section 9.5.4.14, and that these views and Semiahmoo views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Semiahmoo-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Semiahmoo as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Semiahmoo's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to Semiahmoo-specific information provided in EIS Section 32.2.4.3 and MSA Section 9.5.4.14, per **Table IR10-A3-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information for Semiahmoo already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Semiahmoo in list of issues in MSA Appendix 5-B (also refer to the Semiahmoo-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Semiahmoo in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Semiahmoo as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Semiahmoo as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[8]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Semiahmoo as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Semiahmoo's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Semiahmoo's views regarding existing constraints on access, as described in EIS Section 32.2.4.3 and MSA Section 9.5.4.14, as well as Semiahmoo's views regarding potential effects of Project-associated vessel transit,	As the predicted Current Use access effect on Semiahmoo is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Semiahmoo are anticipated

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Semiahmoo as a result of Project-associated vessel transit.	
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Semiahmoo's sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Semiahmoo's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Semiahmoo's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Semiahmoo's baseline summaries in EIS Section 32.2.4.3 and MSA Section 9.5.6.14, and that these views and Semiahmoo's views about potential effects of Project-associated vessel transit on Semiahmoo (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Semiahmoo in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to Semiahmoo-specific information provided in EIS Section 32.2.4.3 and MSA Section 9.5.4.14, per **Table IR10-A3-1** above, for available information)	No additional information available

[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Tsleil-Waututh Nation[1] Group-specific Baseline Information Process Summary (EIS and AIMSA)

Environmental Impact Statement (EIS)

On November 15, 2013, the VFPA and Tsleil-Waututh Nation signed a funding agreement to support Tsleil-Waututh Nation's completion of a Traditional Use study for the Project to identify current use of lands and resources, including any marine lands and/or marine resources for traditional purposes, to identify, where possible, current navigational use for traditional purposes, given the marine footprint of the Project, to help understanding any potential impacts to current land and resource use opportunities and practices as a result of the Project, and to help understand what, if any, changes Tsleil-Waututh Nation foresee to current land and resource use opportunities and practices as a result of the proposed Project.

On April 1, 2014, Tsleil-Waututh Nation provided the VFPA with a report titled "*Tsleil-Waututh Nation Knowledge Study: Roberts Bank Terminal 2 Project."*

On July 14, 2014, the VFPA provided Tsleil-Waututh Nation with a draft *"Tsleil-Waututh Nation Community Profile"* for review and comment. Comments were received from Tsleil-Waututh Nation on August 14, 2014, and changes were made to reflect input from Tsleil-Waututh Nation.

On November 20, 2014, the VFPA met with Tsleil-Waututh Nation to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Tsleil-Waututh Nation, and preliminary conclusions of the assessment.

On December 9, 2014, the VFPA provided Tsleil-Waututh Nation with advance drafts of the existing conditions sections of the EIS: "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes*" and "*Aboriginal Commercial Fishing and Seafood Harvesting*." The VFPA requested that Tsleil-Waututh Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments on the draft sections were received from Tsleil-Waututh Nation on January 15, 2015 and changes were made to reflect input from Tsleil-Waututh Nation.

On March 25, 2015, the VFPA sent a tracking table outlining all Tsleil-Waututh Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Tsleil-Waututh Nation with a copy of the EIS.

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-D (AIMSA) of Attachment 2 to IR Package 10.

Additional Information to the Marine Shipping Addendum – Musqueam First Nation and Tsleil-Waututh Nation (AIMSA)

On December 4, 2015, the VFPA wrote to Tsleil-Waututh Nation requesting input regarding the potential effects of marine shipping to Tsleil-Waututh Nation. Specifically, the VFPA sought information from Tsleil-Waututh Nation on the effects of changes to the environment as a result of existing marine shipping on Tsleil-Waututh Nation's health and socio-economic conditions, physical and cultural heritage, including any structure, site, or thing that is of historical, archaeological, paleontological, or architectural significance, and Current Use. The VFPA also sought information on the effects of marine shipping on Tsleil-Waututh Nation's ability to exercise its asserted Aboriginal rights.

On February 12, 2016, the VFPA provided Tsleil-Waututh Nation with a draft document titled "*Roberts Bank Terminal 2 Project—Marine Shipping Study: Tsleil-Waututh Nation—Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions."* The VFPA sought to confirm with Tsleil-Waututh Nation that the information is accurately presented and whether any revisions, additions, or deletions are required. Comments were provided by Tsleil-Waututh Nation on March 22, 2016. Changes to the draft were made to reflect input from Tsleil-Waututh Nation.

On June 7, 2016, the VFPA provided Tsleil-Waututh Nation with the draft existing conditions sections for components considered in the AIMSA (i.e., Human Health, Marine Commercial Use, Outdoor Recreation, Archaeological and Heritage Resources, and Current Use and Aboriginal and Treaty Rights), and requested that Tsleil-Waututh confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final AIMSA. On June 24, 2016, Tsleil-Waututh Nation provided comments on the draft existing conditions sections. Changes were made to the draft AIMSA to reflect input from Tsleil-Waututh.

On August 3, 2016, the VFPA provided the full draft AIMSA for Tsleil-Waututh Nation's review and comment, including the existing conditions sections shared earlier and all effects assessment sections. Tsleil-Waututh Nation responded with comments on August 25, 2016. Tsleil-Waututh Nation's comments were integrated into the final AIMSA as appropriate.

On September 30, 2016, the VFPA provided Tsleil-Waututh Nation with a table including all Tsleil-Waututh Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections.

Tsleil-Waututh Nation Group-specific Index and Assessment Tables

Table IR10-A4-1 Tsleil-Waututh Nation Index Table

EIS / AIMSA Section	Original EIS / AIMSA Information Presentation (Aggregated / Disaggregated)	Tsleil-Waututh Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.4 Tsleil-Waututh Nation, pp. 32-7 to 32-8
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.4 Tsleil-Waututh Nation, pp. 32-63 to 32-70
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), Tsleil-Waututh Nation, p. 32-103, para. 1; p. 32-104, para. 1, no differential effect (i.e., negligible)[2] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Tsleil-Waututh Nation, p. 32-133 to p. 32-135
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current Use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no measures suggested by Tsleil-Waututh 32.3.3.3 Other Accommodations, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Tsleil-Waututh Nation, p. 6 (CEAR Document #388)
AIMSA Section 7.2 Existing Conditions	Disaggregated	7.2.2 Tsleil-Waututh Nation, pp. 42 to 47
AIMSA Section 7.3 Potential Interactions and Effects on Current Use	Disaggregated within each Current Use indicator discussion	7.3 Potential Interactions and Effects on Current Use, pp. 48-55 (Tsleil-Waututh identified within each subsection, with potential group-specific effects identified as negligible-to-minor)
AIMSA Section 7.4 Suggested Mitigation Measures	Disaggregated within each Current Use indicator discussion	7.4 provides Tsleil-Waututh perspective on measures suggested by VFPA, p. 56; no specific suggestions were provided by Tsleil-Waututh, citing the need for ongoing consultation, p. 56
AIMSA Section 7.5 Residual Effects, 7.6 Cumulative Effects, 7.7 Follow Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)

[2] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-D Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable.

EIS / AIMSA Section	Original EIS / AIMSA Information Presentation (Aggregated / Disaggregated)	Tsleil-Waututh Nation
AIMSA Section 7.8 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Effectively disaggregated given the limited number of nations included in AIMSA (i.e., two) Note: Proposed measures identified are exactly the same as for Current Use	7.8, pp. 57-61 (Tsleil-Waututh are identified within each subsection, with potential group-specific impacts identified as negligible-to-minor)
Issue Tracking Table	EIS – Aggregated AIMSA – Disaggregated by issue/interest	EIS – See forthcoming response to IR10-01 for disaggregated issues tracking table AIMSA Appendix 2-B Aboriginal Issues and Interests – Tsleil-Waututh Nation (disaggregated by issue/interest, but not a separate group-specific table)
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) AIMSA – Table 9.1 (Disaggregated)	EIS – See response to IR10-02 for disaggregated ITK AIMSA Table 9.1 Additional Aboriginal Traditional Knowledge Supporting the RBT2 Marine Shipping Addendum: Tsleil-Waututh Nation, pp. 70 to 79

Table IR10-A4-2 Tsleil-Waututh Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[3]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Tsleil-Waututh was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Tsleil-Waututh (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated very limited crab harvesting access at this location by Tsleil-Waututh members (i.e., five days in total from 2010 to 2014, always in the month of June)	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsleil-Waututh access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Tsleil-Waututh-specific information provided in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, per Tsleil-Waututh Index Table above, for available information) *Part 2 - Maps of marine harvest sites* – Maps contained in Tsleil-Waututh studies already considered by the VFPA in the EIS / AIMSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access effect on Tsleil-Waututh is expected to be negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Tsleil-Waututh views regarding existing social constraints on access, as described in EIS Section 32.2.4.4 and AIMSA Section 7.2.2) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Tsleil-Waututh views regarding existing	No change in EIS predictions for Musqueam in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsleil-Waututh with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Tsleil-Waututh use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[3]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsleil-Waututh with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Tsleil-Waututh use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	effects, as described in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, as well as the Tsleil-Waututh views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Tsleil-Waututh-specific issue tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Tsleil-Waututh views on thresholds are reflected in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Tsleil-Waututh (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated very limited crab harvesting access at this location by Tsleil-Waututh members (i.e., five days in total from 2010 to 2014, always in the month of June)	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsleil-Waututh access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Tsleil-Waututh views regarding existing constraints on access, as described in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, as well as Tsleil-Waututh views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Tsleil-Waututh-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in EIS Section 32.2.6.1 and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Tsleil-Waututh is expected to be negligible, no residual economic effects for Tsleil-Waututh are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Tsleil-Waututh sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsleil-Waututh's quality of experience at preferred locations is predicted	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and	No change in EIS predictions for Tsleil-Waututh in terms of quality of Current Use experience

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[3]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Tsleil-Waututh; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Tsleil-Waututh's ability to reproduce and transmit cultural heritage	(i.e., use at preferred locations will be consistent with existing conditions)	assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Tsleil-Waututh baseline summaries in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, and that these views and Tsleil-Waututh views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Tsleil-Waututh-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (AIMSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	*Note: A group-specific assessment for Tsleil-Waututh was presented in the AIMSA for all indicators* Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsleil-Waututh as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsleil-Waututh access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to Tsleil-Waututh-specific information provided in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, per **Table IR10-A4-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Maps contained in Tsleil-Waututh studies considered by the VFPA in the EIS / AIMSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Tsleil-Waututh in the effects assessment for each Current Use indicator in AIMSA Section 7.3 and in the group-specific list of issues in AIMSA Appendix 2-B (also refer to the Tsleil-Waututh-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in AIMSA predictions for Tsleil-Waututh in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsleil-Waututh as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsleil-Waututh as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (AIMSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsleil-Waututh as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsleil-Waututh access to preferred locations	The VFPA is of the view that Tsleil-Waututh views regarding existing constraints on access, as described in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, as well as Tsleil-Waututh views regarding potential effects of	As the predicted Current Use access effect on Tsleil-Waututh is expected to be addressed through the suggested mitigation identified in AIMSA Section 7.4, no residual

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / AIMSA Level of Potential Effect Prediction[3]	EIS / AIMSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
necessary displacement (permanent or temporary)[8]		as a result of Project-associated ship pass-bys is expected	Project-associated vessel transit, described for each group in AIMSA Section 7.3 and AIMSA Appendix 2-B, were already sufficiently considered in the VFPA's predictions in AIMSA Section 7.3.1 regarding a potential access effect on Tsleil-Waututh as a result of Project-associated vessel transit.	economic effects for Tsleil-Waututh are anticipated.
IR10-15 (AIMSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Tsleil-Waututh sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Tsleil-Waututh's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsleil-Waututh's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in AIMSA Section 7.3.4. The VFPA notes that factors contributing to existing effects are reflected in Tsleil-Waututh baseline summaries in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, and that these views and Tsleil-Waututh views about potential effects of Project-associated vessel transit on Tsleil-Waututh (as referenced in Tsleil-Waututh's group-specific assessment in AIMSA Section 7.3.4), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in AIMSA predictions for Tsleil-Waututh in terms of quality of Current Use experience
IR10-16 (AIMSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to Tsleil-Waututh-specific information provided in EIS Section 32.2.4.4 and AIMSA Section 7.2.2, per **Table IR10-A4-1** above, for available information)	No additional information available

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.
[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Stz'uminus First Nation[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

On April 24, 2014, the VFPA and the Cowichan Nation Alliance ("CNA"), which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum, signed a funding agreement to support the completion of a Traditional Use Study.

The VFPA requested information on CNA's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge and culturally important places. The VFPA further requested information related to past use, existing use, and changes that CNA anticipated to the landscape and their use of the area over time.

On July 11, 2014, the VFPA provided Stz'uminus with a draft of the "*Stz'uminus Community Profile"* for review and comment. In August 2014, the VFPA wrote to Stz'uminus asking whether there is any specific cultural information that Stz'uminus would like to provide for inclusion in the EIS, specifically information related to special features, unique characteristics, or stories associated with Roberts Bank. No comments were provided by Stz'uminus First Nation.

On October 16, 2014, CNA provided the VFPA with a report titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use."*

On December 11, 2014, the VFPA met with Stz'uminus First Nation and other members of CNA to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to obtain feedback and identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Stz'uminus First Nation or CNA, and preliminary conclusions of the assessment. Following the meeting, on January 14, 2015, the VFPA sent a summary of questions and comments raised by CNA during the meeting for verification prior to incorporating the information into the EIS.

On January 15, 2015, comments on the draft section, *"Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes,"* was received from CNA, and changes were made to reflect input from CNA.

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

On March 25, 2015, the VFPA provided CNA with a table outlining all CNA's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Stz'uminus First Nation with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Stz'uminus First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Stz'uminus First Nation. The VFPA requested information from Stz'uminus First Nation regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including the report previously provided titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use"* as well as the Application to the National Energy Board and the Stz'uminus First Nation oral hearing transcript for the Trans Mountain Expansion Project. The VFPA requested any additional information from Stz'uminus First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Stz'uminus First Nation's participation in consultation. The funding was accepted by Stz'uminus First Nation on May 15, 2015.

On June 17, 2015, the VFPA met with CNA (a representative of Stz'uminus First Nation was not in attendance at this meeting) to discuss marine shipping associated with the Project and reiterated its request for information regarding CNA's current use of the marine shipping area. CNA committed to reviewing the summaries once received.

On July 27, 2015, the VFPA provided CNA with a draft section of the MSA titled *"Cowichan Nation Alliance Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that CNA confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments on the draft sections were received from CNA (writing on behalf of Cowichan Tribes, Stz'uminus First Nation, and Halalt First Nation) on September 9, 2015 and changes were made to reflect input from CNA.

On November 9, 2015, the VFPA provided Stz'uminus First Nation with a copy of the final MSA.

On April 25, 2016, the VFPA provided CNA with a tracking table including all CNA's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections.

Stz'uminus First Nation Group-specific Index and Assessment Table

Table IR10-A5-1 Stz'uminus First Nation Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Stz'uminus First Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.5 Stz'uminus First Nation, pp. 32-8 to 32-9
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.5 Cowichan Nation Alliance (CNA, including Stz'uminus First Nation), pp. 32-71 to 32-77
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, member groups of the CNA (including Stz'uminus First Nation), p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[1] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Cowichan Nation Alliance (including Stz'uminus First Nation), pp. 32-135 to p. 32-137
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no differential measures suggested by Stz'uminus 32.3.3.3 Other Accommodations, Stz'uminus First Nation, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Stz'uminus First Nation, p. 7 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.15 Cowichan Nation Alliance (including Stz'uminus First Nation), pp. 9.5-105 to 9.5-114
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[2] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed

[1] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable in relation to the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable in relation to the Project.

[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Stz'uminus First Nation
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Stz'uminus First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Stz'uminus First Nation, p. 3 (CEAR Document #391)
Issues Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A5-2 Stz'uminus First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Stz'uminus First Nation / CNA was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Stz'uminus / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that CNA member groups reported crabbing in a regional area that included Roberts Bank, but that did not indicate	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Stz'uminus / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Stz'uminus / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A5-1** above, for available information) *Part 2 - Maps of marine harvest sites* –Spatial information (including mapping) for Stz'uminus / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access	No change in EIS predictions for Stz'uminus / CNA in terms of Current Use access or availability and quality of Current Use resources

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	specific details regarding licence type, catch effort, timing, or frequency for Stz'uminus.		effect on Stz'uminus / CNA is expected to be negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Stz'uminus / CNA views regarding existing social constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Stz'uminus / CNA views regarding existing effects, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Stz'uminus / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Stz'uminus / CNA-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Stz'uminus / CNA views on thresholds are reflected in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Stz'uminus / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Stz'uminus / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Stz'uminus / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Stz'uminus / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Stz'uminus / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that CNA member groups reported crabbing in a regional area that included Roberts Bank, but that did not indicate specific details regarding licence type, catch effort, timing, or frequency for Stz'uminus.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Stz'uminus / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Stz'uminus / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Stz'uminus / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Stz'uminus / CNA-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Stz'uminus / CNA is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Stz'uminus / CNA are anticipated as a result of the Project

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Stz'uminus / CNA sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Stz'uminus / CNA; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Stz'uminus / CNA ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Stz'uminus / CNA quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Stz'uminus / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and that these views and Stz'uminus / CNA views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Stz'uminus / CNA-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in EIS predictions for Stz'uminus / CNA in terms of quality of Current Use experience
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Stz'uminus / CNA as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Stz'uminus / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to Stz'uminus / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A5-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Stz'uminus / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Stz'uminus / CNA in list of issues in MSA Appendix 5-B (also refer to the Stz'uminus / CNA-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response	No change in MSA predictions for Stz'uminus / CNA in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Stz'uminus / CNA as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Stz'uminus / CNA as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			Part 3(3) – Proponent's views on thresholds of acceptability and risk - Refer to IR10-13 response	
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[8]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Stz'uminus / CNA as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Stz'uminus / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Stz'uminus / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Stz'uminus / CNA views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Stz'uminus / CNA as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Stz'uminus / CNA is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Stz'uminus / CNA are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Stz'uminus / CNA sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Stz'uminus / CNA ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Stz'uminus / CNA quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Stz'uminus / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.6.15, and that these views and Stz'uminus / CNA views about potential effects of Project-associated vessel transit on Stz'uminus / CNA (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Stz'uminus / CNA in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to Stz'uminus / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A5-1** above, for available information)	No additional information available

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Cowichan Tribes[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

On April 24, 2014, the VFPA and Cowichan Nation Alliance ("CNA"), which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum, signed a funding agreement to support the completion of a Traditional Use study.

The VFPA requested information on CNA's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge, and culturally important places. The VFPA further requested information related to past use, existing use, and changes that CNA anticipated to the landscape and their use of the area over time.

On July 11, 2014, the VFPA provided Cowichan Tribes with a draft of the *"Cowichan Tribes Community Profile"* for review and comment. Comments were received from Cowichan Tribes on August 1, 2014.

On October 16, 2014, Cowichan Tribes provided the VFPA with a report titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use."*

On December 9, 2014, the VFPA provided Cowichan Tribes with an advance draft of the existing conditions section for "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* of the EIS. The VFPA requested that Cowichan Tribes confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS.

On December 11, 2014, the VFPA met with Cowichan Tribes and other members of CNA to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to obtain feedback and identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Cowichan Tribes or CNA, and preliminary conclusions of the assessment. Following the meeting, on January 14, 2015, the VFPA sent a summary of questions and comments raised by CNA during the meeting for verification prior to incorporating the information into the EIS.

On January 15, 2015, comments on the draft section "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for*

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

Traditional Purposes" were received from CNA and changes were made to the section to reflect input from CNA.

On March 25, 2015, the VFPA provided CNA with a table outlining all CNA's comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Cowichan Tribes with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Cowichan Tribes explaining that the VFPA is considering effects from marine shipping associated with the Project on current use of lands and resources by Cowichan Tribes. The VFPA requested information from Cowichan Tribes regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects of marine shipping associated with the Project, including the report previously provided titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use"* as well as the Trans Mountain Expansion Project Application to the National Energy Board. The VFPA requested any additional information from Cowichan Tribes that may help to inform the assessment. The VFPA also offered funding to facilitate Cowichan Tribe's participation in consultation. The funding was accepted by Cowichan Tribes on May 25, 2015.

On June 17, 2015, the VFPA met with CNA to discuss marine shipping associated with the Project and reiterated its request for information regarding CNA's current use of the marine shipping area. CNA committed to reviewing the summaries once received.

On July 27, 2015, the VFPA provided CNA with a draft section of the MSA titled "*Cowichan Nation Alliance Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that CNA confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments on the draft section were received from CNA (writing on behalf of Cowichan Tribes, Stz'uminus First Nation, and Halalt First Nation) on September 10, 2015, and changes were made to the MSA to reflect input from CNA.

On November 9, 2015, the VFPA provided Cowichan Tribes with a copy of the final MSA.

On April 25, 2016, the VFPA provided CNA with a tracking table outlining all CNA's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the MSA.

Cowichan Tribes Group-specific Index and Assessment Tables

Table IR10-A6-1 Cowichan Tribes Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Cowichan Tribes
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.6 Cowichan Tribes, pp. 32-9 to 32-10
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.5 Cowichan Nation Alliance (CNA, including Cowichan Tribes), pp. 32-71 to 32-77
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, member groups of the CNA (including Cowichan Tribes), p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[1] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Cowichan Nation Alliance (including Cowichan Tribes), pp. 32-135 to p. 32-137
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no differential measures suggested by Cowichan Tribes 32.3.3.3 Other Accommodations, Cowichan Tribes, p. 32-148 32.3.3.4 Outstanding Aboriginal issues, no differential issues identified by Cowichan Tribes
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Cowichan Tribes, p. 7 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.15 Cowichan Nation Alliance (including Cowichan Tribes), pp. 9.5-105 to 9.5-114
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[2] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed

[1] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable in relation to the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable in relation to the Project.

[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Cowichan Tribes
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Cowichan Tribes, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Cowichan Tribes, p. 3 (CEAR Document #391)
Issues Tracking Tables	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A6-2 Cowichan Tribes Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Cowichan Tribes / CNA was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Cowichan Tribes / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that Cowichan Tribes has recently held an FSC licence (ca. 2015-2016) that applied to Roberts Bank, but catch effort, timing, and frequency of harvesting at	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Cowichan Tribes / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Cowichan Tribes / CNA - specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A6-1** above, for available information) *Part 2 - Maps of marine harvest sites* –Spatial information (including mapping) for Cowichan Tribes / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access effect on Cowichan Tribes / CNA is expected to	No change in EIS predictions for Cowichan Tribes / CNA in terms of Current Use access or availability and quality of Current Use resources

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Roberts Bank is not currently known to the VFPA. Cowichan Tribes has identified other crab harvesting locations but has said it now relies on Roberts Bank for crab harvesting due to contamination of crabbing grounds closer to their home communities based on Vancouver Island.		be negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Cowichan Tribes / CNA views regarding existing social constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Cowichan Tribes / CNA views regarding existing effects, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Cowichan Tribes / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Cowichan Tribes / CNA-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Cowichan Tribes / CNA views on thresholds are reflected in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Cowichan Tribes / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Cowichan Tribes / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Cowichan Tribes / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Cowichan Tribes / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Cowichan Tribes / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that Cowichan Tribes has recently held an FSC licence (ca. 2015-2016) that applied to Roberts Bank, but catch effort, timing, and frequency of harvesting at Roberts Bank is not currently known to the VFPA. Cowichan Tribes has identified other crab harvesting locations but has said it now relies on Roberts Bank for crab harvesting due to contamination of crabbing grounds closer to their home communities based on Vancouver Island.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Cowichan Tribes / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Cowichan Tribes / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Cowichan Tribes / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Cowichan Tribes / CNA-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Cowichan Tribes / CNA is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Cowichan Tribes / CNA are anticipated as a result of the Project

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Cowichan Tribes / CNA sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Cowichan Tribes / CNA; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Cowichan Tribes / CNA ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Cowichan Tribes / CNA quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Cowichan Tribes / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and that these views and Cowichan Tribes / CNA views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Cowichan Tribes / CNA-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in EIS predictions for Cowichan Tribes / CNA in terms of quality of Current Use experience
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Cowichan Tribes / CNA as a result of displacement from Project-related ship pass-bys Availability of resources – Negligible potential change in availability of Current Use resources expected for Cowichan Tribes / CNA as a result of Project-associated vessel transit Quality of resources – Negligible potential change in quality of Current Use resources expected for Cowichan Tribes / CNA as a result of Project-associated vessel transit	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Cowichan Tribes / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected N/A (negligible before Current Use-specific mitigation) N/A (negligible before Current Use-specific mitigation)	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to Cowichan Tribes / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A6-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Cowichan Tribes / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Cowichan Tribes / CNA in list of issues in MSA Appendix 5-B (also refer to the Cowichan Tribes / CNA-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response	No change in MSA predictions for Cowichan Tribes / CNA in terms of Current Use access or availability and quality of Current Use resources

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			Part 3(3) – Proponent's views on thresholds of acceptability and risk - Refer to IR10-13 response	
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[8]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Cowichan Tribes / CNA as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Cowichan Tribes / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Cowichan Tribes / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Cowichan Tribes / CNA views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Cowichan Tribes / CNA as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Cowichan Tribes / CNA is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Cowichan Tribes / CNA are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Cowichan Tribes / CNA sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Cowichan Tribes / CNA ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Cowichan Tribes / CNA quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Cowichan Tribes / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.6.15, and that these views and Cowichan Tribes / CNA views about potential effects of Project-associated vessel transit on Cowichan Tribes / CNA (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Cowichan Tribes / CNA in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to Cowichan Tribes / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A6-1** above, for available information)	No additional information available

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.
[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Halalt First Nation[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

On April 24, 2014, the VFPA and Cowichan Nation Alliance ("CNA"), which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum, signed a funding agreement to support the completion of a Traditional Use study.

The VFPA requested information on CNA's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge and culturally important places. The VFPA further requested information related to past use, existing use, and changes that CNA anticipated to the landscape and their use of the area over time.

On July 11, 2014, the VFPA provided Halalt First Nation with a draft of the "*Halalt First Nation Community Profile"* for review and comment. In August 2014, the VFPA also requested information on dietary survey, traditional and current use, the open sea hunt for scoters, and any other information (cultural information, special features, unique characteristics, or stories associated with Roberts Bank) that Halalt First Nation would like the VFPA to include within the Project assessment. No comments were provided by Halalt First Nation.

On October 16, 2014, CNA provided the VFPA with a report titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use."*

On December 9, 2014, the VFPA provided Halalt First Nation with an advance draft of the existing conditions section for "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* of the EIS. The VFPA requested that Halalt First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS.

On December 11, 2014, the VFPA met with Halalt First Nation and other members of CNA to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to obtain feedback and identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions based on the information provided by Halalt First Nation or CNA, and preliminary conclusions of the assessment. Following the meeting, on January 14, 2015, the

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

VFPA sent a summary of questions and comments raised by CNA during the meeting for verification prior to incorporating the information into the EIS.

On January 15, 2015, comments on the draft section "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* were received from CNA and changes were made to the section as appropriate.

On March 25, 2015, the VFPA provided CNA with a table outlining all CNA's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Halalt First Nation with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Halalt First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Halalt First Nation. The VFPA requested information from Halalt First Nation regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including the report previously provided titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use."* The VFPA requested any additional information from Halalt First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Halalt First Nation's in consultation. The funding was accepted by Halalt First Nation on May 22, 2015.

On June 17, 2015, the VFPA met with CNA to discuss marine shipping associated with the Project and reiterated its request for information regarding CNA's current use of the marine shipping area. CNA committed to reviewing the summaries once received.

On July 27, 2015, the VFPA provided CNA with a draft section of the MSA titled *"Cowichan Nation Alliance Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that CNA confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments on the draft section were received from CNA (writing on behalf of Cowichan Tribes, Stz'uminus First Nation, and Halalt First Nation) on September 10, 2015, and changes were made to the MSA to reflect input from CNA.

On November 9, 2015, the VFPA provided Halalt First Nation with a copy of the final MSA.

On April 25, 2016, the VFPA provided CNA with a tracking table outlining all CNA's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the MSA.

Halalt First Nation Group-specific Index and Assessment Tables

Table IR10-A7-1 Halalt First Nation Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Halalt First Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.7 Halalt First Nation, pp. 32-10 to 32-11
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.5 Cowichan Nation Alliance (CNA, including Halalt First Nation), pp. 32-71 to 32-77
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, member groups of the CNA (including Halalt First Nation), p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[2] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Cowichan Nation Alliance (including Halalt First Nation), pp. 32-135 to p. 32-137
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no differential measures suggested by Halalt 32.3.3.3 Other Accommodations, Halalt First Nation, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Halalt First Nation, p. 7 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.15 Cowichan Nation Alliance (including Halalt First Nation), pp. 9.5-105 to 9.5-114
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[3] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed

[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable in relation to the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable in relation to the Project.

[3] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Halalt First Nation
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Halalt First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Halalt First Nation, p. 3 (CEAR Document #391)
Issues Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A7-2 Halalt First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Halalt First Nation / CNA was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Halalt / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that CNA member groups reported crabbing in a regional area that included Roberts Bank, but that did not indicate specific	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Halalt / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[5] – No additional information (refer to Halalt / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A7-1** above, for available information) *Part 2 - Maps of marine harvest sites* –Spatial information (including mapping) for Halalt / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[6] – None anticipated given the predicted access effect on Halalt / CNA is expected to be	No change in EIS predictions for Halalt / CNA in terms of Current Use access or availability and quality of Current Use resources

[4] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[5] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[6] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	details regarding licence type, catch effort, timing, or frequency for Halalt.		negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Halalt / CNA views regarding existing social constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Halalt / CNA views regarding existing effects, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Halalt / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Halalt / CNA-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Halalt / CNA views on thresholds are reflected in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Halalt / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Halalt / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Halalt / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Halalt / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Halalt / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that CNA member groups reported crabbing in a regional area that included Roberts Bank, but that did not indicate specific details regarding licence type, catch effort, timing, or frequency for Halalt.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Halalt / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Halalt / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Halalt / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Halalt / CNA-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Halalt / CNA is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Halalt / CNA are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Halalt / CNA sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Halalt / CNA quality of experience at preferred locations is predicted		No change in EIS predictions for Halalt / CNA in terms of quality of Current Use experience

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Halalt / CNA; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Halalt / CNA ability to reproduce and transmit cultural heritage	(i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[7] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Halalt / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and that these views and Halalt / CNA views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Halalt / CNA-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Halalt / CNA as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Halalt / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[8] – No additional information (refer to Halalt / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A7-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Halalt / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Halalt / CNA in list of issues in MSA Appendix 5-B (also refer to the Halalt / CNA-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Halalt / CNA in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Halalt / CNA as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Halalt / CNA as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		

[7] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[8] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[4]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[9]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Halalt / CNA as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Halalt / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Halalt / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Halalt / CNA views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Halalt / CNA as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Halalt / CNA is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Halalt / CNA are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Halalt / CNA sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Halalt / CNA ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Halalt / CNA quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[10] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Halalt / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.6.15, and that these views and Halalt / CNA views about potential effects of Project-associated vessel transit on Halalt / CNA (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Halalt / CNA in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[11]	N/A	N/A	No additional information available (refer to Halalt / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A7-1** above, for available information)	No additional information available

[9] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

[10] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[11] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Lake Cowichan First Nation[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

On April 16, 2014, the VFPA and Lake Cowichan First Nation signed a funding agreement to support Lake Cowichan's completion of a Traditional Use Study.

The VFPA requested information on Lake Cowichan First Nation's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge, and culturally important places. The VFPA further requested information related to past use, existing use, and changes that Lake Cowichan First Nation anticipated to the landscape and their use of the area over time.

On July 11, 2014, the VFPA provided Lake Cowichan First Nation with a draft *"Lake Cowichan First Nation Community Profile"* for review and comment. Comments were received from Lake Cowichan First Nation on August 6, 2014, and changes were made to reflect input from Lake Cowichan First Nation.

On August 21, 2014, the Lake Cowichan First Nation provided the VFPA with a report titled "*Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use."*

On November 27, 2014, the VFPA provided Lake Cowichan First Nation with advance drafts of the existing conditions sections of the EIS "*Human Health Effects Assessment"* and "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes*." The VFPA requested that Lake Cowichan First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS.

On December 10, 2014, the VFPA met with Lake Cowichan First Nation along with Lyackson First Nation to provide information regarding the preliminary assessment of human health, including potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions, based on the information provided by Lake Cowichan First Nation, and preliminary conclusions of the assessment. Following the meeting, on January 6, 2015, the VFPA sent a summary of questions and comments raised by Lake Cowichan First Nation and Lyackson First Nation during the meeting for verification prior to incorporating the information into the EIS.

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

Comments on the draft "*Human Health Effects Assessment*," and the draft "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* sections were received from Lake Cowichan First Nation on January 18, 2015, and changes were made to the sections as appropriate.

On March 25, 2015, the VFPA provided Lake Cowichan First Nation with a table outlining all Lake Cowichan First Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Lake Cowichan First Nation with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Lake Cowichan First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Lake Cowichan First Nation. The VFPA requested information from Lake Cowichan First Nation regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including the report previously provided by Lake Cowichan First Nation titled "*Ts'uubaasatx Traditions: Roberts Bank Marine and Terrestrial Resource Use.*" The VFPA requested any additional information from Lake Cowichan First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Lake Cowichan First Nation's participation in consultation. The funding was accepted by Lake Cowichan First Nation on May 19, 2015.

On June 19, 2015, the VFPA provided Lake Cowichan First Nation with a draft document titled "*Marine Shipping Study: Lake Cowichan First Nation – Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions."* The VFPA requested that Lake Cowichan First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments were not provided.

On November 9, 2015, the VFPA provided Lake Cowichan First Nation with a copy of the MSA.

Lake Cowichan First Nation Group-specific Index and Assessment Tables

Table IR10-A8-1 Lake Cowichan First Nation Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Lake Cowichan First Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.8 Lake Cowichan First Nation, pp. 32-11 to 32-12
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.6 Lake Cowichan First Nation, pp. 32-77 to 32-80
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, Lake Cowichan First Nation, p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[1] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Lake Cowichan First Nation, pp. 32-137 to p. 32-138
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no differential measures suggested by Lake Cowichan 32.3.3.3 Other Accommodations, Lake Cowichan First Nation, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Lake Cowichan First Nation, p. 7 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.16 Lake Cowichan First Nation, pp. 9.5-114
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[2] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures

[1] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable in relation to the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable in relation to the Project.
[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Lake Cowichan First Nation
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Lake Cowichan First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Lake Cowichan First Nation, p. 3 (CEAR Document #391)
Issues Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A8-2 Lake Cowichan First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Lake Cowichan was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Lake Cowichan (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated approximately 50 to 100 crabs are currently harvested by Lake Cowichan on an annual basis at Roberts Bank, with no indication of licence type.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Lake Cowichan access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Lake Cowichan-specific information provided in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, per **Table IR10-A8-1** above, for available information) *Part 2 - Maps of marine harvest sites* –Spatial information for Lake Cowichan already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access effect on Lake Cowichan is expected to be	No change in EIS predictions for Lake Cowichan in terms of Current Use access or availability and quality of Current Use resources

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Lake Cowichan with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Lake Cowichan use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Lake Cowichan views regarding existing social constraints on access, as described in EIS Section 32.2.4.6 and MSA Section 9.5.4.16) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Lake Cowichan views regarding existing effects, as described in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, as well as Lake Cowichan views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Lake Cowichan-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Lake Cowichan views on thresholds are reflected in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Lake Cowichan with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Lake Cowichan use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Lake Cowichan (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated approximately 50 to 100 crabs are currently harvested by Lake Cowichan on an annual basis at Roberts Bank, with no indication of licence type.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Lake Cowichan access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Lake Cowichan views regarding existing constraints on access, as described in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, as well as Lake Cowichan views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Lake Cowichan-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Lake Cowichan is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Lake Cowichan are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Lake Cowichan sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Lake Cowichan's quality of experience at preferred locations is predicted		No change in EIS predictions for Lake Cowichan in terms of quality of Current Use experience

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Lake Cowichan; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Lake Cowichan's ability to reproduce and transmit cultural heritage	(i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Lake Cowichan's baseline summaries in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, and that these views and Lake Cowichan views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Lake Cowichan-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Lake Cowichan as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Lake Cowichan's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to Lake Cowichan-specific information provided in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, per **Table IR10-A8-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information for Lake Cowichan already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Lake Cowichan in list of issues in MSA Appendix 5-B (also refer to the Lake Cowichan-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Lake Cowichan in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Lake Cowichan as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Lake Cowichan as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[8]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Lake Cowichan as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Lake Cowichan's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Lake Cowichan's views regarding existing constraints on access, as described in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, as well as Lake Cowichan's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Lake Cowichan as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Lake Cowichan is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Lake Cowichan are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Lake Cowichan sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Lake Cowichan's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Lake Cowichan's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Lake Cowichan's baseline summaries in EIS Section 32.2.4.6 and MSA Section 9.5.6.16, and that these views and Lake Cowichan's views about potential effects of Project-associated vessel transit on Lake Cowichan (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Lake Cowichan in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to Lake Cowichan-specific information provided in EIS Section 32.2.4.6 and MSA Section 9.5.4.16, per **Table IR10-A8-1** above, for available information)	No additional information available

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.
[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Lyackson First Nation[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

On July 11, 2014, the VFPA provided Lyackson First Nation with a draft *"Lyackson First Nation Community Profile"* for review and comment. Comments were received from Lyackson First Nation on August 6, 2014, and changes were made to the draft as appropriate.

On August 19, 2014 the VFPA and Lyackson First Nation signed a funding agreement to support Lyackson First Nation's completion of a Traditional Use study.

The VFPA requested information on Lyackson First Nation's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge, and culturally important places. The VFPA further requested information related to past use, existing use, and changes that Lyackson First Nation anticipated to the landscape and their use of the area over time.

On August 31, 2014, Lyackson First Nation provided the VFPA with a report titled "*Lyackson First Nation Knowledge and Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project."*

On November 27, 2014, the VFPA provided Lyackson First Nation with advance drafts of the existing conditions sections of the EIS "*Human Health Effects Assessment"* and "*Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes*." The VFPA requested that Lyackson First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS.

On December 10, 2014, the VFPA met with Lyackson First Nation along with Lake Cowichan First Nation to provide information regarding the preliminary assessment of human health, including potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions based on the information provided, and preliminary conclusions of the assessment. Following the meeting, on January 6, 2015, the VFPA sent a summary of questions and comments raised by Lyackson First Nation and Lake Cowichan First Nation during the meeting for verification prior to incorporating the information into the EIS.

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

Comments on the draft "*Human Health Effects Assessment*" and the draft "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* sections were received from Lyackson First Nation on January 17, 2015, and changes were made to reflect input from Lyackson First Nation.

On March 25, 2015, the VFPA provided Lyackson First Nation with a table outlining all Lyackson First Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Lyackson First Nation with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Lyackson First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Lyackson First Nation. The VFPA requested information from Lyackson First Nation regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including the report previously provided by Lyackson First Nation titled "*Lyackson First Nation Knowledge Use: Existing Data Summary Report for Port Metro Vancouver's Proposed Roberts Bank Terminal 2 Project"* and the Application to the National Energy Board and the Lyackson First Nation oral hearing transcript for the Trans Mountain Expansion Project. The VFPA requested any additional information from Lyackson First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Lyackson First Nation's participation in consultation. The funding was accepted by Lyackson First Nation on February 26, 2016.

On July 27, 2015, the VFPA provided Lyackson First Nation with a draft document titled "*Roberts Bank Terminal 2 Project Marine Shipping Study: Lyackson First Nation – Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions."* The VFPA requested that Lyackson First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments were received on October 20, 2015 along with additional information in the document "*Preliminary Lyackson Use and Occupancy Mapping Study for BC MoTI's George Massey Tunnel Replacement Project."* Changes were made to reflect input from Lyackson First Nation.

On November 9, 2015 the VFPA provided Lyackson First Nation with a copy of the MSA.

Lyackson First Nation Group-specific Index and Assessment Tables

Table IR10-A9-1 Lyackson First Nation Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Lyackson First Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.9 Lyackson First Nation, pp. 32-12 to 32-13
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.7 Lyackson First Nation, pp. 32-81 to 32-87
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, Lyackson First Nation, p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[1] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Lyackson First Nation, pp. 32-139 to p. 32-141
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current Use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no differential measures suggested by Lyackson 32.3.3.3 Other Accommodations, Lyackson First Nation, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Lyackson First Nation, p. 7 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.17 Lyackson First Nation, pp. 9.5-115 to 9.5-122
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[2] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures

[1] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable in relation to the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable in relation to the Project.
[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Lyackson First Nation
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Lyackson First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Lyackson First Nation, p. 3 (CEAR Document #391)
Issues Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to **IR10-02** for disaggregated ITK

Table IR10-A9-2 Lyackson First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Lake Cowichan was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Lyackson (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated past use of Roberts Bank for crabbing, but current levels of use, if any, are not known to the VFPA.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Lyackson access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Lyackson-specific information provided in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, per **Table IR10-A9-1** above, for available information) *Part 2 - Maps of marine harvest sites* –Spatial information (including mapping) for Lyackson already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access	No change in EIS predictions for Lyackson in terms of Current Use access or availability and quality of Current Use resources

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Lyackson with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Lyackson use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	effect on Lyackson is expected to be negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Lyackson views regarding existing social constraints on access, as described in EIS Section 32.2.476 and MSA Section 9.5.4.17) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Lyackson views regarding existing effects, as described in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, as well as Lyackson views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Lyackson-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Lyackson views on thresholds are reflected in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Lyackson with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Lyackson use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Lyackson (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated past use of Roberts Bank for crabbing, but current levels of use, if any, are not known to the VFPA.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Lyackson access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Lyackson views regarding existing constraints on access, as described in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, as well as Lyackson views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Lake Cowichan-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Lyackson is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Lyackson are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Lyackson sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Lyackson's quality of experience at preferred locations is predicted		No change in EIS predictions for Lyackson in terms of quality of Current Use experience

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Lyackson; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Lyackson's ability to reproduce and transmit cultural heritage	(i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Lyackson's baseline summaries in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, and that these views and Lyackson views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Lyackson-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Lyackson as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Lyackson's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to Lyackson-specific information provided in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, per **Table IR10-A9-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Lyackson already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Lyackson in list of issues in MSA Appendix 5-B (also refer to the Lyackson-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Lyackson in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Lyackson as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Lyackson as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[8]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Lyackson as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Lyackson's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Lyackson's views regarding existing constraints on access, as described in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, as well as Lyackson's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Lyackson as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Lyackson is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Lyackson are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Lyackson sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Lyackson's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Lyackson's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Lyackson's baseline summaries in EIS Section 32.2.4.7 and MSA Section 9.5.6.17, and that these views and Lyackson's views about potential effects of Project-associated vessel transit on Lyackson (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Lyackson in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to Lyackson-specific information provided in EIS Section 32.2.4.7 and MSA Section 9.5.4.17, per **Table IR10-A9-1** above, for available information)	No additional information available

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.
[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Penelakut Tribe[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

On April 24, 2014, the VFPA and Cowichan Nation Alliance ("CNA"), which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum, signed a funding agreement to support the completion of a Traditional Use study.

The VFPA requested information on CNA's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge, and culturally important places. The VFPA further requested information related to past use, existing use, and changes that CNA anticipated to the landscape and their use of the area over time.

On July 11, 2014, the VFPA provided Penelakut with a draft of the "*Penelakut Tribe Community Profile"* for review and comment. In August 2014, the VFPA wrote to Penelakut Tribe asking whether there is any specific cultural information that Penelakut Tribe would like to provide for inclusion in the EIS, specifically information related to special features, unique characteristics, or stories associated with Roberts Bank. No comments were provided by Penelakut Tribe.

On October 16, 2014, CNA provided the VFPA with a report titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use."*

On December 9, 2014, the VFPA provided Penelakut Tribe with an advance draft of the existing conditions section for "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* of the EIS. The VFPA requested that Penelakut Tribe confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments and feedback on the draft section was provided by Penelakut Tribe on January 5, 2015 and comments from CNA were provided on January 15, 2015. Changes were made to reflect input from Penelakut Tribe and CNA.

On December 11, 2014, the VFPA met with Penelakut Tribe and other members of CNA to provide information regarding the assessment of potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to obtain feedback and identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions based on the information provided by Penelakut Tribe or CNA, and

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

preliminary conclusions of the assessment. Following the meeting, on January 14, 2015, the VFPA sent a summary of questions and comments raised by CNA during the meeting for verification prior to incorporating the information into the EIS.

On January 5, 2015, Penelakut provided the VFPA with comments on the draft EIS section "*Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes."* On January 15, 2015, CNA also provided the VFPA with comments on the draft EIS section.

On March 25, 2015, the VFPA provided CNA with a table outlining all CNA's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Penelakut Tribe with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Penelakut Tribe explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Penelakut Tribe. The VFPA requested information from Penelakut Tribe regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including the report previously provided titled "*Port Metro Vancouver: Roberts Bank Terminal 2: Cowichan Nation Alliance Current and Planned Use."* The VFPA requested any additional information from Penelakut Tribe that may help to inform the assessment. The VFPA also offered funding to facilitate Penelakut Tribe's participation in consultation. The funding was accepted by Penelakut Tribe on May 12, 2015.

On June 17, 2015, the VFPA met with CNA to discuss marine shipping associated with the Project and reiterated its request for information regarding CNA's current use of the marine shipping area. CNA committed to reviewing the summaries once received.

On July 27, 2015, the VFPA provided CNA with a draft section of the MSA titled *"Cowichan Nation Alliance Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that CNA confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments on the draft section were received from Penelakut Tribe on August 27, 2015 and changes were made to reflect input from Penelakut Tribe.

On November 9, 2015, the VFPA provided Penelakut Tribe with a copy of the final MSA.

On April 25, 2016, the VFPA provided CNA with a tracking table outlining all CNA's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the MSA. On May 4, 2016, Penelakut Tribe provided the VFPA with their comments to the tracking table.

Penelakut Tribe Group-specific Index and Assessment Tables

Table IR10-A10-1 Penelakut Tribe Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Penelakut Tribe
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.10 Penelakut Tribe, pp. 32-13 to 32-14
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.5 Cowichan Nation Alliance (including Penelakut Tribe), pp. 32-71 to 32-77
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, member groups of CNA (including Penelakut Tribe), p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[1] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Cowichan Nation Alliance (including Penelakut Tribe), pp. 32-135 to p. 32-137
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no differential measures suggested by Penelakut 32.3.3.3 Other Accommodations, Penelakut Tribe, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Penelakut Tribe, p. 7 (CEAR Document #388)
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.15 Cowichan Nation Alliance (including Penelakut Tribe), pp. 9.5-105 to 9.5-114
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[2] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures

[1] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable in relation to the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable in relation to the Project.
[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Penelakut Tribe
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Penelakut Tribe, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Penelakut Tribe, p. 3 (CEAR Document #391)
Issues Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A10-2 Penelakut Tribe Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Penelakut Tribe / CNA was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Penelakut Tribe / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that Penelakut Tribe has had one recent FSC access event at Roberts Bank (in April 2015), resulting in the harvest of 900 to 1500 crab, caught over 12 to 13 days. Penelakut Tribe has identified other crab harvesting locations but has said it now	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Penelakut Tribe / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Penelakut Tribe / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A10-1** above, for available information) *Part 2 - Maps of marine harvest sites* –Spatial information (including mapping) for Penelakut Tribe / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access effect on Penelakut Tribe / CNA is expected to be negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Penelakut Tribe / CNA views regarding	No change in EIS predictions for Penelakut Tribe / CNA in terms of Current Use access or availability and quality of Current Use resources

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	relies on Roberts Bank for crab harvesting due to contamination of crabbing grounds closer to their home communities based on Vancouver Island.		existing social constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Penelakut Tribe / CNA views regarding existing effects, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Penelakut Tribe / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Penelakut Tribe / CNA-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Penelakut Tribe / CNA views on thresholds are reflected in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Penelakut Tribe / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Penelakut Tribe / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Penelakut Tribe / CNA with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Penelakut Tribe / CNA use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Penelakut Tribe / CNA (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated that Penelakut Tribe has had one recent FSC access event at Roberts Bank (in April 2015), resulting in the harvest of 900 to 1500 crab, caught over 12 to 13 days. Penelakut Tribe has identified other crab harvesting locations but has said it now relies on Roberts Bank for crab harvesting due to contamination of crabbing grounds closer to their home communities based on Vancouver Island.	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Penelakut Tribe / CNA access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Penelakut Tribe / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Penelakut Tribe / CNA views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Penelakut Tribe / CNA-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Penelakut Tribe / CNA is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Penelakut Tribe / CNA are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Penelakut Tribe / CNA sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Penelakut Tribe / CNA quality of experience at preferred locations		No change in EIS predictions for Penelakut Tribe / CNA in terms of quality of Current Use experience

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Penelakut Tribe / CNA; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Penelakut Tribe / CNA ability to reproduce and transmit cultural heritage	is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Penelakut Tribe / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, and that these views and Penelakut Tribe / CNA views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Penelakut Tribe / CNA-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Penelakut Tribe / CNA as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Penelakut Tribe / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to Penelakut Tribe / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10-A10-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Penelakut Tribe / CNA already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Penelakut Tribe / CNA in list of issues in MSA Appendix 5-B (also refer to the Penelakut Tribe / CNA-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Penelakut Tribe / CNA in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Penelakut Tribe / CNA as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Penelakut Tribe / CNA as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[8]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Penelakut Tribe / CNA as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Penelakut Tribe / CNA access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Penelakut Tribe / CNA views regarding existing constraints on access, as described in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, as well as Penelakut Tribe / CNA views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Penelakut Tribe / CNA as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Penelakut Tribe / CNA is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Penelakut Tribe / CNA are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Penelakut Tribe / CNA sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Penelakut Tribe / CNA ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Penelakut Tribe / CNA quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Penelakut Tribe / CNA baseline summaries in EIS Section 32.2.4.5 and MSA Section 9.5.6.15, and that these views and Penelakut Tribe / CNA views about potential effects of Project-associated vessel transit on Penelakut Tribe / CNA (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Penelakut Tribe / CNA in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to Penelakut Tribe / CNA-specific information provided in EIS Section 32.2.4.5 and MSA Section 9.5.4.15, per **Table IR10—A10-1** above, for available information)	No additional information available

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Métis Nation British Columbia[1] Group-specific Baseline Information Process Summary (EIS and MSA)

Environmental Impact Statement (EIS)

On June 2, 2014, the VFPA and Métis Nation British Columbia ("MNBC") signed a funding agreement to support MNBC's completion of a Traditional Use Study.

The VFPA requested information on MNBC's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge and culturally important places. The VFPA further requested information related to past use, existing use, and changes that MNBC anticipated to the landscape and their use of the area over time.

On July 2, 2014, MNBC provided the VFPA with a report titled "*Métis Use & Occupancy Study."*

On July 11, 2014, the VFPA provided MNBC with a draft of the "*Métis Nation British Columbia Community Profile"* for the opportunity to review and provide comments. On August 22, 2014, MNBC notified the VFPA that they did not have any comments on the profile at this time.

The VFPA met with MNBC on November 28, 2014 to provide information regarding the preliminary assessment of human health, including potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to identify any additional information to inform the assessment. The presentation and discussion included content regarding the proposed methodology for this assessment, the VFPA's understanding of existing conditions based on the information provided by MNBC, and preliminary conclusions of the assessment.

On December 9, 2014, the VFPA provided MNBC with advance drafts of the existing conditions sections of the EIS "*Human Health Effects Assessment,"* and "*Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes*." The VFPA requested that MNBC confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS.

Comments on the draft "*Human Health Effects Assessment,"* and draft "*Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* sections were received from MNBC on January 15, 2015, and changes made to reflect input from MNBC.

[1] Indigenous group listed in Table 1-A (EIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

On March 25, 2015 the VFPA provided MNBC with a table outlining all MNBC's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided MNBC with a copy of the EIS.

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to MNBC explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by MNBC. The VFPA requested information from MNBC regarding Current Use, fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including the report previously provided by MNBC titled "*Metis Use & Occupancy Study: Port Metro Vancouver Roberts Bank Terminal 2 Project*." The VFPA requested any additional information from MNBC that may help to inform the assessment. The VFPA also offered funding to facilitate MNBC's participation in consultation. The funding was accepted by MNBC on May 12, 2015.

On June 26, 2015, the VFPA provided MNBC with a draft document titled "*Roberts Bank Terminal 2 Project Marine Shipping Study: Métis Nation British Columbia – Current Use of Lands and Resources for Traditional Purposes – Summary of Existing Conditions."* The VFPA requested that MNBC confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments on the draft sections were received from MNBC on September 11, 2015 and changes were made to reflect input from MNBC.

On November 9, 2015, the VFPA provided MNBC with a copy of the final MSA.

Métis Nation British Columbia Group-specific Index and Assessment Tables

Table IR10-A11-1 Métis Nation British Columbia Index Table

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Métis Nation British Columbia
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.11 Métis Nation British Columbia, pp. 32-14 to 32-15
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.8 Métis Nation British Columbia, pp. 32-87 to 32-90
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, Métis Nation British Columbia, p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[1] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Métis Nation British Columbia, pp. 32-142 to 32-143
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no measures suggested by Métis Nation British Columbia 32.3.3.3 Other Accommodations, Métis Nation British Columbia, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
EIS IR/AIR	N/A	AIR 30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Métis Nation British Columbia, p. 7
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.18 Métis Nation British Columbia, pp. 9.5-122 to 9.5-125
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[2] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures

[1] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable in relation to the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable in relation to the Project.
[2] In this case, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor) as a result of marine shipping associated with the Project. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

EIS / MSA Section	Original EIS / MSA Information Presentation (Aggregated / Disaggregated)	Métis Nation British Columbia
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit)	9.5.11.1 Approach to the Rights Assessment, Métis Nation British Columbia, p. 149, para. 2 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR	N/A	MSA IR 02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Métis Nation British Columbia, p. 3 (CEAR Document #391)
Issues Tracking Table	EIS – Aggregated MSA – Aggregated	EIS / MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314) MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	EIS / MSA – See response to IR10-02 for disaggregated ITK

Table IR10-A11-2 Métis Nation British Columbia Assessment Table (Information Request Package 10)

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for MNBC was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for MNBC members (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low levels of use based on the activities of two Métis harvesters, with no indication of licence type or catch effort. Crab harvesting noted as occurring at certain but unspecified times of the year at Roberts Bank, which was described as	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on MNBC member access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to MNBC-specific information provided in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, per **Table IR10-A11-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Maps contained in MNBC study already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access effect on MNBC members is expected to be negligible (the VFPA is of the	No change in EIS predictions for MNBC members in terms of Current Use access or availability and quality of Current Use resources

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	preferred or important for this activity, as well as at several other locations, including the Gulf Islands		view that its predictions in the EIS already sufficiently considered MNBC views regarding existing social constraints on access, as described in EIS Section 32.2.4.8 and MSA Section 9.5.4.18) *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that MNBC views regarding existing effects, as described in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, as well as MNBC views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the MNBC-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that MNBC views on thresholds are reflected in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
	Availability of resources – Negligible potential change in availability of Current Use resources expected for MNBC members with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for MNBC member use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for MNBC members with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for MNBC member use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for MNBC members (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low levels of use based on the activities of two Métis harvesters, with no indication of licence type or catch effort. Crab harvesting noted as occurring at certain but unspecified times of the year at Roberts Bank, which was described as preferred or important for this activity, as well as at several other locations, including the Gulf Islands	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on MNBC member access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that MNBC views regarding existing constraints on access, as described in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, as well as MNBC views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the MNBC-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on MNBC members is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for MNBC members are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in MNBC member sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on MNBC members' quality of experience at preferred locations is predicted		No change in EIS predictions for MNBC members in terms of quality of Current Use experience

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for MNBC members; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on MNBC members' ability to reproduce and transmit cultural heritage	(i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in MNBC's baseline summaries in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, and that these views and MNBC views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the MNBC-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for MNBC members as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on MNBC members' access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[7] – No additional information (refer to MNBC-specific information provided in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, per **Table IR10-A11-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Maps contained in MNBC study already considered by the VFPA in the EIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for MNBC in list of issues in MSA Appendix 5-B (also refer to the MNBC-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for MNBC members in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for MNBC members as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for MNBC members as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

[7] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

IR10 Information Request	EIS / MSA Level of Potential Effect Prediction[3]	EIS / MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[8]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for MNBC members as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on MNBC members' access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that MNBC's views regarding existing constraints on access, as described in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, as well as MNBC's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on MNBC members as a result of Project-associated vessel transit.	As the predicted Current Use access effect on MNBC members is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for MNBC members are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in MNBC members' sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on MNBC members' ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on MNBC members' quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[9] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in MNBC's baseline summaries in EIS Section 32.2.4.8 and MSA Section 9.5.6.18, and that these views and MNBC's views about potential effects of Project-associated vessel transit on MNBC members (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for MNBC members in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[10]	N/A	N/A	No additional information available (refer to MNBC-specific information provided in EIS Section 32.2.4.8 and MSA Section 9.5.4.18, per **Table IR10-A11-1** above, for available information)	No additional information available

[8] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.
[9] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[10] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Hwlitsum[1] Group-specific Baseline Information Process Summary (EIS)

Environmental Impact Statement (EIS)

On April 24, 2014, the VFPA and Cowichan Nation Alliance ("CNA"), which at that time consisted of Cowichan Tribes, Penelakut Tribes, Halalt First Nation, Stz'uminus First Nation, and Hwlitsum signed a funding agreement to support completion of a Traditional Use study.

The VFPA requested information on CNA's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge and culturally important places. The VFPA further requested information related to past use, existing use, and changes that CNA anticipated to the landscape and their use of the area over time.

On July 14, 2014, the VFPA provided Hwlitsum with the draft "*Hwlitsum Community Profile"* for the opportunity to review and provide comments. Comments were received from Hwlitsum on July 31, 2014.

On July 29, 2014, the VFPA agreed to provide additional funding for Hwlitsum to prepare a report regarding traditional food consumption by Hwlitsum members.

On August 26, 2014, Hwlitsum provided the VFPA with the report "*The Hwlitsum First Nation's Traditional Use and Occupation in the Area Now Known as British Columbia, Volume 1"* (Wilson et al. 2009), which examined the hunting, harvesting, and fishing activities of band members.

On August 26, 2014, Hwlitsum provided the VFPA with a report titled "*The Hwlitsum First Nation's Traditional Use and Occupation in the Area Now Known as British Columbia, Volume 2"* (Wilson et al. 2013), presenting information relating to Hwlitsum's traditional uses of the marine environment.

In September 2014, CNA notified the VFPA that Hwlitsum was no longer a representative member of CNA.

In the fall of 2014, the VFPA invited Hwlitsum to a meeting to provide information regarding the preliminary assessment of human health, including potential Project effects and cumulative effects on Aboriginal and treaty rights and related interests and current use of lands and resources for traditional purposes (Current Use), and to identify any additional information to inform the assessment. While the VFPA and Hwlitsum were not able to schedule a discussion, a presentation was sent to Hwlitsum for review and comment, which included content regarding the proposed methodology for this assessment, the VFPA's understanding

[1] Indigenous group listed in Table 1-A (EIS) of Attachment 2 to IR Package 10.

of existing conditions based on the information provided by Hwlitsum, and preliminary conclusions of the assessment.

On December 9, 2014, the VFPA provided Hwlitsum with an advance draft of the existing conditions section for "*Potential or Established Aboriginal and Treaty Rights and Related Interests and including Current Use of Lands and Resources for Traditional Purposes".* The VFPA requested that Hwlitsum confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final EIS. Comments were received from Hwlitsum on January 15, 2015, and changes were made to reflect input from Hwlitsum.

On March 25, 2015, the VFPA provided Hwlitsum with a table outlining all Hwlitsum's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections in the EIS.

On April 2, 2015, the VFPA provided Hwlitsum with a copy of the EIS.

References

Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2009. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now known as British Columbia, Volume 1.

Wilson, R., B. Granville Miller, B. Angelback, and A. Grove. 2013. The Hwlitsum First Nation's Traditional Use and Occupation in the Area now known as British Columbia, Volume 2: Hwlitsum Marine Traditional Use Study

Hwlitsum Group-specific Index and Assessment Tables

Table IR10-A12-1 Hwlitsum Index Table

EIS Section	Original EIS Information Presentation (Aggregated / Disaggregated)	Hwlitsum
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.14 Hwlitsum First Nation, pp. 32-16 to 32-17
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated	32.2.4.10 Hwlitsum First Nation, pp. 32-92 to 32-97
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a potential measurable effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, p. 32-100, para. 4 (negligible potential effect) 32.2.6.1 (Access), no differential effect (i.e., negligible)[2] 32.2.6.2 (Resource availability), no differential effect 32.2.6.3 (Resource quality), no differential effect 32.2.6.4 (Experiential quality), no differential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a potential measurable effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, Hwlitsum First Nation, p. 32-143 to p. 32-146
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current Use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no measures suggested by Hwlitsum 32.3.3.3 Other Accommodations, p. 32-148 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Hwlitsum First Nation, p. 8 (CEAR Document #388)
Issues Tracking Tables	EIS – Aggregated	EIS – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314)	EIS – See response to IR10-02 for disaggregated ITK

[2] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-A and Table 1-B Indigenous groups, regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable.

Table IR10-A12-2 Hwlitsum Assessment Table (Information Request Package 10)

IR10 Information Request	EIS Level of Potential Effect Prediction[3]	EIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Hwlitsum was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – Negligible potential change in access expected for Hwlitsum (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which did not indicate the licence type, catch effort, timing or frequency of crab harvesting at this location by Hwlitsum members, but did indicate crab harvesting by Hwlitsum members at several other locations, including the Gulf Islands	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Hwlitsum access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting*[4] – No additional information (refer to Hwlitsum-specific information provided in EIS Section 32.2.4.10, per **Table IR10-A12-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Maps contained in Hwlitsum studies already considered by the VFPA in the EIS Current Use assessment *Part 3 – Consider effects on social conditions*[5] – None anticipated given the predicted access effect on Hwlitsum is expected to be negligible (the VFPA is of the view that its predictions in the EIS already sufficiently considered Hwlitsum views regarding existing social constraints on access, as described in EIS Section 32.2.4.10 *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Hwlitsum views regarding existing effects, as described in EIS Section 32.2.4.10, as well as Hwlitsum views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Hwlitsum-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1, Section 32.2.6.2, and Section 32.2.6.3, and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Hwlitsum views on thresholds are reflected in EIS Section 32.2.4.10, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	No change in EIS predictions for Hwlitsum in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Hwlitsum with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Hwlitsum use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Hwlitsum with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Hwlitsum use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		

[3] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[4] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[5] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS Level of Potential Effect Prediction3	EIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Hwlitsum (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which did not indicate the licence type, catch effort, timing or frequency of crab harvesting at this location by Hwlitsum members, but did indicate crab harvesting by Hwlitsum members at several other locations, including the Gulf Islands	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Hwlitsum access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Hwlitsum views regarding existing constraints on access, as described in EIS Section 32.2.4.10, as well as Hwlitsum views regarding potential Project-related effects (provided in EIS Appendix 7.2-B and the Hwlitsum-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in EIS Section 32.2.6 (including the analysis in Section 32.2.6.1 on access and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	As the predicted Current Use access effect (including the potential for increased competition) on Hwlitsum is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Hwlitsum are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Hwlitsum sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Hwlitsum; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Hwlitsum's ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Hwlitsum's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[6] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388). The VFPA notes that factors contributing to existing effects are reflected in Hwlitsum's baseline summary in EIS Section 32.2.4.10, and that these views and Hwlitsum views about potential Project-related effects (as provided in EIS Appendix 7.2-B and the Hwlitsum-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in EIS predictions for Hwlitsum in terms of quality of Current Use experience

[6] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

Stó:lō Tribal Council[1] Group-specific Baseline Information Process Summary (EIS)

Environmental Impact Statement (EIS)

In 2012, the People of the River Referrals Office (PRRO), an organisation that has responded to project referrals on behalf of Stó:lō Tribal Council member groups, informed the VFPA that no review of the Project would be required from their office.

On April 9, 2014, the VFPA requested Stó:lō Tribal Council's participation in the provision of information regarding their use of lands and resources for traditional purposes in the vicinity of the Project to inform the current use of lands and resources for traditional purposes (Current Use) and potential and established Aboriginal and treaty rights section of the EIS. No response to this request was received.

On July 15, 2014, the VFPA provided Stó:lō Tribal Council with a draft community profile for review and comment. The VFPA was again informed by the PRRO that no review of the Project would be required from their office, and no comments were received.

On December 12, 2014, the VFPA provided Stó:lō Tribal Council with an advance draft of the existing conditions section of the EIS *"Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* for review and comment. As Stó:lō Tribal Council had not responded to the VFPA's April 2014 request for information to support the summary, the VFPA relied on publicly available sources (i.e., primarily Fisheries and Oceans Canada records) for the summary. The VFPA therefore requested that Stó:lō Tribal Council confirm the accuracy of the information presented and identify any sensitive information that should be removed prior to submission of the EIS. No comments from Stó:lō Tribal Council were received.

[1] Indigenous group listed in Table 1-A (EIS) of Attachment 2 to IR Package 10. Stó:lō Tribal Council consists of 8 member groups, including Seabird Island First Nation, Scowlitz First Nation, Soowahlie Band, Kwaw'Kwaw'Apilt First Nation, Kwantlen First Nation, Shxw'ow'hamel First Nation, Chawathil First Nation, and Cheam Indian Band.

Stó:lō Tribal Council Group-specific Index and Assessment Tables

Table IR10-A13-1 Stó:lō Tribal Council Index Table

EIS Section	Original EIS Information Presentation (Aggregated / Disaggregated)	Stó:lō Tribal Council
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.12 Stó:lō Tribal Council, p. 32-15
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated (at Stó:lō level)	32.2.4.9 Stó:lō Nation and Stó:lō Tribal Council, pp. 32-91 to 32-92
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, p. 32-100, para. 4 (no potential effect) 32.2.6.1 (Access), p. 32-104, para. 3, no potential effect 32.2.6.2 (Resource availability), no potential effect 32.2.6.3 (Resource quality), no potential effect 32.2.6.4 (Experiential quality), no potential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, no differential measures
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current Use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no measures suggested by Stó:lō Tribal Council 32.3.3.3 Other Accommodations, no differential accommodations 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Stó:lō Tribal Council member bands, p. 8 (CEAR Document #388)
Issues Tracking Tables	EIS – Aggregated	EIS – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated) (CEAR Document #314)	EIS – See response to IR10-02 for disaggregated ITK

Table IR10-A13-2 Stó:lō Tribal Council Assessment Table (Information Request Package 10)

IR10 Information Request	EIS Level of Potential Effect Prediction[2]	EIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Stó:lō Tribal Council was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – No potential change in access to preferred locations (before Current Use-specific mitigation) expected for Stó:lō Tribal Council as a result of Project-related displacement effects based on available information, which did not indicate use of locations that may be affected by the Project	N/A (no effect before Current Use-specific mitigation)	*Part 1 – Additional baseline information regarding FSC harvesting* – No additional information (refer to Stó:lō-specific information provided in EIS Section 32.2.4.9, per **Table IR10-A13-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – No maps or studies provided by Stó:lō to the VFPA for consideration by the VFPA in the EIS Current Use assessment *Part 3 – Consider effects on social conditions*[4] – None anticipated given no potential access effect on Stó:lō is expected *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is not aware of any views expressed by Stó:lō regarding existing effects or potential effects on access and harvesting opportunities as a result of the Project *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information	No change in EIS predictions for Stó:lō in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – No potential change in availability of Current Use resources at preferred locations expected for Stó:lō Tribal Council with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)		
	Quality of resources – No potential change in quality of Current Use resources at preferred locations expected for Stó:lō Tribal Council with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – No potential change in access to preferred locations (before Current Use-specific mitigation) expected for Stó:lō Tribal Council as a result of Project-related displacement effects based on available information, which did not indicate use of locations that may be affected by the Project	N/A (no effect before Current Use-specific mitigation)	The VFPA is not aware of any views expressed by Stó:lō regarding existing effects or potential effects on access and harvesting opportunities as a result of the Project	As no potential effect on Current Use access (including the potential for increased competition) is expected for Stó:lō (before Current Use-specific mitigation), no residual economic effects for Stó:lō are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use	Quality of experience (Pathway #1) – No potential change in Stó:lō Tribal Council sense of place, risks to safety and security, and sensory disturbance expected with	N/A (no effect before Current Use-specific mitigation)		No change in EIS predictions for Stó:lō in terms of quality of Current Use experience

[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS Level of Potential Effect Prediction[2]	EIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
experience resulting from the proposed Project	implementation of measures for linked valued components		The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed for Stó:lō under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	
	Quality of experience (Pathway #2) – No potential change in any indicator (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) expected for Stó:lō Tribal Council; therefore, no potential effect (before Current Use-specific mitigation) is expected on Stó:lō Tribal Council's ability to reproduce and transmit cultural heritage associated with preferred locations and resources			

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

Stó:lō Nation[1] Group-specific Baseline Information Process Summary (EIS)

Environmental Impact Statement (EIS)

In 2012, the People of the River Referrals Office (PRRO), an organisation that has responded to project referrals on behalf of Stó:lō Nation member groups, informed the VFPA that no review of the Project would be required from their office.

On April 9, 2014, the VFPA requested Stó:lō Nation's participation in the provision of information regarding their use of lands and resources for traditional purposes in the vicinity of the Project to inform the current use of lands and resources for traditional purposes (Current Use) and potential and established Aboriginal and treaty rights section of the EIS. No response to this request was received.

On July 25, 2014, the VFPA provided Stó:lō Nation with a draft community profile for review and comment. The VFPA was again informed by the PRRO that no review of the Project would be required from their office, and no comments were received.

On December 12, 2014, the VFPA provided Stó:lō Nation with an advance draft of the existing conditions section of the EIS *"Potential or Established Aboriginal and Treaty Rights and Related Interests, and including Current Use of Lands and Resources for Traditional Purposes"* for review and comment. As Stó:lō Nation had not responded to the VFPA's April 2014 request for information to support the summary, the VFPA relied on publicly available sources (i.e., primarily Fisheries and Oceans Canada records) for the summary. The VFPA therefore requested that Stó:lō Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed prior to submission of the EIS. No comments from Stó:lō Nation were received.

[1] Indigenous group listed in Table 1-A (EIS) of Attachment 2 to IR Package 10. Stó:lō Nation consists of 11 member groups including Aitchelitz First Nation, Leq'a:mel First Nation, Matsqui First Nation, Popkum First Nation, Skawahlook First Nation, Skowkale First Nation, Shxwha:y Village, Squiala First Nation, Sumas First Nation, Tzeachten First Nation, and Yakweakwioose Band.

Stó:lō Nation Group-specific Index and Assessment Tables

Table IR10-A14-1 Stó:lō Nation Index Table

EIS Section	Original EIS Information Presentation (Aggregated / Disaggregated)	Stó:lō Nation
EIS Section 32.1.1 Aboriginal Groups (Community profiles)	Disaggregated	32.1.1.13 Stó:lō Nation, p. 32-16
EIS Section 32.2.4 Existing Conditions (Past, present, desired future use and list of rights identified by Indigenous groups as affected)	Disaggregated (at Stó:lō level)	32.2.4.9 Stó:lō Nation and Stó:lō Tribal Council, pp. 32-91 to 32-92
EIS Section 32.2.6 Future Conditions With the Project – Potential Project-Related Effects (on Current Use)	Overall level of potential effect on each Indigenous group's Current Use identified in introduction to section. For each Current Use indicator, only groups for whom a measurable potential effect was predicted were disaggregated from the aggregated discussion.	32.2.6 Future Conditions With the Project – Potential Project-Related Effects, p. 32-100, para. 4 (no potential effect) 32.2.6.1 (Access), p. 32-104, para. 3, no potential effect 32.2.6.2 (Resource availability), no potential effect 32.2.6.3 (Resource quality), no potential effect 32.2.6.4 (Experiential quality), no potential effect
EIS Section 32.2.7 Mitigation Measures	For each Current Use indicator, only groups for whom a measurable potential effect was predicted were identified specifically in the aggregated discussion.	32.2.7.1 (Access), no differential measures 32.2.7.2 (Resource availability), no differential measures 32.2.7.3 (Resource quality), no differential measures 32.2.7.4 (Experiential quality), no differential measures
EIS Section 32.2.8 Residual Effects / Section 32.2.9 Cumulative Effects	N/A (no residual effects predicted)	N/A (no measurable residual effects predicted)
EIS Section 32.3.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups	Disaggregated	32.3.2.2 Potential Impacts on the Exercise of Asserted or Established Aboriginal Rights – Non-Treaty Aboriginal Groups, no differential measures
EIS Section 32.3.3 Mitigation Measures	Disaggregated (but limited to groups with measurable potential impacts) Note: Measures identified are exactly the same as for Current Use (across all indicators, given that they were to be considered in the aggregate).	32.3.3.1 Summary of Mitigation Measures for Potential Adverse Impacts on the Exercise of Asserted or Established Aboriginal and Treaty Rights (same as Current Use measures in Section 32.2.7), no differential measures 32.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, no measures suggested by Stó:lō Nation 32.3.3.3 Other Accommodations, no differential accommodations 32.3.3.4 Outstanding Aboriginal Issues, no differential issues
IR/AIR	N/A	AIR-12.04.15-30 Rationale for (Current Use) Conclusions, Table AIR30-1 Rationale for Predicted Level of Effect, Stó:lō Nation member bands, p. 8 (CEAR Document #388)
Issues Tracking Tables	EIS – Aggregated	EIS – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	EIS – IR-7.31.15-04 (Aggregated)	EIS – See response to IR10-02 for disaggregated ITK

Table IR10-A14-2 Stó:lō Nation Assessment Table (Information Request Package 10)

IR10 Information Request	EIS Level of Potential Effect Prediction[2]	EIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (EIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific summary of the Current Use assessment for Stó:lō Nation was presented in Table AIR30-1 (based on the analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388)* Access – No potential change in access to preferred locations (before Current Use-specific mitigation) expected for Stó:lō Nation as a result of Project-related displacement effects based on available information, which did not indicate use of locations that may be affected by the Project	N/A (no effect before Current Use-specific mitigation)	*Part 1 – Additional baseline information regarding FSC harvesting*[3] – No additional information (refer to Stó:lō-specific information provided in EIS Section 32.2.4.9, per **Table IR10-A14-1** above, for available information) *Part 2 - Maps of marine harvest sites* – No maps or studies provided by Stó:lō to the VFPA for consideration by the VFPA in the EIS Current Use assessment *Part 3 – Consider effects on social conditions*[4] – None anticipated given no potential access effect on Stó:lō is expected *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is not aware of any views expressed by Stó:lō regarding existing effects or potential effects on access and harvesting opportunities as a result of the Project *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information	No change in EIS predictions for Stó:lō in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – No potential change in availability of Current Use resources at preferred locations expected for Stó:lō Nation with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)		
	Quality of resources – No potential change in quality of Current Use resources at preferred locations expected for Stó:lō Nation with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)		
IR10-07 (EIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – No potential change in access to preferred locations (before Current Use-specific mitigation) expected for Stó:lō Nation as a result of Project-related displacement effects based on available information, which did not indicate use of locations that may be affected by the Project	N/A (no effect before Current Use-specific mitigation)	The VFPA is not aware of any views expressed by Stó:lō regarding existing effects or potential effects on access and harvesting opportunities as a result of the Project	As no potential effect on Current Use access (including the potential for increased competition) is expected for Stó:lō (before Current Use-specific mitigation), no residual economic effects for Stó:lō are anticipated as a result of the Project
IR10-08 (EIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – No potential change in Stó:lō Nation sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components	N/A (no effect before Current Use-specific mitigation)		No change in EIS predictions for Stó:lō in terms of quality of Current Use experience

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	EIS Level of Potential Effect Prediction[2]	EIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – No potential change in any indicator (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) expected for Stó:lō Nation; therefore, no potential effect (before Current Use-specific mitigation) is expected on Stó:lō Nation's ability to reproduce and transmit cultural heritage associated with preferred locations and resources		The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in EIS Section 32.2.6.4 (and subsequent analysis in AIR-12.04.15-29 and AIR-12.04.15-30 of CEAR Document #388).	

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

Tsawout First Nation[1] Group-specific Baseline Information Process Summary (MSA and AIEIS)

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Tsawout First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Tsawout First Nation. The VFPA requested information from Tsawout First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained the intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Tsawout First Nation. The VFPA requested any additional information from Tsawout First Nation that may help to inform the assessment.

On July 20, 2015, the VFPA provided Tsawout First Nation with a draft of the existing conditions section for *"Tsawout First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA and requested that Tsawout First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

In subsequent letters and meetings, Tsawout First Nation requested additional funding to complete a traditional use study specific to marine shipping associated with the Project, and the VFPA and Tsawout First Nation agreed to a study scope and funding on September 16, 2015.

The VFPA requested information on the Tsawout First Nation's current use of the marine shipping area, including a description of potential interactions between marine shipping associated with the Project and current traditional uses of resources within the Project study area, from Tsawout First Nation's perspective. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge and culturally important places. The VFPA further requested information related to changes that Tsawout First Nation foresees to Current Use opportunities and practices in the area as a result of the marine shipping associated with the Project.

On September 24, 2015, Tsawout First Nation provided the VFPA with the report "*Preliminary Traditional Marine and Land Use Baseline."* The VFPA made revisions to the draft existing conditions sections of *"Tsawout First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA accordingly.

On November 9, 2015, the VFPA provided Tsawout First Nation with a copy of the final MSA.

[1] Indigenous group listed in Table 1-B (AIEIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

Additional Information to the Environmental Impact Statement – *WSÁNEĆ* Nation (AIEIS)

On August 22, 2016, the VFPA and Tsawout First Nation signed a funding agreement to support Tsawout First Nation's completion of a Traditional Use Study.

The VFPA requested information on Tsawout First Nation's use and reliance of the waters within the territory in relation to marine resources. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. The VFPA further requested information related to past use, existing use, and changes that Tsawout First Nation anticipated to the landscape and their use of the area over time.

On October 3, 2016, the VFPA was provided with the report "WSÁNEĆ *Traditional Use Study of the Roberts Bank Terminal 2 Project: DRAFT Preliminary Data Summary."* Information from the Report was integrated into the draft AIEIS as appropriate.

On November 23, 2016, the VFPA provided Tsawout First Nation with an advance draft of the *"Additional Information to the Environmental Impact Statement* – WSÁNEĆ *Nation."* The VFPA requested that Tsawout First Nation confirm the accuracy of the information presented, identify any sensitive information that should be removed, and also provide comments on the completeness, sufficiency, and technical merit of the draft AIEIS. Comments on the draft AIEIS were received from Tsawout First Nation on January 20, 2017, and changes were made to reflect input from Tsawout First Nation.

On February 10, 2017, the VFPA notified Tsawout First Nation that the AIEIS had been submitted to the Canadian Environmental Assessment Agency and enclosed an excerpt from AIEIS Appendix 2-B (Aboriginal Issues and Interests) showing Tsawout First Nation's comments on the AIEIS and the VFPA's response to those comments.

Tsawout First Nation Group-specific Index and Assessment Tables

Table IR10-A15-1 Tsawout First Nation Index Table

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Tsawout First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.1 Tsawout First Nation, pp. 9.5-6 to 9.5-19
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Tsawout First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no measurable residuals)
MSA IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Tsawout First Nation, p. 2 (CEAR Document #391)
AIEIS Section 7.2.4 Existing Conditions	Disaggregated	7.2.4.1 Tsawout First Nation, pp. 57 to 62
AIEIS Section 7.2.6 Future Conditions with the Project - Potential Project-related Effects	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis	7.2.6 Future Conditions with the Project – Potential Project-related Effects, pp. 82-88 (Tsawout identified within each subsection, with potential group-specific effects identified as negligible)
AIEIS Section 7.2.7 Mitigation Measures	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in relation to mitigation measures	7.2.7 Mitigation Measures, p. 89, no differential measures
AIEIS Section 7.2.8 Characterisation of Residual Effects and Context / Section 7.2.9 Cumulative Effects Assessment	N/A (no residual effects predicted)	N/A (no residual effects predicted)
AIEIS Section 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis and in relation to proposed mitigation measures Note: Proposed measures identified are exactly the same as for Current Use	7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests, pp. 90 to 97 (Tsawout identified within each subsection, with potential group-specific impacts identified as negligible-to-minor) 7.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, p. 96 (Table 7-2 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Tsawout First Nation)
Issues Tracking Table	MSA – Aggregated AIEIS – Aggregated (all *W̲SÁNEĆ*)	MSA / AIEIS – See forthcoming response to IR10-01 for disaggregated issues tracking table

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-B Indigenous groups (for EIS measures) and Table 1-C Indigenous groups (for MSA measures), regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable.

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Tsawout First Nation
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391) AIEIS – Table 9-1 (Disaggregated)	MSA – See response to IR10-02 for disaggregated ITK AIEIS Table 9-1 Additional Aboriginal Traditional Knowledge Supporting the Additional Information to the EIS - *W̲SÁNEĆ* Nation, pp. 103-110

Table IR10-A15-2 Tsawout First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (AIEIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific assessment for Tsawout was effectively presented in the AIEIS for all indicators (AIEIS was specific to W̲SÁNEĆ)* Access – Negligible potential change in access expected for Tsawout (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Tsawout members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsawout access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting* – No additional information (refer to Tsawout-specific information provided in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, per **Table IR10-A15-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Tsawout already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions* – None anticipated given the predicted access effect on Tsawout is expected to be negligible (the VFPA is of the view that its predictions in the AIEIS already sufficiently considered Tsawout views regarding existing social constraints on access, as described in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1[4] *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Tsawout views regarding existing effects, as described in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, as well as Tsawout views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Tsawout-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including	No change in AIEIS predictions for Tsawout in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsawout with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Tsawout use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsawout with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Tsawout use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			the analysis in Section 7.2.6.1, Section 7.2.6.2, and Section 7.2.6.3). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Tsawout views on thresholds are reflected in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
IR10-07 (AIEIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Tsawout (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Tsawout members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsawout access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Tsawout views regarding existing constraints on access, as described in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, as well as Tsawout views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Tsawout-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1 on access),	As the predicted Current Use access effect (including the potential for increased competition) on Tsawout is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Tsawout are anticipated as a result of the Project
IR10-08 (AIEIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Tsawout; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Tsawout's ability to reproduce and transmit cultural heritage Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Tsawout; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Tsawout's ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsawout's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in AIEIS Section 7.2.6.4. The VFPA notes that factors contributing to existing effects are reflected in Tsawout's baseline summaries in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, and that these views and Tsawout views about potential Project-related effects (as provided in AIEIS Appendix 2-B and the Tsawout-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in AIEIS predictions for Tsawout in terms of quality of Current Use experience

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsawout as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsawout access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Tsawout information in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, per **Table IR10-A15-1** above, for available information)[6] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Tsawout already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Tsawout in MSA Appendix 5-B (also refer to the Tsawout-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Tsawout in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsawout as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsawout as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[7]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsawout as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsawout access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Tsawout views regarding existing constraints on access, as described in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, as well as Tsawout views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B (also refer to the Tsawout-specific issues tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Tsawout as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Tsawout is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Tsawout are anticipated.
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the	Quality of experience (Pathway #1) – Negligible potential change in Tsawout sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual		No change in MSA predictions for Tsawout in terms of quality of Current Use experience

[6] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

[7] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Tsawout's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	effect on Tsawout's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[8] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Tsawout baseline summaries in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, and that these views and Tsawout views about potential effects of Project-associated vessel transit on Tsawout, as referenced in MSA Appendix 5-B (refer also to the Tsawout-specific issue-tracking table in the forthcoming IR10-01 response), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[9]	N/A	N/A	No additional information available (refer to Tsawout-specific information provided in AIEIS Section 7.2.4.1 and MSA Section 9.5.4.1, per **Table IR10-A15-1** above, for available information)	No additional information available

[8] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[9] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Pauquachin First Nation[1] Group-specific Baseline Information Process Summary (MSA and AIEIS)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Pauquachin First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Pauquachin First Nation. The VFPA requested information from Pauquachin First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Pauquachin First Nation. The VFPA requested any additional information from Pauquachin First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Pauquachin First Nation's participation in consultation. Pauquachin First Nation accepted the funding on June 19, 2015.

On July 14, 2015, the VFPA provided Pauquachin First Nation with a draft of the existing conditions section for *"Pauquachin First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA and requested that Pauquachin First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments on the Draft Current Use Summary were provided by Pauquachin First Nation on September 18, 2015 and changes were made to reflect input from Pauquachin First Nation.

On November 9, 2015, the VFPA provided Pauquachin First Nation with a copy of the final MSA.

On April 25, 2016, the VFPA provided Pauquachin First Nation with a table including all Pauquachin First Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections.

Additional Information to the Environmental Impact Statement – <u>W</u>SÁNEĆ Nation (AIEIS)

On March 17, 2016, the VFPA and Pauquachin First Nation signed a funding agreement to support Pauquachin First Nation's completion of a Traditional Use Study.

The VFPA requested that Pauquachin First Nation work collaboratively with the VFPA to address any potential gaps in VFPA's proposed Traditional Use program for the Project. Information was sought on Pauquachin First Nation's current use of the waters and terrestrial areas adjacent to the Project as well as the potential for interactions between the Project and current use of lands and resources within the Project area. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values

[1] Indigenous group listed in Table 1-B (AIEIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

associated with the harvest. The VFPA further requested information related to past use, existing use, and changes that Pauquachin First Nation anticipated to the landscape and their use of the area over time.

On October 3, 2016, the VFPA was provided with the report "W̲SÁNEĆ *Traditional Use Study of the Roberts Bank Terminal 2 Project: DRAFT Preliminary Data Summary."* Information from the report was integrated into the draft AIEIS as appropriate.

On November 23, 2016, the VFPA provided Pauquachin First Nation with an advance draft of the *"Additional Information to the Environmental Impact Statement* – W̲SÁNEĆ *Nation."* The VFPA requested that Pauquachin First Nation confirm the accuracy of the information presented, identify any sensitive information that should be removed, and also provide comments on the completeness, sufficiency, and technical merit of the draft AIEIS. While comments were not provided by Pauquachin First Nation on the draft summary, they later confirmed the accuracy of the information presented in the AIEIS related to Pauquachin First Nation by email on May 2, 2018.

On February 10, 2017, the VFPA notified Pauquachin First Nation that the AIEIS had been submitted to the Canadian Environmental Assessment Agency.

Pauquachin First Nation Group-specific Index and Assessment Tables

Table IR10-A16-1 Pauquachin First Nation Index Table

MSA / AIEIS Section	Aggregate / Disaggregate	Pauquachin First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.2 Pauquachin First Nation, pp. 9.5-19 to 9.5-27
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Pauquachin First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no measurable residuals)
MSA IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Pauquachin First Nation, p. 2 (CEAR Document #391)
AIEIS Section 7.2.4 Existing Conditions	Disaggregated	7.2.4.2 Pauquachin First Nation, pp. 62 to 68
AIEIS Section 7.2.6 Future Conditions with the Project - Potential Project-related Effects	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis	7.2.6 Future Conditions with the Project – Potential Project-related Effects, pp. 82-88 (Pauquachin identified within each subsection, with potential group-specific effects identified as negligible)
AIEIS Section 7.2.7 Mitigation Measures	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in relation to mitigation measures	7.2.7 Mitigation Measures, p. 89, no differential measures
AIEIS Section 7.2.8 Characterisation of Residual Effects and Context / Section 7.2.9 Cumulative Effects Assessment	N/A (no residual effects predicted)	N/A (no residual effects predicted)
AIEIS/AIMSA Section 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis and in relation to proposed mitigation measures Note: Proposed measures identified are exactly the same as for Current Use	7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests, pp. 90 to 97 (Pauquachin identified within each subsection, with potential group-specific impacts identified as negligible-to-minor) 7.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, p. 96 (Table 7-2 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Pauquachin First Nation)

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-B Indigenous groups (for EIS measures) and Table 1-C Indigenous groups (for MSA measures), regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable.

MSA / AIEIS Section	Aggregate / Disaggregate	Pauquachin First Nation
Issues Tracking Table	MSA – Aggregated AIEIS – Aggregated (all W̲SÁNEĆ)	MSA / AIEIS – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391) AIEIS – Table 9-1 (Disaggregated)	MSA – See response to IR10-02 for disaggregated ITK AIEIS Table 9-1 Additional Aboriginal Traditional Knowledge Supporting the Additional Information to the EIS - W̲SÁNEĆ Nation, pp. 103-110

Table IR10-A16-2 Pauquachin First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (AIEIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	Note: A group-specific assessment for Pauquachin was effectively presented in the AIEIS for all indicators (AIEIS was specific to W̲SÁNEĆ) Access – Negligible potential change in access expected for Pauquachin (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Pauquachin members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Pauquachin access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting* – No additional information (refer to Pauquachin-specific information provided in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, per **Table IR10-A16-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Pauquachin already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions* – None anticipated given the predicted access effect on Pauquachin is expected to be negligible (the VFPA is of the view that its predictions in the AIEIS already sufficiently considered Pauquachin views regarding existing social constraints on access, as described in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2[4]	No change in AIEIS predictions for Pauquachin in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Pauquachin with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Pauquachin use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Pauquachin with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Pauquachin use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Pauquachin views regarding existing effects, as described in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, as well as Pauquachin views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Pauquachin-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1, Section 7.2.6.2, and Section 7.2.6.3). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Pauquachin views on thresholds are reflected in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
IR10-07 (AIEIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Pauquachin (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Pauquachin members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Pauquachin access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Pauquachin views regarding existing constraints on access, as described in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, as well as Pauquachin views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Pauquachin-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1 on access),	As the predicted Current Use access effect (including the potential for increased competition) on Pauquachin is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Pauquachin are anticipated as a result of the Project
IR10-08 (AIEIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Pauquachin; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Pauquachin's ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Pauquachin's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in AIEIS Section 7.2.6.4. The VFPA notes that factors contributing to existing effects are reflected in	No change in AIEIS predictions for Pauquachin in terms of quality of Current Use experience

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Pauquachin; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Pauquachin's ability to reproduce and transmit cultural heritage		Pauquachin's baseline summaries in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, and that these views and Pauquachin views about potential Project-related effects (as provided in AIEIS Appendix 2-B and the Pauquachin-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Pauquachin as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Pauquachin access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Pauquachin information in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, per **Table IR10-A16-1** above, for available information)[6] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Pauquachin already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Pauquachin in MSA Appendix 5-B (also refer to the Pauquachin-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Pauquachin in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Pauquachin as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Pauquachin as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[7]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Pauquachin as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Pauquachin access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Pauquachin views regarding existing constraints on access, as described in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, as well as Pauquachin views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B (also refer to the Pauquachin-specific issues tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Pauquachin as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Pauquachin is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Pauquachin are anticipated.

[6] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

[7] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Pauquachin sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Pauquachin's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Pauquachin's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[8] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Pauquachin baseline summaries in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, and that these views and Pauquachin views about potential effects of Project-associated vessel transit on Pauquachin, as referenced in MSA Appendix 5-B (refer also to the Pauquachin-specific issue-tracking table in the forthcoming IR10-01 response), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Pauquachin in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[9]	N/A	N/A	No additional information available (refer to Pauquachin-specific information provided in AIEIS Section 7.2.4.2 and MSA Section 9.5.4.2, per **Table IR10-A16-1** above, for available information)	No additional information available

[8] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[9] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Tsartlip First Nation[1] Group-specific Baseline Information Process Summary (MSA and AIEIS)

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Tsartlip First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Tsartlip First Nation. The VFPA requested information from Tsartlip First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Tsartlip First Nation. The VFPA requested any additional information from Tsartlip First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Tsartlip First Nation's participation in consultation. The funding was not accepted.

On July 16, 2015, the VFPA provided Tsartlip First Nation with a draft of the existing conditions section for *"Tsartlip First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA and requested that Tsartlip First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

On September 18, 2015 Tsartlip First Nation indicated that they had decided not to participate in the consultation process for marine shipping or the RBT2 Project, and declined to provide comments on the draft summary.

On November 9, 2015, the VFPA provided Tsartlip First Nation with a copy of the final MSA.

Additional Information to the Environmental Impact Statement – *W*SÁNEĆ Nation (AIEIS)

In February 2016, Tsartlip First Nation indicated their intent to re-engage in the consultation process for the Project. The VFPA and Tsartlip First Nation signed a funding agreement on March 8, 2016 to support Tsartlip First Nation's completion of a Traditional Use Study.

The VFPA requested that Tsartlip First Nation work collaboratively with the VFPA to address any potential gaps in the VFPA's proposed Traditional Use program for the Project. Information was sought on Tsartlip First Nation's current use of the waters and terrestrial areas adjacent to the Project as well as the potential for interactions between the Project and current use of lands and resources within the Project area. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. The VFPA further requested information related to past use, existing use, and changes that Tsartlip First Nation anticipated to the landscape and their use of the area over time.

[1] Indigenous group listed in Table 1-B (AIEIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

On October 3, 2016, the VFPA was provided with the report "WSÁNEĆ *Traditional Use Study of the Roberts Bank Terminal 2 Project: DRAFT Preliminary Data Summary."* Information from the report was integrated into the draft AIEIS as appropriate.

On November 23, 2016, the VFPA provided Tsartlip First Nation with an advance draft of the *"Additional Information to the Environmental Impact Statement* – WSÁNEĆ *Nation."* The VFPA requested that Tsartlip First Nation confirm the accuracy of the information presented, identify any sensitive information that should be removed, and also provide comments on the completeness, sufficiency, and technical merit of the draft AIEIS. No comments were received on the draft from Tsartlip First Nation.

On February 10, 2017, the VFPA notified Tsartlip First Nation that the AIEIS had been submitted to the Canadian Environmental Assessment Agency.

Tsartlip First Nation Group-specific Index and Assessment Tables

Table IR10-A17-1 Tsartlip First Nation Index Table

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Tsartlip First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.3 Tsartlip First Nation, pp. 9.5-27 to 9.5-32
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effects, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Tsartlip First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
MSA IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Tsartlip First Nation, p. 2 (CEAR Document #391)
AIEIS Section 7.2.4 Existing Conditions	Disaggregated	7.2.4.3 Tsartlip First Nation, pp. 68 to 74
AIEIS Section 7.2.6 Future Conditions with the Project - Potential Project-related Effects	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis	7.2.6 Future Conditions with the Project – Potential Project-related Effects, pp. 82-88 (Tsartlip identified within each subsection, with potential group-specific effects identified as negligible)
AIEIS Section 7.2.7 Mitigation Measures	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in relation to mitigation measures	7.2.7 Mitigation Measures, p. 89, no differential measures
AIEIS Section 7.2.8 Characterisation of Residual Effects and Context / Section 7.2.9 Cumulative Effects Assessment	N/A (no residual effects predicted)	N/A (no residual effects predicted)
AIEIS Section 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis and in relation to proposed mitigation measures Note: Proposed measures identified are exactly the same as for Current Use	7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests, pp. 90 to 97 (Tsartlip identified within each subsection, with potential group-specific impacts identified as negligible-to-minor) 7.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, p. 96 (Table 7-2 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Tsartlip First Nation)
Issues Tracking Table	MSA – Aggregated AIEIS – Aggregated (all *W̲SÁNEĆ*)	MSA / AIEIS – See forthcoming response to IR10-01 for disaggregated issues tracking table

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-B Indigenous groups (for EIS measures) and Table 1-C Indigenous groups (for MSA measures), regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable.

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Tsartlip First Nation
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391) AIEIS – Table 9-1 (Disaggregated)	MSA – See response to IR10-02 for disaggregated ITK AIEIS Table 9-1 Additional Aboriginal Traditional Knowledge Supporting the Additional Information to the EIS - *W̲SÁNEĆ* Nation, pp. 103-110

Table IR10-A17-2 Tsartlip First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (AIEIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific assessment for Tsartlip was effectively presented in the AIEIS for all indicators (AIEIS was specific to* W̲SÁNEĆ*)* Access – Negligible potential change in access expected for Tsartlip (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Tsartlip members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsartlip access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting* – No additional information (refer Tsartlip-specific information provided in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, per **Table IR10-A17-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Tsartlip already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions* – None anticipated given the predicted access effect on Tsartlip is expected to be negligible (the VFPA is of the view that its predictions in the AIEIS already sufficiently considered Tsartlip views regarding existing social constraints on access, as described in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3[4] *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Tsartlip views regarding existing effects, as described in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, as well as Tsartlip views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Tsartlip-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1, Section 7.2.6.2, and Section 7.2.6.3).	No change in AIEIS predictions for Tsartlip in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsartlip with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Tsartlip use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsartlip with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Tsartlip use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			Part 5 – Characterisation of residual effects and evaluation of significance – No additional information (the VFPA is of the view that Tsartlip views on thresholds are reflected in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
IR10-07 (AIEIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Tsartlip (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Tsartlip members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsartlip access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Tsartlip views regarding existing constraints on access, as described in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, as well as Tsartlip views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Tsartlip-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1 on access)	As the predicted Current Use access effect (including the potential for increased competition) on Tsartlip is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Tsartlip are anticipated as a result of the Project
IR10-08 (AIEIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #1) – Negligible potential change in Tsartlip sense of place, risks to safety and security, and sensory disturbance expected with implementation of measures for linked valued components Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Tsartlip; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Tsartlip's ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tsartlip's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in AIEIS Section 7.2.6.4. The VFPA notes that factors contributing to existing effects are reflected in Tsartlip's baseline summaries in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, and that these views and Tsartlip views about potential Project-related effects (as provided in AIEIS Appendix 2-B and the Tsartlip-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in AIEIS predictions for Tsartlip in terms of quality of Current Use experience
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsartlip as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsartlip access to preferred locations as a	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Tsartlip information in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, per	No change in MSA predictions for Tsartlip in terms of Current Use access or availability and quality of Current Use resources

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
and availability and quality of preferred marine resources		result of Project-associated ship pass-bys is expected	**Table IR10-A17-1** above, for available information)[6] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Tsartlip already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Tsartlip in MSA Appendix 5-B (also refer to the Tsartlip-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tsartlip as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tsartlip as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[7]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tsartlip as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsartlip access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Tsartlip views regarding existing constraints on access, as described in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, as well as Tsartlip views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B (also refer to the Tsartlip-specific issues tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Tsartlip as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Tsartlip is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Tsartlip are anticipated.
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Tsartlip sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tsartlip's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[8] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Tsartlip baseline summaries in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, and that these views and	No change in MSA predictions for Tsartlip in terms of quality of Current Use experience
	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Tsartlip's ability to			

[6] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

[7] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

[8] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

IR10 Information Request	MSA / AIEIS Level of Potential Effect Prediction[2]	MSA / AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
	reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)		Tsartlip views about potential effects of Project-associated vessel transit on Tsartlip, as referenced in MSA Appendix 5-B (refer also to the Tsartlip-specific issue-tracking table in the forthcoming IR10-01 response), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[9]	N/A	N/A	No additional information available (refer to Tsartlip-specific information provided in AIEIS Section 7.2.4.3 and MSA Section 9.5.4.3, per **Table IR10-A17-1** above, for available information)	No additional information available

[9] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Tseycum First Nation[1] Group-specific Baseline Information Process Summary(MSA and AIEIS)

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Tseycum First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Tseycum First Nation. The VFPA requested information from Tseycum First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Tseycum First Nation. The VFPA requested any additional information from Tseycum First Nation that may help to inform the assessment. The VFPA also offered funding to facilitate Tseycum First Nation's participation in consultation. Tseycum First Nation accepted the funding on June 4, 2015.

In a meeting on June 4, 2015, Tseycum First Nation provided additional information regarding Tseycum First Nation traditional use to be incorporated into the MSA.

On July 14, 2015, the VFPA provided Tseycum First Nation with a draft of the existing conditions section for *"Tseycum First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA and requested that Tseycum First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments from Tseycum First Nation were provided on the draft summary in a meeting on July 22, 2015. Changes were made to reflect input from Tseycum First Nation.

In August and September 2015, the VFPA reached out to the newly elected leadership at Tseycum First Nation to request additional comments on the draft of the existing conditions section for *"Tseycum First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA, but no further comments were provided.

Additional Information to the Environmental Impact Statement – <u>W</u>SÁNEĆ Nation (AIEIS)

On February 26, 2016, the VFPA and Tseycum First Nation signed a funding agreement to support Tseycum First Nation's completion of a Traditional Use Study.

The VFPA requested that Tseycum First Nation work collaboratively with the VFPA to address any potential gaps in VFPA's proposed Traditional Use program for the Project. Information was sought on Tseycum First Nation's current use of the waters and terrestrial areas adjacent to the Project as well as the potential for interactions between the Project and current use of lands and resources within the Project area. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were

[1] Indigenous group listed in Table 1-B (AIEIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

targeted, how the harvested species were utilised, and the cultural values associated with the harvest. The VFPA further requested information related to past use, existing use, and changes that Tseycum First Nation anticipated to the landscape and their use of the area over time.

On October 3, 2016, the VFPA was provided with the report "WSÁNEĆ *Traditional Use Study of the Roberts Bank Terminal 2 Project: DRAFT Preliminary Data Summary."* Information from the report was integrated into the draft AIEIS as appropriate.

On November 23, 2016, the VFPA provided Tseycum First Nation with an advance draft of the *"Additional Information to the Environmental Impact Statement* – WSÁNEĆ *Nation."* The VFPA requested that Tseycum First Nation confirm the accuracy of the information presented, identify any sensitive information that should be removed, and also provide comments on the completeness, sufficiency, and technical merit of the draft AIEIS. No comments were received on the draft from Tseycum First Nation.

On February 10, 2017, the VFPA notified Tseycum First Nation that the AIEIS had been submitted to the Canadian Environmental Assessment Agency.

Tseycum First Nation Group-specific Index and Assessment Tables

Table IR10-A18-1 Tseycum First Nation Index Table

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Tseycum First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.4 Tseycum First Nation, pp. 9.5-32 to 9.5-37
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Tseycum First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no measurable residuals)
MSA IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Tseycum First Nation, p. 2 (CEAR Document #391)
AIEIS Section 7.2.4 Existing Conditions	Disaggregated	7.2.4.4 Tseycum First Nation, pp. 74 to 80
AIEIS Section 7.2.6 Future Conditions with the Project - Potential Project-related Effects	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis	7.2.6 Future Conditions with the Project – Potential Project-related Effects, pp. 82-88 (Tseycum identified within each subsection, with potential group-specific effects identified as negligible)
AIEIS Section 7.2.7 Mitigation Measures	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in relation to mitigation measures	7.2.7 Mitigation Measures, p. 89, no differential measures
AIEIS Section 7.2.8 Characterisation of Residual Effects and Context / Section 7.2.9 Cumulative Effects Assessment	N/A (no residual effects predicted)	N/A (no residual effect predicted)
AIEIS Section 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis and in relation to proposed mitigation measures Note: Proposed measures identified are exactly the same as for Current Use	7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests, pp. 90 to 97 (Tseycum identified within each subsection, with potential group-specific impacts identified as negligible-to-minor) 7.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, p. 96 (Table 7-2 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Tseycum First Nation)
Issues Tracking Table	MSA – Aggregated	MSA / AIEIS – See forthcoming response to IR10-01 for disaggregated issues tracking table

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-B Indigenous groups (for EIS measures) and Table 1-C Indigenous groups (for MSA measures), regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable.

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Tseycum First Nation
	AIEIS – Aggregated (all W̲SÁNEĆ)	
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391) AIEIS – Table 9-1 (Disaggregated)	MSA – See response to IR10-02 for disaggregated ITK AIEIS Table 9-1 Additional Aboriginal Traditional Knowledge Supporting the Additional Information to the EIS - W̲SÁNEĆ Nation, pp. 103-110

Table IR10-A18-2 Tseycum First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (AIEIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific assessment for Tseycum was effectively presented in the AIEIS for all indicators (AIEIS was specific to* W̲SÁNEĆ*)* Access – Negligible potential change in access expected for Tseycum (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Tseycum members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tseycum access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting* – No additional information (refer to Tseycum-specific information provided in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, per **Table IR10-A18-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Tseycum already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions* – None anticipated given the predicted access effect on Tseycum is expected to be negligible (the VFPA is of the view that its predictions in the AIEIS already sufficiently considered Tseycum views regarding existing social constraints on access, as described in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4[4] *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Tseycum views regarding existing effects, as described in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, as well as Tseycum views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Tseycum-specific issue tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's	No change in AIEIS predictions for Tseycum in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tseycum with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Tseycum use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tseycum with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Tseycum use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1, Section 7.2.6.2, and Section 7.2.6.3). *Part 5 – Characterisation of residual effects and evaluation of significance* – No additional information (the VFPA is of the view that Tseycum views on thresholds are reflected in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
IR10-07 (AIEIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Tseycum (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Tseycum members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tseycum access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Tseycum views regarding existing constraints on access, as described in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, as well as Tseycum views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Tseycum-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1 on access),	As the predicted Current Use access effect (including the potential for increased competition) on Tseycum is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Tseycum are anticipated as a result of the Project
IR10-08 (AIEIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Tseycum; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Tseycum's ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Tseycum's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in AIEIS Section 7.2.6.4. The VFPA notes that factors contributing to existing effects are reflected in Tseycum's baseline summaries in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, and that these views and Tseycum views about potential Project-related effects (as provided in AIEIS Appendix 2-B and the Tseycum-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in AIEIS predictions for Tseycum in terms of quality of Current Use experience
	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Tseycum; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Tseycum's ability to reproduce and transmit cultural heritage			

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tseycum as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tseycum access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Tseycum information in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, per **Table IR10-A18-1** above, for available information)[6] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Tseycum already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Tseycum in MSA Appendix 5-B (also refer to the Tseycum-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Tseycum in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Tseycum as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Tseycum as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[7]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Tseycum as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Tseycum access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Tseycum views regarding existing constraints on access, as described in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, as well as Tseycum views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B (also refer to the Tseycum-specific issues tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Tseycum as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Tseycum is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Tseycum are anticipated.
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the	Quality of experience (Pathway #1) – Negligible potential change in Tseycum sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual		No change in MSA predictions for Tseycum in terms of quality of Current Use experience

[6] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

[7] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Tseycum's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	effect on Tseycum's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[8] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Tseycum baseline summaries in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, and that these views and Tseycum views about potential effects of Project-associated vessel transit on Tseycum, as referenced in MSA Appendix 5-B (refer also to the Tseycum-specific issue-tracking table in the forthcoming IR10-01 response), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[9]	N/A	N/A	No additional information available (refer to Tseycum-specific information provided in AIEIS Section 7.2.4.4 and MSA Section 9.5.4.4, per **Table IR10-A18-1** above, for available information)	No additional information available

[8] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[9] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Malahat Nation[1] Group-specific Baseline Information Process Summary (MSA and AIEIS)

Marine Shipping Addendum (MSA)

On May 26, 2015, the VFPA wrote a letter to Malahat Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Malahat Nation. The VFPA requested information from Malahat Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Malahat Nation. The VFPA requested any additional information from Malahat Nation that may help to inform the assessment.

On June 19, 2015, the VFPA provided Malahat Nation with an advance draft of the existing conditions section for *"Malahat Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA and requested that Malahat Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. In a letter and phone call in September 2015, Malahat Nation confirmed their preference that content from the Trans Mountain Expansion Project Application to the National Energy Board specific to Malahat Nation be removed from the MSA, and the VFPA complied with Malahat Nation's request.

On November 9, 2015, the VFPA provided Malahat Nation with a copy of the final MSA.

On April 25, 2016, the VFPA provided Malahat Nation with a table including all Malahat Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the sections.

Additional Information to the Environmental Impact Statement – <u>W</u>SÁNEĆ Nation (AIEIS)

On March 7, 2016, the VFPA and Malahat Nation signed a funding agreement to support Malahat Nation's completion of a Traditional Use study.

The VFPA requested information on Malahat Nation's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest. In addition, the VFPA requested broader contextual information on traditional economy and knowledge and culturally important places. The VFPA further requested information related to

[1] Indigenous group listed in Table 1-B (AIEIS) and Table 1-C (MSA) of Attachment 2 to IR Package 10.

past use, existing use, and changes that Malahat Nation anticipated to the landscape and their use of the area over time.

On September 12, 2016, Malahat Nation provided the VFPA with a report titled "*Malahat Effects related to and Mitigation for the Roberts Bank Terminal 2 Project."* Information from the report was integrated into the draft AIEIS as appropriate.

On November 23, 2016, the VFPA provided Malahat Nation with an advance draft of *the "Additional Information to the Environmental Impact Statement* – WSÁNEĆ *Nation."* The VFPA requested that Malahat Nation confirm the accuracy of the information presented, identify any sensitive information that should be removed, and also provide comments on the completeness, sufficiency, and technical merit of the draft AIEIS. Comments on the draft sections were received from Malahat Nation on January 5, 2017 and changes were made to reflect input from Malahat Nation.

On February 10, 2017, the VFPA notified Malahat Nation that the AIEIS had been submitted to the Canadian Environmental Assessment Agency and enclosed an excerpt from Appendix 2-B (Aboriginal Issues and Interests) showing Malahat Nation's comments on the AIEIS and the VFPA's response to those comments.

Malahat Nation Group-specific Index and Assessment Tables

Table IR10-A19-1 Malahat Nation Index Table

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Malahat First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.5 Malahat First Nation, pp. 9.5-37 to 9.5-38
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Malahat Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no measurable residuals)
MSA IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Malahat Nation, p. 2 (CEAR Document #391)
AIEIS Section 7.2.4 Existing Conditions	Disaggregated	7.2.4.5 Malahat First Nation, pp. 80 to 82
AIEIS Section 7.2.6 Future Conditions with the Project - Potential Project-related Effects	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis	7.2.6 Future Conditions with the Project – Potential Project-related Effects, pp. 82-88 (Malahat identified within each subsection, with potential group-specific effects identified as negligible)
AIEIS Section 7.2.7 Mitigation Measures	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in relation to mitigation measures	7.2.7 Mitigation Measures, p. 89, no differential measures
AIEIS Section 7.2.8 Characterisation of Residual Effects and Context / Section 7.2.9 Cumulative Effects Assessment	N/A (no residual effects predicted)	N/A (no residual effects predicted)
AIEIS Section 7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests	Effectively disaggregated given that each of the five *W̲SÁNEĆ* member groups was identified in the effects analysis and in relation to proposed mitigation measures Note: Proposed measures identified are exactly the same as for Current Use	7.3 Potential Adverse Impacts on Aboriginal and Treaty Rights and Related Interests, pp. 90 to 97 (Malahat identified within each subsection, with potential group-specific impacts identified as negligible-to-minor) 7.3.3.2 Summary of Mitigation Measures Suggested by Aboriginal Groups, p. 96 (Table 7-2 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Malahat Nation)
Issues Tracking Table	MSA – Aggregated AIEIS – Aggregated (all *W̲SÁNEĆ*)	MSA / AIEIS – See forthcoming response to IR10-01 for disaggregated issues tracking table

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be non-measurable. Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-B Indigenous groups (for EIS measures) and Table 1-C Indigenous groups (for MSA measures), regardless of whether the predicted level of potential effect (before Current Use-specific mitigation) was identified as measurable or non-measurable.

MSA / AIEIS Section	Original MSA / AIEIS Information Presentation (Aggregated / Disaggregated)	Malahat First Nation
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391) AIEIS – Table 9-1 (Disaggregated)	MSA – See response to IR10-02 for disaggregated ITK AIEIS Table 9-1 Additional Aboriginal Traditional Knowledge Supporting the Additional Information to the EIS - W̲SÁNEĆ Nation, pp. 103-110

Table IR10-A19-2 Malahat Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-06 (AIEIS)				
Provide a group-specific assessment of the potential effects of the proposed Project and the characterisation and significance of any residual effect on current use in terms of changes in access, availability and quality of all preferred current use resources	*Note: A group-specific assessment for Malahat was effectively presented in the AIEIS for all indicators (AIEIS was specific to* W̲SÁNEĆ*)* Access – Negligible potential change in access expected for in (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Malahat members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Malahat access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	*Part 1 – Additional baseline information regarding FSC harvesting* – No additional information (refer to Malahat-specific information provided in AIEIS Section 7.2.4.5 and MSA Section 9.5.4.5, per **Table IR10-A19-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Malahat already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3 – Consider effects on social conditions* – None anticipated given the predicted access effect on Malahat is expected to be negligible (the VFPA is of the view that its predictions in the AIEIS already sufficiently considered Malahat views regarding existing social constraints on access, as described in AIEIS Section 7.2.4.5[4] *Part 4 – Views expressed by Indigenous groups regarding existing and potential effects on access and harvesting opportunities* – The VFPA is of the view that Malahat views regarding existing effects, as described in AIEIS Section 7.2.4.5, as well as Malahat views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Malahat-specific issues tracking table (refer to forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1, Section 7.2.6.2, and Section 7.2.6.3).	No change in AIEIS predictions for Malahat in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Malahat with implementation of measures for linked valued components	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on availability of resources for Malahat use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Malahat with implementation of measures for linked valued components	Negligible – Taking mitigation, including consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on quality of resources for Malahat use at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)		

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-06: (1) Preferred species and locations; (2) Timing of current use activities, such as frequency, duration, and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access, including an estimate of the number of vessels per hour per year in the local and regional assessment areas for harvesting purposes.
[4] Social effects identified in IR10-06 for consideration in the assessment: (1) Conditions of access to other family member(s) territory or other Indigenous group's territory for traditional harvesting purposes; (2) Access by non-Indigenous user(s); and (3) Alienation from current and traditional harvesting places resulting from government policies and regulations.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
			Part 5 – Characterisation of residual effects and evaluation of significance – No additional information (the VFPA is of the view that Malahat views on thresholds are reflected in AIEIS Section 7.2.4.2 (or in their issues tracking tables), and were factored into the Current Use assessment for Project-related effects; refer also to responses to IR10-11 and IR10-12)	
IR10-07 (AIEIS)				
Provide a group-specific assessment of the economic implications of permanent or temporary displacement as a result of the Project on current use	Access – Negligible potential change in access expected for Malahat (before Current Use-specific mitigation) as a result of Project-related displacement effects based on available information, which indicated relatively low and infrequent use at this location by Malahat members	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Malahat access is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that Malahat views regarding existing constraints on access, as described in AIEIS Section 7.2.4.5, as well as Malahat views regarding potential Project-related effects (provided in AIEIS Appendix 2-B and the Malahat-specific issues tracking table in the forthcoming response to IR10-01), were already sufficiently considered in the VFPA's predictions in AIEIS Section 7.2.6 (including the analysis in Section 7.2.6.1 on access)	As the predicted Current Use access effect (including the potential for increased competition) on Malahat is expected to be negligible (before Current Use-specific mitigation), no residual economic effects for Malahat are anticipated as a result of the Project
IR10-08 (AIEIS)				
Provide a group-specific assessment of the changes in quality of the current use experience resulting from the proposed Project	Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Malahat; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Malahat's ability to reproduce and transmit cultural heritage Quality of experience (Pathway #2) – Negligible potential change across all indicators (i.e., access, availability and quality of resources, quality of experience (Pathway#1)) for Malahat; therefore, a negligible potential effect (before Current Use-specific mitigation) is expected on Malahat's ability to reproduce and transmit cultural heritage	Negligible – Taking mitigation, including ongoing consultation, into account (refer to responses to IR10-11 and IR10-12), no residual effect on Malahat's quality of experience at preferred locations is predicted (i.e., use at preferred locations will be consistent with existing conditions)	The VFPA is of the view that the nine factors[5] identified in IR10-08 for consideration in a group-specific assessment of potential changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in AIEIS Section 7.2.6.4. The VFPA notes that factors contributing to existing effects are reflected in Malahat in's baseline summaries in AIEIS Section 7.2.4.5, and that these views and Malahat views about potential Project-related effects (as provided in AIEIS Appendix 2-B and the Malahat-specific issues tracking table in the forthcoming response to IR10-01) were taken into consideration in the assessment of potential effects on their quality of experience.	No change in AIEIS predictions for Malahat in terms of quality of Current Use experience

[5] Nine factors identified in IR10-08 for consideration in the assessment: (1) Loss of preferred harvesting sites; (2) How the quality of the Current Use experience could change due to the real and perceived contamination of traditional food sources; (3) Sensory disturbances from light, noise and vibration affecting oral traditions and sacred practices; (4) Safety risks and concerns due to increased vessel traffic; (5) Industrialization of the Project area, with subsequent loss and disruption of social and cultural values associated with the proposed Project area and the Fraser River estuary; (6) Increased alienation from traditional harvesting caused by industrial development on Roberts Bank, including the proposed expansion of navigational close areas; (7) Decreased willingness and ability by Indigenous peoples to access the Project area due to the perception of risk, reduced harvesting opportunities and aesthetic impacts; (8) Level of importance placed upon patters of use (past, present and future); and (9) Lost opportunities for the transmission of Indigenous Knowledge and practices due to avoidance of an expanded industrialized area.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Malahat as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Malahat access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Malahat information in AIEIS Section 7.2.4.5, per **Table IR10-A19-1** above, for available information)[6] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Malahat already considered by the VFPA in the AIEIS / MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Malahat in MSA Appendix 5-B (also refer to the Malahat-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Malahat in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Malahat as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Malahat as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[7]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Malahat as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Malahat access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Malahat views regarding existing constraints on access, as described in AIEIS Section 7.2.4.5, as well as Malahat views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B (also refer to the Malahat-specific issues tracking table in the forthcoming IR10-01 response), were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Malahat as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Malahat is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Malahat are anticipated.
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the	Quality of experience (Pathway #1) – Negligible potential change in Malahat sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual		No change in MSA predictions for Malahat in terms of quality of Current Use experience

[6] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.

[7] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA /AIEIS Level of Potential Effect Prediction[2]	MSA /AIEIS Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Malahat's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	effect on Malahat's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[8] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Malahat's baseline summary in AIEIS Section 7.2.4.5, and that these views and Malahat views about potential effects of Project-associated vessel transit on Malahat, as referenced in MSA Appendix 5-B (refer also to the Malahat-specific issue-tracking table in the forthcoming IR10-01 response), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[9]	N/A	N/A	No additional information available (refer to Malahat-specific information provided in AIEIS Section 7.2.4.5 and MSA Section 9.5.4.5, per **Table IR10-A19-1** above, for available information)	No additional information available

[8] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[9] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Beecher Bay First Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Beecher Bay First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Beecher Bay First Nation. The VFPA requested information from Beecher Bay First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Beecher Bay First Nation. The VFPA also offered to provide funding to support Beecher Bay First Nation's participation in consultation. The funding was not accepted.

On July 16, 2015, the VFPA provided Beecher Bay First Nation with a draft section of the MSA titled *"Scia'new First Nation Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that Beecher Bay First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments on the draft Current Use summary were provided by Beecher Bay First Nation on September 17, 2015 and changes were made to reflect input from Beecher Bay First Nation.

On October 29, 2015, the VFPA wrote to Beecher Bay First Nation stating that the comments on the draft summary of Beecher Bay's Current Use will be considered and incorporated into the MSA. The VFPA stated that it will additionally respond to each of these concerns directly in a letter at a later date.

On November 9, 2015, the VFPA provided Beecher Bay First Nation with a copy of the MSA.

On April 25, 2016, the VFPA provided Beecher Bay First Nation with a table including all Beecher Bay First Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10 (identified in that table as Beecher Bay Indian Band (Scia'new First Nation)).

Beecher Bay First Nation Group-specific Index and Assessment Tables

Table IR10-A20-1 Beecher Bay First Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Beecher Bay First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.6 Beecher Bay First Nation, pp. 9.5-38 to 9.5-47
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Beecher Bay First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Beecher Bay First Nation, p. 2 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A20-1 Beecher Bay First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Beecher Bay as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Beecher Bay access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Beecher Bay-specific information provided in MSA Section 9.5.4.6, per **Table IR10-A20-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for Beecher Bay considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Beecher Bay in list of issues in MSA Appendix 5-B (also refer to the Beecher Bay-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Beecher Bay in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Beecher Bay as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Beecher Bay as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Beecher Bay as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Beecher Bay access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Beecher Bay First Nation's views regarding existing constraints on access, as described in MSA Section 9.5.4.6, as well as Beecher Bay First Nation's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Beecher Bay First Nation as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Beecher Bay is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Beecher Bay First Nation are anticipated

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Beecher Bay sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Beecher Bay First Nation's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Beecher Bay First Nation's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Beecher Bay's baseline summary in MSA Section 9.5.6.4, and that these views and Beecher Bay views about potential effects of Project-associated vessel transit on Beecher Bay (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Beecher Bay in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Beecher Bay-specific information provided in MSA Section 9.5.4.6, per **Table IR10-A20-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Esquimalt Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Esquimalt Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Esquimalt Nation. The VFPA requested information from Esquimalt Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Esquimalt Nation. The VFPA also offered to provide funding to support Esquimalt Nation's participation in consultation. The funding was accepted by Esquimalt Nation on June 18, 2015.

On June 26, 2015, the VFPA provided Esquimalt Nation with a draft section of the MSA titled *"Esquimalt Nation Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that Esquimalt Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

On July 9, 2015 and July 23, 2015, the VFPA met with Esquimalt Nation to discuss marine shipping associated with the Project and its request for information from Esquimalt Nation regarding Current Use, fisheries, or potential effects associated with marine shipping.

On September 14, 2015, Esquimalt Nation provided comments from the draft *"Esquimalt Nation Current Use of Lands and Resources for Traditional Purposes"* and changes were made to reflect input from Esquimalt Nation.

On October 29, 2015, the VFPA wrote to Esquimalt Nation stating that their comments will be considered and incorporated into the MSA. The VFPA stated that it will additionally respond to each of these concerns directly in a letter at a later date.

On November 9, 2015, the VFPA provided Esquimalt Nation with a copy of the MSA.

On April 25, 2016, the VFPA provided Esquimalt Nation with a tracking table outlining all its comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10.

Esquimalt Nation Group-specific Index and Assessment Tables

Table IR10-A21-1 Esquimalt Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Esquimalt Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.7 Esquimalt Nation, pp. 9.5-47 to 9.5-52
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Esquimalt Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Esquimalt Nation, p. 2 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A21-2 Esquimalt Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Esquimalt Nation as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Esquimalt Nation's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities*[3] – No additional information (refer to Esquimalt Nation-specific information provided in MSA Section 9.5.4.7, per **Table IR10-A21-1** above, for available information) *Part 2 - Maps of marine harvest sites* – Spatial information for Esquimalt Nation (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Esquimalt Nation in list of issues in MSA Appendix 5-B (also refer to the Esquimalt Nation-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Esquimalt Nation in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Esquimalt Nation as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Esquimalt Nation as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Esquimalt Nation as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Esquimalt Nation's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Esquimalt Nation's views regarding existing constraints on access, as described in MSA Section 9.5.4.7, as well as Esquimalt Nation's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Esquimalt Nation as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Esquimalt Nation is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Esquimalt Nation are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of	Quality of experience (Pathway #1) – Negligible potential change in Esquimalt			

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Nation's sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Esquimalt Nation's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Esquimalt Nation's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Esquimalt Nation's baseline summary in MSA Section 9.5.6.7, and that these views and Esquimalt Nation's views about potential effects of Project-associated vessel transit on Esquimalt Nation (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Esquimalt Nation in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Esquimalt Nation-specific information provided in MSA Section 9.5.4.7, per **Table IR10-A21-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Songhees First Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Songhees First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Songhees First Nation. The VFPA requested information from Songhees First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project specific to Songhees First Nation. The VFPA also offered to provide funding to support Songhees First Nation's participation in consultation. The funding was not accepted.

On June 19, 2015, the VFPA provided Songhees First Nation with a draft of the existing conditions section for *"Songhees First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA and requested that Songhees First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. The VFPA discussed the draft Current Use summary with Songhees by phone on August 4, 2015.

On September 11, 2015, Songhees First Nation informed the VFPA that they would not be participating in the review of the Project.

On November 9, 2015, the VFPA provided Songhees First Nation with a copy of the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10.

Songhees First Nation Group-specific Index and Assessment Tables

Table IR10-A22-1 Songhees First Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Songhees First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.8 Songhees First Nation, p. 9.5-53
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Songhees First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Songhees First Nation, p. 2 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A22-2 Songhees First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Songhees First Nation as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Songhees First Nation's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Songhees First Nation-specific information provided in MSA Section 9.5.4.8, per **Table IR10-A22-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – No additional information (refer to Songhees First Nation-specific information provided in MSA Section 9.5.4.8, per **Table IR10-A22-1** above, for available information)[4] *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Songhees First Nation in list of issues in MSA Appendix 5-B (also refer to the Songhees First Nation-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Songhees First Nation in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Songhees First Nation as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Songhees First Nation as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[5]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Songhees First Nation as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Songhees First Nation's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Songhees First Nation's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Songhees First Nation as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Songhees First Nation is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Songhees First Nation are anticipated

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[5] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Songhees First Nation's sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Songhees First Nation's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Songhees First Nation's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[6] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that Songhees First Nation's views about potential effects of Project-associated vessel transit on Songhees First Nation (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Songhees First Nation in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[7]	N/A	N/A	No additional information available (refer to Songhees First Nation-specific information provided in MSA Section 9.5.4.8, per **Table IR10-A22-1** above, for available information)	No additional information available

[6] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[7] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

T'Sou-ke Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to T'Sou-ke Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by T'Sou-ke Nation. The VFPA requested information from T'Sou-ke Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to T'Sou-ke Nation. The VFPA also offered to provide funding to support T'Sou-ke Nation's participation in consultation. The funding was not accepted.

On June 17, 2015, T'Sou-ke Nation responded with a letter detailing concerns over Project associated marine shipping and requesting a meeting to discuss. The VFPA responded to T'Sou-ke Nation with a letter outlining the concerns and the intent to discuss in person at a meeting.

On July 20, 2015, the VFPA provided T'Sou-ke Nation with a draft section of the MSA titled *"T'Sou-ke Nation Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that T'Sou-ke Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA. Comments from T'Sou-ke Nation were not received.

In a meeting on August 18, 2015 and letter on September 14, 2015, T'Sou-ke Nation requested additional funding to support a T'Sou-ke Nation report regarding current use in the marine shipping area. The VFPA responded on September 25, 2015 offering an increase in funding, extending the deadline for T'Sou-ke Nation's input into the MSA, and requesting comments on the draft Current Use summary. T'Sou-ke Nation responded to this letter on November 3, 2015 reiterating its request for funding to commission a traditional use study and stating that the funding offered to date was not sufficient.

On November 9, 2015, the VFPA provided T'Sou-ke Nation with a copy of the MSA.

On November 12, 2015, the VFPA responded to T'Sou-ke Nation's letter of November 3 explaining that it had been in discussions with T'Sou-ke Nation since May 2015, had offered funding to support T'Sou-ke Nation's participation, increased funding per T'Sou-ke Nation's request, and extended the timeline, but no agreement had been reached. The VFPA explained that it had submitted the MSA to the Canadian Environmental Assessment Agency on October 26, 2016, which referenced T'Sou-ke Nation's submissions to the National Energy Board regarding the Trans Mountain Pipeline Project, including the T'Sou-ke Nation Traditional Marine Resource Knowledge and Use Study Report, and prior to receiving T'Sou-ke Nation's

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10 (identified in that table and the Updated EIS Guidelines as T'sou-ke First Nation).

response on November 3, 2015. The VFPA noted that T'Sou-ke Nation may submit comments or evidence directly to the Panel.

T'Sou-ke Nation Group-specific Index and Assessment Tables

Table IR10-A23-1 T'Sou-ke Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	T'Sou-ke Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.9 T'Sou-ke Nation, pp. 9.5-54 to 9.5-59
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effect predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, T'Sou-ke Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, T'Sou-ke Nation, p. 2 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A23-2 T'Sou-ke Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for T'Sou-ke as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on T'Sou-ke access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to T'Sou-ke-specific information provided in MSA Section 9.5.4.9, per **Table IR10-A23-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information (including mapping) for T'Sou-ke considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for T'Sou-ke in list of issues in MSA Appendix 5-B (also refer to the T'Sou-ke-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for T'Sou-ke in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for T'Sou-ke as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for T'Sou-ke as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for T'Sou-ke as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on T'Sou-ke access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that T'Sou-ke's views regarding existing constraints on access, as described in MSA Section 9.5.4.9, as well as T'Sou-ke's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on T'Sou-ke Nation as a result of Project-associated vessel transit.	As the predicted Current Use access effect on T'Sou-ke is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for T'Sou-ke are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of	Quality of experience (Pathway #1) – Negligible potential change in T'Sou-ke			

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on T'Sou-ke's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on T'Sou-ke's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in T'Sou-ke's baseline summary in MSA Section 9.5.6.9, and that these views and T'Sou-ke views about potential effects of Project-associated vessel transit on T'Sou-ke (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for T'Sou-ke in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to T'Sou-ke-specific information provided in MSA Section 9.5.4.6, per **Table IR10-A23-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Pacheedaht First Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Pacheedaht First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Pacheedaht First Nation. The VFPA requested information from Pacheedaht First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Pacheedaht First Nation.

On July 23, 2015, the VFPA provided Pacheedaht First Nation with a draft of the existing conditions section for *"Pacheedaht First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA and requested that Pacheedaht First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

In a meeting on August 14, 2015 and letter sent on August 17, 2015, Pacheedaht First Nation requested additional funding to support a Pacheedaht First Nation report regarding current use in the marine shipping area. On August 26, 2015, the VFPA and Pacheedaht First Nation signed a funding agreement to support Pacheedaht First Nation's completion of a Traditional Use Study.

The VFPA requested that the Traditional Use Study include information on Pacheedaht's current use of the waters and terrestrial areas adjacent to the Project as well as any foreseeable changes or impacts to these areas that may result from the Project. Information was sought in relation to the location and timing of harvests, how these locations were accessed, specific species that were targeted, how the harvested species were utilised, and the cultural values associated with the harvest.

On September 24, 2015, Pacheedaht First Nation provided the VFPA with a report titled "*Pacheedaht First Nation Traditional Use and Occupancy Study Report for Port Metro Vancouver Roberts Bank Terminal 2 Project."* Information from the report was integrated into the MSA as appropriate.

On November 9, 2015, the VFPA provided Pacheedaht First Nation with a copy of the MSA.

On April 25, 2016, the VFPA provided Pacheedaht First Nation with a table including all Pacheedaht First Nation's comments on the draft sections, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10.

Pacheedaht First Nation Group-specific Index and Assessment Tables

Table IR10-A24-1 Pacheedaht First Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Pacheedaht First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.10 Pacheedaht First Nation, pp. 9.5-59 to 9.5-74
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Pacheedaht First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Pacheedaht First Nation, p. 2 (CEAR Document #391)
Issues Tracking Table	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A24-2 Pacheedaht First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Pacheedaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Pacheedaht access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Pacheedaht-specific information provided in MSA Section 9.5.4.10, per **Table IR10-A24-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information for Pacheedaht (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for in list of issues in MSA Appendix 5-B (also refer to the Pacheedaht-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Pacheedaht in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Pacheedaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Pacheedaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Pacheedaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Pacheedaht access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Pacheedaht's views regarding existing constraints on access, as described in MSA Section 9.5.4.10, as well as Pacheedaht's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Pacheedaht as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Pacheedaht is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Pacheedaht are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of	Quality of experience (Pathway #1) – Negligible potential change in Pacheedaht			

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Pacheedaht's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Pacheedaht's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Pacheedaht's baseline summary in MSA Section 9.5.6.10, and that these views and Pacheedaht's views about potential effects of Project-associated vessel transit on Pacheedaht (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Pacheedaht in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Pacheedaht-specific information provided in MSA Section 9.5.4.10, per **Table IR10-A24-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Ditidaht First Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to Ditidaht First Nation explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by Ditidaht First Nation. The VFPA requested information from Ditidaht First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project, including information from the Trans Mountain Expansion Project Application to the National Energy Board specific to Ditidaht First Nation. The VFPA also offered to provide funding to support Ditidaht First Nation's participation in consultation.

On June 22, 2015, Ditidaht First Nation responded requesting additional funding to support a Project-specific Indigenous Knowledge report. On July 31, 2015, the VFPA and Ditidaht First Nation signed a funding agreement to support Ditidaht First Nation's completion of a traditional use study.

On July 20, 2015, the VFPA provided Ditidaht First Nation with a draft section of the MSA titled *"Ditidaht First Nation Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that Ditidaht First Nation confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

On July 31, 2015, Ditidaht First Nation provided the VFPA with the report "*Preliminary Issues and Concerns Regarding Port Metro Vancouver's Roberts Bank Terminal 2 Project*."

On September 30, 2015, the VFPA provided a revised draft of the existing conditions section for *"Ditidaht First Nation Current Use of Lands and Resources for Traditional Purposes"* for the MSA, which was updated to incorporate information contained in Ditidaht First Nation's report. The VFPA requested that Ditidaht First Nation confirm the accuracy of the information presented and whether any revisions, additions, or deletions are required. Additional comments were provided by Ditidaht First Nation on October 5, 2015 and were integrated into the final MSA as appropriate.

On October 10, 2015, Ditidaht First Nation replied that they were content with the *"Ditidaht First Nation Current Use of Lands and Resources for Traditional Purposes"* section of the MSA.

On November 9, 2015, the VFPA provided Ditidaht First Nation with a copy of the MSA.

On April 25, 2016, the VFPA provided Ditidaht First Nation with a table including all Ditidaht First Nation's comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10.

Ditidaht First Nation Group-specific Index and Assessment Tables

Table IR10-A25-1 Ditidaht First Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Ditidaht First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.11 Ditidaht First Nation, pp. 9.5-75 to 9.5-84
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Ditidaht First Nation, p. 9.5-148 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impacts (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Ditidaht First Nation, p. 3 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A25-2 Ditidaht First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Ditidaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Ditidaht access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Ditidaht-specific information provided in MSA Section 9.5.4.11, per **Table IR10-A25-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information for Ditidaht (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Ditidaht in list of issues in MSA Appendix 5-B (also refer to the Ditidaht-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Ditidaht in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Ditidaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Ditidaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Ditidaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Ditidaht access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Ditidaht's views regarding existing constraints on access, as described in MSA Section 9.5.4.11, as well as Ditidaht's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Ditidaht as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Ditidaht is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Ditidaht are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the	Quality of experience (Pathway #1) – Negligible potential change in Ditidaht sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from	No change in MSA predictions for Ditidaht in terms of quality of Current Use experience

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.
[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Ditidaht's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	to IR10-17 through IR10-20), no residual effect on Ditidaht's quality of experience tied to access is expected	the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Ditidaht's baseline summary in MSA Section 9.5.6.11, and that these views and Ditidaht's views about potential effects of Project-associated vessel transit on Ditidaht (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Ditidaht-specific information provided in MSA Section 9.5.4.11, per **Table IR10-A25-1** above, for available information)	No additional information available

[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Huu-ay-aht First Nations[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to each member nation of the Maa-nulth First Nations[2], including Huu-ay-aht First Nations, explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by the Maa-nulth First Nations. The letter requested information from Huu-ay-aht First Nations regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project. The VFPA also offered to provide funding to support Huu-ay-aht First Nations' participation in consultation, and the funding was accepted by Huu-ay-aht First Nations.

On July 27, 2015, the VFPA provided Huu-ay-aht First Nations with a draft of the section of the MSA titled *"Maa-nulth First Nations Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that they confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

Comments on the draft Current Use summary were provided by Huu-ay-aht First Nations on August 27, 2015.

On September 18, 2015, the VFPA responded to Huu-ay-aht First Nations stating that comments on the draft summary will be considered and incorporated into the MSA.

On November 9, 2015, the VFPA provided Huu-ay-aht First Nations with a copy of the MSA.

On April 25, 2016, the VFPA wrote to Huu-ay-aht First Nations providing them with a table including all comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10 (identified in that table without reference to the Maa-nulth First Nations, but identified only in relation to the Maa-nulth First Nations in the Updated EIS Guidelines).
[2] Maa-nulth First Nations include Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nation, Toquaht Nation, Uchucklesaht Tribe, and Ucluelet First Nation.

Huu-ay-aht First Nations Group-specific Index and Assessment Tables

Table IR10-A26-1 Huu-ay-aht First Nations Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Huu-ay-aht First Nations
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.12 Maa-nulth First Nations (including Huu-ay-aht First Nations), pp. 9.5-84 to 9.5-95
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Maa-nulth First Nations (including Huu-ay-aht First Nations), p. 9.5-149 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effect predicted)
IR/AIR	N/A	MSA IR -02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Maa-nulth First Nations (including Huu-ay-aht First Nations), p. 3 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR -02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A26-2 Huu-ay-aht First Nations Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Huu-ay-aht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Huu-ay-aht's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Huu-ay-aht-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A26-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information for Huu-ay-aht (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Huu-ay-aht / Maa-nulth in list of issues in MSA Appendix 5-B (also refer to the Maa-nulth-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Huu-ay-aht in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Huu-ay-aht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Huu-ay-aht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Huu-ay-aht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Huu-ay-aht's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Huu-ay-aht's views regarding existing constraints on access, as described in MSA Section 9.5.4.7, as well as Huu-ay-aht's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Huu-ay-aht as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Huu-ay-aht is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Huu-ay-aht are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of	Quality of experience (Pathway #1) – Negligible potential change in Huu-ay-aht's			

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Huu-ay-aht's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Huu-ay-aht's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Huu-ay-aht's baseline summary in MSA Section 9.5.6.12, and that these views and Huu-ay-aht's views about potential effects of Project-associated vessel transit on Huu-ay-aht (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Huu-ay-aht in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Huu-ay-aht-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A26-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to each member nation of the Maa-nulth First Nations, including Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by the Maa-nulth First Nations. The letter requested information from Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project. The VFPA also offered to provide funding to support Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations' participation in consultation. The funding was accepted by Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations.

On July 27, 2015, the VFPA provided the Maa-nulth Treaty Society[2] and Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations with a draft of the section of the MSA titled *"Maa-nulth First Nations Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that they confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

Comments on the draft Current Use summary were provided by the Maa-nulth Treaty Society, on behalf of Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, on September 16, 2015.

On October 29, 2015, the VFPA responded to the Maa-nulth Treaty Society stating that comments on the draft summary will be considered and incorporated into the MSA.

On November 9, 2015, the VFPA provided the Maa-nulth Treaty Society and Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations with a copy of the MSA.

On April 25, 2016, the VFPA wrote to the Maa-nulth Treaty Society providing them with a table including all comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10 (identified in that table without reference to the Maa-nulth First Nations, but identified only in relation to the Maa-nulth First Nations in the Updated EIS Guidelines).
[2] At this time, the Maa-nulth Treaty Society acted on behalf of Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, Toquaht Nation, Uchucklesaht Tribe, and Ucluelet First Nation.

Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations Group-specific Index and Assessment Tables

Table IR10-A27-1 Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.12 Maa-nulth First Nations (including Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations), pp. 9.5-84 to 9.5-95
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Maa-nulth First Nations (including Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations), p. 9.5-149 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Maa-nulth First Nations (including Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations), p. 3 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR -02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A27-2 Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Ka:'yu:'k't'h'/Che:k'tles7et'h as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Ka:'yu:'k't'h'/Che:k'tles7et'h access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Ka:'yu:'k't'h'/Che:k'tles7et'h-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A27-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information for Ka:'yu:'k't'h'/Che:k'tles7et'h (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Ka:'yu:'k't'h'/Che:k'tles7et'h / Maa-nulth in list of issues in MSA Appendix 5-B (also refer to the Maa-nulth-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Ka:'yu:'k't'h'/Che:k'tles7et'h in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Ka:'yu:'k't'h'/Che:k'tles7et'h as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Ka:'yu:'k't'h'/Che:k'tles7et'h as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Ka:'yu:'k't'h'/Che:k'tles7et'h as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Ka:'yu:'k't'h'/Che:k'tles7et'h access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Ka:'yu:'k't'h'/Che:k'tles7et'h's views regarding existing constraints on access, as described in MSA Section 9.5.4.7, as well as Ka:'yu:'k't'h'/Che:k'tles7et'h's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Ka:'yu:'k't'h'/Che:k'tles7et'h as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Ka:'yu:'k't'h'/Che:k'tles7et'h is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Ka:'yu:'k't'h'/Che:k'tles7et'h are anticipated

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #1) – Negligible potential change in Ka:'yu:'k't'h'/Che:k'tles7et'h's sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Ka:'yu:'k't'h'/Che:k'tles7et'h's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Ka:'yu:'k't'h'/Che:k'tles7et'h's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Ka:'yu:'k't'h'/Che:k'tles7et'h's baseline summary in MSA Section 9.5.6.12, and that these views and Ka:'yu:'k't'h'/Che:k'tles7et'h's views about potential effects of Project-associated vessel transit on Ka:'yu:'k't'h'/Che:k'tles7et'h (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Ka:'yu:'k't'h'/Che:k'tles7et'h in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Ka:'yu:'k't'h'/Che:k'tles7et'h -specific information provided in MSA Section 9.5.4.12, per **Table IR10-A27-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Toquaht Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to each member nation of the Maa-nulth First Nations, including Toquaht Nation, explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by the Maa-nulth First Nations. The letter requested information from Toquaht Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project. The VFPA also offered to provide funding to support Toquaht Nation's participation in consultation. The funding was accepted by Toquaht Nation.

On July 27, 2015, the VFPA provided the Maa-nulth Treaty Society[2] and Toquaht Nation with a draft of the section of the MSA titled *"Maa-nulth First Nations Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that they confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

Comments on the draft Current Use summary were provided by the Maa-nulth Treaty Society, on behalf of Toquaht Nation, on September 16, 2015.

On October 29, 2015, the VFPA responded to the Maa-nulth Treaty Society stating that comments on the draft summary will be considered and incorporated into the MSA.

On November 9, 2015, the VFPA provided the Maa-nulth Treaty Society and Toquaht Nation with a copy of the MSA.

On April 25, 2016, the VFPA wrote to the Maa-nulth Treaty Society providing them with a table including all comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10 (identified in that table without reference to the Maa-nulth First Nations, but identified only in relation to the Maa-nulth First Nations in the Updated EIS Guidelines).
[2] At this time, the Maa-nulth Treaty Society acted on behalf of Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, Toquaht Nation, Uchucklesaht Tribe, and Ucluelet First Nation.

Toquaht Nation Group-specific Index and Assessment Tables

Table IR10-A28-1 Toquaht Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Toquaht Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.12 Maa-nulth First Nations (including Toquaht Nation), pp. 9.5-84 to 9.5-95
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Maa-nulth First Nations (including Toquaht Nation), p. 9.5-149 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Maa-nulth First Nations (including Toquaht Nation), p. 3 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A28-2 Toquaht Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Toquaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Toquaht's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Toquaht-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A28-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information for Toquaht (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Toquaht / Maa-nulth in list of issues in MSA Appendix 5-B (also refer to the Maa-nulth-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Toquaht in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Toquaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Toquaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Toquaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Toquaht's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Toquaht's views regarding existing constraints on access, as described in MSA Section 9.5.4.7, as well as Toquaht's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Toquaht as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Toquaht is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Toquaht are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the proposed Project and the	Quality of experience (Pathway #1) – Negligible potential change in Toquaht's sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from	No change in MSA predictions for Toquaht in terms of quality of Current Use experience

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.
[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
characterisation and significance of residual effects	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Toquaht's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	IR10-17 through IR10-20), no residual effect on Toquaht's quality of experience tied to access is expected	the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Toquaht's baseline summary in MSA Section 9.5.6.12, and that these views and Toquaht's views about potential effects of Project-associated vessel transit on Toquaht (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Toquaht-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A28-1** above, for available information)	No additional information available

[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Uchucklesaht Tribe[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to each member nation of the Maa-nulth First Nations, including Uchucklesaht Tribe, explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by the Maa-nulth First Nations. The letter requested information from Uchucklesaht Tribe regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project. The VFPA also offered to provide funding to support Uchucklesaht Tribe's participation in consultation. The funding was accepted by Uchucklesaht Tribe.

On July 27, 2015, the VFPA provided the Maa-nulth Treaty Society[2] and Uchucklesaht Tribe with a draft of the section of the MSA titled *"Maa-nulth First Nations Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that they confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

Comments on the draft Current Use summary were provided by the Maa-nulth Treaty Society, on behalf of Uchucklesaht Tribe, on September 16, 2015.

On October 29, 2015, the VFPA responded to the Maa-nulth Treaty Society stating that comments on the draft summary will be considered and incorporated into the MSA.

On November 9, 2015, the VFPA provided the Maa-nulth Treaty Society and Uchucklesaht Tribe with a copy of the MSA.

On April 25, 2016, the VFPA wrote to the Maa-nulth Treaty Society providing them with a table including all comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10 (identified in that table without reference to the Maa-nulth First Nations, but identified only in relation to the Maa-nulth First Nations in the Updated EIS Guidelines).
[2] At this time, the Maa-nulth Treaty Society acted on behalf of Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, Toquaht Nation, Uchucklesaht Tribe, and Ucluelet First Nation.

Uchucklesaht Tribe Group-specific Index and Assessment Tables

Table IR10-A29-1 Uchucklesaht Tribe Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Uchucklesaht Tribe
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.12 Maa-nulth First Nations (including Uchucklesaht Tribe), pp. 9.5-84 to 9.5-95
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Maa-nulth First Nations (including Uchucklesaht Tribe), p. 9.5-149 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Maa-nulth First Nations (including Uchucklesaht Tribe), p. 3 (CEAR Document #391)
Issues Tracking Tables	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking tables
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A29-2 Uchucklesaht Tribe Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Uchucklesaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Uchucklesaht's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Uchucklesaht-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A29-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information for Uchucklesaht (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Uchucklesaht / Maa-nulth in list of issues in MSA Appendix 5-B (also refer to the Maa-nulth-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Uchucklesaht in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Uchucklesaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Uchucklesaht as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Uchucklesaht as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Uchucklesaht's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Uchucklesaht's views regarding existing constraints on access, as described in MSA Section 9.5.4.7, as well as Uchucklesaht's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Uchucklesaht as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Uchucklesaht is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Uchucklesaht are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of	Quality of experience (Pathway #1) – Negligible potential change in Uchucklesaht's			

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
the current use experience resulting from marine shipping associated with the proposed Project and the characterisation and significance of residual effects	sense of place, risks to safety and security, and sensory disturbance expected Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Uchucklesaht's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Uchucklesaht's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Uchucklesaht's baseline summary in MSA Section 9.5.6.12, and that these views and Uchucklesaht's views about potential effects of Project-associated vessel transit on Uchucklesaht (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	No change in MSA predictions for Uchucklesaht in terms of quality of Current Use experience
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Uchucklesaht-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A29-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.
[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.

Ucluelet First Nation[1] Group-specific Baseline Information Process Summary (MSA)

Marine Shipping Addendum (MSA)

On May 25, 2015, the VFPA wrote a letter to each member nation of the Maa-nulth First Nations, including Ucluelet First Nation, explaining that the VFPA is considering effects from marine shipping associated with the Project on the current use of lands and resources by the Maa-nulth First Nations. The letter requested information from Ucluelet First Nation regarding current use of lands and resources for traditional purposes (Current Use), fisheries, or potential effects associated with marine shipping. In the letter, the VFPA explained its intent to rely on existing information to inform the assessment of potential effects associated marine shipping associated with the Project. The VFPA also offered to provide funding to support Ucluelet First Nation's participation in consultation. The funding was accepted by Ucluelet First Nation.

On July 27, 2015, the VFPA provided the Maa-nulth Treaty Society[2] and Ucluelet First Nation with a draft of the section of the MSA titled *"Maa-nulth First Nations Current Use of Lands and Resources for Traditional Purposes."* The VFPA requested that they confirm the accuracy of the information presented and identify any sensitive information that should be removed from the final MSA.

Comments on the draft Current Use summary were provided by the Maa-nulth Treaty Society, on behalf of Ucluelet First Nation, on September 16, 2015.

On October 29, 2015, the VFPA responded to the Maa-nulth Treaty Society stating that comments on the draft summary will be considered and incorporated into the MSA.

On November 9, 2015, the VFPA provided the Maa-nulth Treaty Society and Ucluelet First Nation with a copy of the MSA.

On April 25, 2016, the VFPA wrote to the Maa-nulth Treaty Society providing them with a table including all comments on the draft section, responses to each comment from the VFPA, and a description of subsequent changes made to the section in the MSA.

[1] Indigenous group listed in Table 1-C (MSA) of Attachment 2 to IR Package 10 (identified in that table without reference to the Maa-nulth First Nations, but identified only in relation to the Maa-nulth First Nations in the Updated EIS Guidelines).
[2] At this time, the Maa-nulth Treaty Society acted on behalf of Ka:'yu:'k't'h'/Che:k'tles7et'h First Nations, Toquaht Nation, Uchucklesaht Tribe, and Ucluelet First Nation.

Ucluelet First Nation Group-specific Index and Assessment Tables

Table IR10-A30-1 Ucluelet First Nation Index Table

MSA Section	Original MSA Information Presentation (Aggregated / Disaggregated)	Ucluelet First Nation
MSA Section 9.5.4 Existing Conditions	Disaggregated	9.5.4.12 Maa-nulth First Nations (including Ucluelet First Nation), pp. 9.5-84 to 9.5-95
MSA Section 9.5.5 Potential Interactions and Effects on Current Use	Aggregated (all Indigenous groups identified as experiencing a similar level of potential effect due to the linear activity of routine vessel transit)	9.5.5 Potential Interactions and Effects on Current Use, Table 9.5-35 (potential negligible-to-minor effect, all Indigenous groups) 9.5.5.1 Negligible Effects of Vessel Transit on Current Use, no differential effects[1] 9.5.5.2 Potential Effects of Vessel Transit on Current Use, no differential effects 9.5.5.3 Summary of Potential Transboundary Effects, not assessed
MSA Section 9.5.6 Suggested Mitigation Measures	Aggregated (to address the potentially minor linear effect on all Indigenous groups)	9.5.6 Suggested Mitigation Measures, no differential measures
MSA Section 9.5.7 Residual Effects Assessment and Significance Determination / Section 9.5.8 Cumulative Effects Assessment / Section 9.5.9 Summary of Assessment / Section 9.5.10 Follow-Up Program	N/A (no residual effects predicted)	N/A (no residual effects predicted)
MSA Section 9.5.11 Potential Impacts on Asserted or Established Aboriginal and Treaty Rights	Aggregated (all Indigenous groups identified as experiencing a similar level of potential impact due to the linear activity of routine vessel transit) Note: Measures identified are exactly the same as for Current Use	9.5.11.1 Approach to the Rights Assessment, Maa-nulth First Nations (including Ucluelet First Nation), p. 9.5-149 9.5.11.2 Results of the Rights Assessment, potential negligible-to-minor impact (all Indigenous groups, no differential impacts) 9.5.11.3 Suggested Mitigation Measures, no differential measures 9.5.11.4 Residual Effects, N/A (no residual effects predicted)
IR/AIR	N/A	MSA IR-02.24.16-13 Aboriginal and Treaty Rights and Related Interests, Table MSA IR13-1 Mitigation Measures Proposed by Aboriginal Groups for Potential Adverse Impacts to Potential or Established Aboriginal and Treaty Rights and Related Interests, Maa-nulth First Nations (including Ucluelet First Nation), p. 3 (CEAR Document #391)
Issues Tracking Table	MSA – Aggregated	MSA – See forthcoming response to IR10-01 for disaggregated issues tracking table
Indigenous Traditional Knowledge (ITK)	MSA – MSA IR-02.24.16-08 (Aggregated) (CEAR Document #391)	MSA – See response to IR10-02 for disaggregated ITK

[1] In this table, a potential effect is described as a "no differential effect" when the level of effect (before Current Use-specific mitigation) was predicted to be the same for all groups (i.e., negligible-to-minor). Mitigation measures that are described as "no differential measures" are those that are potentially applicable to all Table 1-C and 1-D Indigenous groups.

Table IR10-A30-2 Ucluelet First Nation Assessment Table (Information Request Package 10)

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
IR Package 10 (IR10)				
IR10-13 (MSA)				
Provide a group-specific assessment of potential effects and the characterisation of residual effects of the marine shipping associated with the proposed Project on current use in terms of changes to access and availability and quality of preferred marine resources	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Ucluelet as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Ucluelet's access to preferred locations as a result of Project-associated ship pass-bys is expected	*Part 1 – Additional baseline information regarding harvesting and other Current Use activities* – No additional information (refer to Ucluelet-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A30-1** above, for available information)[3] *Part 2 - Maps of marine harvest sites* – Spatial information for Ucluelet (including maps) considered by the VFPA in the MSA Current Use assessment *Part 3(1) – List of issues / concerns regarding Project-associated vessel transit* – Identified for Ucluelet / Maa-nulth in list of issues in MSA Appendix 5-B (also refer to the Maa-nulth-specific issues tracking table in the forthcoming IR10-01 response) *Part 3(2) – Adequacy of Proponent's response* – Refer to IR10-13 response *Part 3(3) – Proponent's views on thresholds of acceptability and risk* - Refer to IR10-13 response	No change in MSA predictions for Ucluelet in terms of Current Use access or availability and quality of Current Use resources
	Availability of resources – Negligible potential change in availability of Current Use resources expected for Ucluelet as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
	Quality of resources – Negligible potential change in quality of Current Use resources expected for Ucluelet as a result of Project-associated vessel transit	N/A (negligible before Current Use-specific mitigation)		
IR10-14 (MSA)				
Consider (on a group-specific basis) the socio-economic implications of potential or necessary displacement (permanent or temporary)[4]	Access – Potentially measurable (up to minor) change in access (before Current Use-specific mitigation) expected for Ucluelet as a result of displacement from Project-related ship pass-bys	Negligible – Taking suggested mitigation into account (refer to responses to IR10-17 through IR10-20), no residual effect on Ucluelet's access to preferred locations as a result of Project-associated ship pass-bys is expected	The VFPA is of the view that Ucluelet's views regarding existing constraints on access, as described in MSA Section 9.5.4.7, as well as Ucluelet's views regarding potential effects of Project-associated vessel transit, described in MSA Appendix 5-B, were already sufficiently considered in the VFPA's predictions in MSA Section 9.5.5 regarding a potential access effect on Ucluelet as a result of Project-associated vessel transit.	As the predicted Current Use access effect on Ucluelet is expected to be addressed through the suggested mitigation identified in MSA Section 9.5.6, no residual economic effects for Ucluelet are anticipated
IR10-15 (MSA)				
Provide a group-specific assessment of potential effect of the changes in quality of the current use experience resulting from marine shipping associated with the	Quality of experience (Pathway #1) – Negligible potential change in Ucluelet's sense of place, risks to safety and security, and sensory disturbance expected	Pathway #1 – N/A (negligible before Current Use-specific mitigation) Pathway #2 - Negligible – Taking suggested mitigation into account (refer to responses		No change in MSA predictions for Ucluelet in terms of quality of Current Use experience

[2] The level of potential effect prediction identified in this column refers to the predicted level of effect *before* Current Use-specific measures are taken into account, but *after* measures related to linked valued components (if applicable) have been considered. The next column refers to the level of residual effect prediction after *both* linked valued component measures (if applicable) and Current Use-specific measures have been taken into account.
[3] Additional baseline information requested in IR10-13 for consideration in the assessment: (1) Preferred species and locations; (2) Timing of the current use activities, such as frequency, duration and seasonality; (3) FSC harvest achieved and desired to meet the FSC requirements of the community; and (4) Existing and future conditions of travel and access for groups using the shipping lanes for fishing, groups traveling through the shipping lanes to access fishing, harvesting and cultural sites and, groups using the marine shipping area adjacent to the marine shipping lanes.
[4] Implications identified in IR10-14 for consideration in the assessment: (1) Sufficiency of resources at alternate locations to meet the requirements of the community; (2) Constraints of displacement (areas further from their community or already alienated to other interests); (3) Extra expenses required in monetary terms or additional travel time or necessary changes in technology for the practice or access to resources; and (4) Constraints on current harvesting activities caused by development, regulatory restrictions, reduced resources, contamination and conservation concerns and impediments to the revival of traditions surrounding coastal harvesting activities.

IR10 Information Request	MSA Level of Potential Effect Prediction[2]	MSA Characterisation and Significance of Residual Effects	Additional Information Requested	Response to Information Request
proposed Project and the characterisation and significance of residual effects	Quality of experience (Pathway #2) – Negligible potential change for all indicators except access. Potentially measurable (up to minor) effect (before Current Use-specific mitigation) is expected on Ucluelet's ability to reproduce and transmit cultural heritage associated with potentially measurable access / displacement effect (refer to response to IR10-13)	to IR10-17 through IR10-20), no residual effect on Ucluelet's quality of experience tied to access is expected	The VFPA is of the view that the 4 factors[5] identified in IR10-15 for consideration in the group-specific assessment of changes in the quality of Current Use experience resulting from the Project were already sufficiently considered and assessed under Pathway #1 and/or Pathway #2 in MSA Section 9.5.5. The VFPA notes that factors contributing to existing effects are reflected in Ucluelet's baseline summary in MSA Section 9.5.6.12, and that these views and Ucluelet's views about potential effects of Project-associated vessel transit on Ucluelet (as referenced in MSA Appendix 5-B), were taken into consideration in the assessment of potential effects on their quality of experience.	
IR10-16 (MSA)				
Present (the requested group-specific baseline information)[6]	N/A	N/A	No additional information available (refer to Ucluelet-specific information provided in MSA Section 9.5.4.12, per **Table IR10-A30-1** above, for available information)	No additional information available

[5] Four factors identified in IR10-15 for consideration in the assessment: (1) Sites of importance to Indigenous groups; (2) Decreased willingness, ability or avoidance by Indigenous peoples to access Current Use sites in or through the marine shipping lanes due to safety concerns and the perception of risk, reduced harvesting opportunities, and/or sensory disturbances; (3) Alienation from existing patterns of traditional harvesting due to the temporary or permanent displacement from areas of importance; and (4) Loss of opportunities for the cultural transmission of Indigenous Knowledge and practices due to the temporary or permanent displacement from those areas of importance.

[6] Additional baseline information requested in IR10-16: (1) The current activities taking place during the day or the night with a quantification of day and night duration; (2) The access required within, outside or through the shipping lanes; (3) The seasons that activities are practiced; (4) The frequency that each Indigenous group crosses the shipping lanes in the marine shipping area; and (5) The minimum and maximum number of vessels per hour in the shipping lanes, by Segment, encountered by Indigenous fishing vessels for Current Use activities in relation to the proposed Project-related ship movements.